

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

August 13, 2024

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

RE: REVISED DEVELOPMENT PLAN AND ZONING OPINION

AND ORDER

Texas Roadhouse at Executive Plaza 1st Material Amendment

PAI #: 08-0804 & 2024-0149-SPHA Address: 11350 McCormick Road

Dear Messrs. Karceski and Rosenblatt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

ANDREW M. BELT Administrative Law Judge

for Baltimore County

AMB:dlm Enclosure

C: See Next Page

DEVELOPMENT PLAN OPINION AND ORDER

Page Two

Jeffrey Livingston – <u>ilivingston@baltimorecountymd.gov</u> C: Earl Wrenn - ewren@baltimorecountymd.gov Tracy Scheuing - tomorrow@baltimorecountymd.gov Jim Hermann – jhermann@baltimorecountymd.gov Vishnu Desai - vdesai@baltimorecountymd.gov Michael Viscarra - mviscarra@baltimorecountymd.gov Jenifer Nugent – jnugent@baltiimorecountymd.gov $Brett\ Williams - \underline{bmwilliams@baltimorecountymd.gov}$ Lachelle Imwiko - limwiko@baltimorecountymd.gov ${\tt Jeff\ Perlow} - \underline{jperlow@baltimorecountymd.gov}$ Mitch Kellman - mkellman@baltimorecountymd.gov Lloyd Moxley – lmoxley@baltimorecountymd.gov Alyssa Carter - acarter@apartmentservices.com Joe - joeslovickiii@gmail.com Justyn Cox - jcox1@baltimorecountymd.gov Jeff Olzacki jeffrey.olzacki@texasroadhouse.com Teresa- teller@mdot.maryland.gov

IN RE:	DEVELOPMENT PLAN HEARING & PETITIONS FOR SPECIAL HEARING	*	BEFORE THE OFFICE OF
	AND VARIANCE	*	ADMINISTRATIVE HEARINGS
	8th Election District		
	3rd Council District	*	FOR
	11350 McCormick Road	*	BALTIMORE COUNTY
	TEXAS ROADHOUSE AT	*	
	EXECUTIVE PLAZA, 1ST		
	MATERIAL AMENDEMENT	*	
	HILL MANAGEMENT SERVICES, INC. Owner/Developer	*	CASE NOS.: 08-0894 & 2024-0149-SPHA

REVISED ADMINISTRATIVE LAW JUDGE'S ("ALJ") COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("BCC"). Hill Management Services, Inc., the owner and the developer of the subject property (hereinafter "the Developer"), submitted for approval a twelve-sheet redlined Development Plan ("Plan") prepared by Aliza Hertzmark, P.E. of Bohler Engineering known as "Texas Roadhouse at Executive Plaza, 1st Material Amendment".

The Developer is proposing to amend the 2015 plan to include a multi-family residential building with 300 apartments (96 one-bedroom, 191 two-bedroom, and 13-three bedroom) and a two-level, above-ground parking structure with surface level parking.

The Concept Plan Conference for this project was held on August 22, 2023; the Community Input Meeting was held on October 4, 2023, and the Development Plan Conference was held on June 26, 2024.

The Developer has also filed Petitions for a Special Hearing and Variance as follows:

SPECIAL HEARING:

- 1. To allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the Baltimore County Zoning Regulations ("BCZR") rather than be attached to a building wall in a parallel plane to the wall (sign type E).
- 2. To allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H).

VARIANCES:

- 1. To allow apartment windows facing an internal property line other than a street line to be as close as 0 ft. thereto in lieu of the required 25 ft., pursuant to Section 235A.2 of the BCZR.
- 2. To allow amenity open space ratios of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR.
- 3. To allow a maximum building height of 89 ft. in lieu of the permitted 40 ft. and 87 ft. in lieu of the permitted 50 ft. pursuant to Sections 234.1 and 231.1 of the BCZR.
- 4. To allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 sq. ft. (for a total of 1,191 sq. ft.) in lieu of the one identification sign permitted for a single road frontage with a sign/area face of 25 sq. ft. pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR.
- 5. To allow freestanding identification signs with a height of 9 ft. in lieu of the permitted 6 ft., pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR (sign type H).
- 6. To allow an identification sign to be installed on the top of a canopy a distance of 6 ft. from the wall and a distance of 1 ft. above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR.
- 7. To allow freestanding directional signs with sign areas/faces of 14 sq. ft. each in lieu of the permitted 8 sq. ft. and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations.1.3, of the BCZR (sign Type G).
- 8. To allow wall-mounted directional signs with sign areas/faces of 28 sq. ft. each in lieu of the permitted 8 sq. ft., pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F).
- 9. To allow freestanding signs within a single premise to be as close as 2 ft. apart in lieu of the required 100 ft. signs larger than 8 sq. ft. each, pursuant to Section 450.5.B.4.a, of the BCZR.

Details of the proposed development are more fully depicted on the redlined twelve-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1. The property was posted with the Notice of Hearing Officer's Hearing and Zoning on June 27, 2024, for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. A public virtual WebEx hearing was held on July 18, 2024.

In attendance at the Hearing Officer's Hearing ("HOH") in support of the Plan on behalf of the Developer was Paul Julio of Hill Management Services, Inc., Aliza Hertzmark, P.E. and landscape architect, Eric Williams of Bohler Engineering, registered architect, Jonathan McKearin, and traffic engineer, Mark Keely from Traffic Group, Inc.,

David Karceski, Esquire and Adam M. Rosenblatt, Esquire of Venable, LLP appeared on behalf of the Developer.

COUNTY AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals: From the Department of Permits, Approvals and Inspections ("PAI") was Jerry Chen, Project Manager, James Hermann, Development Plans Review ("DPR") and Department of Recreation and Parks ("R&P"), Michael Viscarra, Development Plans Review ("DPR"), LaChelle N. Imwiko, Real Estate Compliance ("REC"), and Mitchell Kellman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County was Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), and Brett Williams from the Department of Planning ("DOP").

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. These agencies specifically comment on whether the Plan

complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

The first agency witness to testify was Jeff Livingston, representing three sub agencies of DEPS, Environmental Impact Review, ("EIR"), Storm Water Management ("SWM") and Ground Water Management ("GWM"). He reviewed the twelve-sheet-redlined plan and verified that all DEPS issues had been addressed by the Developer and that DEPS recommends approval. (County Ex. 1)

Next to testify was Brett Williams of the DOP. He testified that DOP Director, Stephen Lafferty, submitted a Hearing Officer Hearing ("HOH") Report on July 9, 2024, and that the Director recommended approval of the Plan. (County Ex. 2a). In addressing the Master Plan, the HOH Report notes that the proposed site is located within the Hunt Valley Regional Commercial Node in the Master Plan 2030 Growth Framework. The report explained that Commercial Nodes may provide valuable opportunities to intensify redevelopment efforts, transform land-use paradigms and improve quality of life. Appropriate uses in this place type include walkable town centers, housing forms designed to serve vital demographics, hotels, gathering places with greater civic and recreational opportunities. The report states that the proposed use for the development is multi-family residential and therefore conforms to the Master Plan 2030.

As noted in the HOH report, the BCZR, Section 260 requires the Director of the Department of Planning to make a finding to the Hearing Officer for all residential development of four lots or more in Baltimore County that is located within the Urban/Rural Demarcation Line. The report confirms that the DOP has reviewed the pattern book received July 10, 2024 and finds that the development is consistent with the spirit and intent of BCZR, Section 260.

Mr. Williams submitted the School Impact Analysis ("SIA") (County Ex. 2b) which DOP finds it meets the requirements of BCC Section 32-6-103 at the time of the filing date, May 15, 2024. The SIA performed by DOP indicates that the projected enrollment for Mays Chapel Elementary School, Cockeysville Middle School and Dulaney Valley High School are all below 115% of the State Rated Capacity ("SRC").

The projected number of students as a percentage of the SRC is:

• Mays Chapel Elementary School - 84.25%

• Cockeysville Middle School 84.01%

Dulaney Valley High School
 94.30%

Finally, Mr. Williams submitted the July 9, 2024 correspondence from Developer's expert, Aliza Hertzmark to Director of DOP Stephen Lafferty in which she completed a point-by-point response satisfied each of DOP Concept Plan Comments. (County Ex. 2c)

Next, Mitchell Kellman of the OZR testified and also recommended approval of the plan, noting that there were no outstanding comments.

The County's fourth witness was James Hermann of DPR and R&P. Mr. Hermann explained that he had reviewed the Schematic Landscape Plan and after such review recommended approval. (County Ex. 3a). Regarding the Open Space Waiver, he testified that the Developer had requested a waiver for local open space. (County Ex. 3b) He further explained that the Developer was proposing to provide 69,401 sf of the 300,000 sf of the required open space for the proposed

development. For the 230,599 still required, the Developer requested a fee in lieu in the amount of \$50,000, which has been approved. (County Ex. 4a)

The next County agency witness was Michael Viscarra from DPR. Mr. Viscarra explained that he reviewed the redlined plan regarding road water, sewers, drains, and floodplains, and that the Department of Public Works ("DPW") and Department of Public Works and Transportation ("DPWT") had no outstanding comments and thus, recommend approval. (County Ex. 5a) However, as noted in the July 16, 2024 from DPR supervisor, Vishnu Desai, DPR is waiting for final approval of the traffic study from the Maryland State Highway Administration ("SHA") and noted that building permits will not be issued by PAI until the final traffic study is approved. Teresa Eller of SHA, appeared at the hearing and reiterated the substance of her June 30, 2024 correspondence to Lloyd Moxley of Baltimore County Department of Development Management that SHA has not yet approved the amended Traffic Study submitted by the Developer. (County Ex. 5b)

The County's final witness was LaChelle Imwiko of REC who reviewed the redlined development plan and having no outstanding comments, recommended the plan for approval. (County Ex. 6)

DEVELOPER'S CASE

The Developer's first witness was Paul Giulio of Hill Management. Mr. Giulio explained that the Developer has owned the subject property since 1989 and has made significant investment into its renovation. He detailed the history of the subject property which included the four office towers on site once being the national headquarters of McCormick. He explained that adjacent, now vacant, Delta Hotel was once part of the subject property and served as accommodations for visiting McCormick guests. He noted that when the Developer purchased the subject property, the

hotel was not included. Mr. Giulio explained that the lender financing the office tower portion of the site required that the proposed residential portion be separated from the commercial buildings. Consequently, the proposed residential apartments will be set on a separate parcel from the existing office towers. Mr. Giulio testified that the existing parking lot for the four office towers is underutilized.

The Developer's next witness was Aliza Hertzmark, P.E. from Bohler Engineering, who is a licensed Professional Engineer and was accepted as an expert in her field. (Dev. Ex. 2) She explained the twelve-sheet redlined plan in detail. (Dev. Ex. 1) Ms. Hertzmark testified that the subject property is part of an approved development plan at Executive Plaza in the Hunt Valley area of Baltimore County. She explained that the Developer is proposing to amend this plan to include a multi-family residential building with 300 apartments (96 one-bedroom, 191 twobedroom, and 13 three-bedroom) and an above-ground parking structure with surface parking. She noted that the subject property was the topic of a zoning change through the 2020 Comprehensive Zoning Map Process (CZMP 2020 issue No. 3-021) resulting in a portion of the property being zoned BM-CCC, which allows for residential development. (Dev. Ex. 5) She described the subject property as being surrounded by Shawan Road to the north, McCormick Road to the East, Schilling Road to the South, and flanked by the former Delta Hotel to the West. The four executive office towers are centered on the site and surrounded by surface parking. A Texas Roadhouse restaurant is located on the southeast corner of the site. (Dev. Ex. 3-4) The Hunt Valley Town Center is located to the northeast of the subject property, across Shawan Road. There are also apartments located adjacent to Hunt Valley Town Center. Ms. Hertzmark explained that the proposed development will comprise of an inverted L-shaped building that will be located in the Northwest corner of the subject site, fronting Shawan Road. This location is currently the location of part of the parking for the office towers. Part of the inverted L-shaped building will be located along the western edge of the property, bordering the former Delta Hotel property. Also, along this western edge of the property, and south of the inverted "L", will be a parking garage with a footbridge connecting to the main building. (Dev. Ex. 6) Ms. Hertzmark explained that in conjunction with the revised zoning of the subject property during the 2020 CZMP, Hill Management entered in a Declaration of Covenants and Restrictions outlining that any residential development on the property would be limited to 300 apartment units. (Dev. Ex. 7) Additionally, she testified that the proposed development was in keeping with the 2023 Master Plan. (Dev. Ex. 8) She explained that the existing office buildings contain 400,000 sf. of office space and that underground pedestrian connections exist between the buildings as well as additional parking. She testified that the office buildings are currently at 90% rental capacity and the base parking requirement for daytime office hours is 1,369 required spaces. She further explained that the shared parking calculation for the site and the proposed development is 2,027 spaces, and the proposed plan includes 2,066. (Dev. Ex. 1, Sheet 4) Consequently, no parking variances are required.

In reviewing the topographical lines present on Dev. Ex.1, Sheet 5, Ms. Hertzmark noted that there is a 27 ft. grade difference from the north of the site to the south. She also pointed out that the subject site has now been divided into 4 parcels, 2 zoned BM-CCC and two zoned ML-IM. (Dev. Ex. 1, Sheet 8) She further explained that amenity open space is proposed through the subject property, but that only amenity open space existing in the BM-CCC may be counted toward the amenity open space ratio proved in BCZR, Section 235(a). She testified that existing site entrances will remain while the McCormick Road entrances will be modified. Additionally, the entrance from Schilling Road will include a new driveway leading to the former Delta Hotel to provide connectivity for future development of that site. While the existing sidewalk on

McCormick Road will remain, additional sidewalks will be added to Shawan Road and Schilling Road. Pedestrian pathways will be provided that will connect to five open space areas. Finally, Ms. Hertzmark testified the storm water collection and outfall points have been designed to meet the requirements of Storm Water Management ("SWM").

In summation, Ms. Hertzmark opined that the proposed amended Development Plan complied with the development regulations contained in the Baltimore County Code as well as other applicable County policies rules and regulations concerning development.

Next to testify was landscape architect, Eric R. Williams, R.L.A., of Bohler Engineering, who was accepted as an expert in his field. (Dev. Ex. 15) Mr. Williams outlined the details of the proposed development's schematic landscape plan. (Dev. Ex. 16) He noted that landscaping currently exists on the proposed site around the existing parking lot and Texas Roadhouse Restaurant. He explained that Sheet 1 of the Schematic Landscape Plan reflects the proposed landscaping, while Sheet 2 illustrates compliance with the Baltimore County Landscape Manual. Sheet 3 illustrates the location of existing shade trees that will be retained. (Dev. Ex. 16) Mr. Williams explained that the actual species of trees will be determined in the final landscape plan that must be approved before building permits are issued.

Testifying next was expert architect, Jonathan McKearin of Ci Design, Inc. (Dev. Ex. 17). Mr. McKearin reviewed the proposed development's Pattern Book in detail. (Dev. Ex. 18). He explained that before coming to the final product included in the Pattern Book, he consulted with County agencies such as DOP prior to participating in the Concept Plan Review process. He explained that the location of the proposed development was limited to a finite area available on a site which is already occupied by office buildings and a restaurant. He testified that the Sheet 4 of the Pattern Book outlined the proposed vehicular and pedestrian circulation through the site, while

Sheets 5-7 illustrates the building elevations and the parking deck. He noted that the buildings were designed as if each side were frontage due to the development's 360-degree visibility. He described the proposed development as having a total of five levels of residential space and two levels of parking. The Plan will also include elevated open space and amenity courtyards, as a well as a multi-modal path at Shawan and McCormick Roads. Mr. McKearin further explained that the signage on the site was designed it in a way to maximize project identification, and way-finding on a site with multiple uses and access points. He noted that the overall appearance of the proposed buildings will be similar to the apartments found across Shawn Road, adjacent to Hunt Valley Town Center.

The Developer's final witness was traffic engineer, Mark Keeley, who was accepted as an expert in his field. (Dev. Ex. 19) He testified as to the Revised Traffic Impact Study ("TIS") he prepared as Developer's Exhibit 20. He explained that during a Scoping Meeting, Baltimore County and SHA identified the parameters of the traffic study, the intersections to be studied, the time period of the study, growth rates and peak hours. The study was originally submitted to SHA in May of 2024, who provided comments, causing the study to be revised and resubmitted on July 11, 2024. Upon the date of HOH hearing, final approval of SHA was still pending as noted by the testimony of Ms. Eller of SHA.

Mr. Keely testified that the intersections included in the study were York Road at MD 145 (Signalized), York Road at Shawan Road (Signalized), York Road at Schilling Road (Unsignalized), Shawan Road at McCormick Road (Signalized), McCormick Road at Schilling Circle (Signalized) and Shawan Road at Beaver Dam Road/Cuba Road (Signalized). He further explained that all key intersections were analyzed with Critical Lane Volume ("CLV") method and the Synchro model. Unsignalized intersections were studied using Highway Capacity Manual

("HCM") method. New site generated peak hour trips were determined with the land use data contained in the Urban Institute of Transportation Engineers, Trip Generation Manual 11th Edition. Mr. Keely noted that the site access for the subject property includes two existing access points to McCormick Road, an existing access to Schilling Circle, and two existing right-in/right-out access points to Shawan Road. In summary Mr. Keely testified that the recommendations within the TIS satisfy the MDOT SHA and Baltimore County traffic study guidelines.

FINDING OF FACT AND CONCLUSIONS OF LAW

The Baltimore County Code provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. Section 32-4-229.

In *People's Counsel v. Elm Street Development Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is "then up to [protestants] to provide evidence rebutting the Director's recommendations." Id. At 703. It should also be noted that in Baltimore County "the development process is indeed an ongoing process, and the hearing officer's affirmation of the plan is just the first step." *Monkton Preservation Association, et al v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

The role of the County agencies in the development process is to perform an independent and thorough review of the development plan as it pertains to their specific area of expertise and responsibility. The agencies reviewed numerous iterations of the development plan as the Developer refined the Plan in response to agency and community comments during the course of the development process leading up to the Hearing Officer Hearing. The final twelve sheet redlined Development Plan is the Plan that the agencies have recommended for approval. These agencies will continue to review and require refinement of the Plan as necessary during this phase

to review of the project. This review and approval process will culminate with the recordation of a final development plat in the Land Records of Baltimore County and the issuance of construction permits.

As previously addressed above, the Developer presented four expert witnesses and 20 Exhibits in support of their proposal. Each expert testified that the Plan meets or exceeds all laws and regulations. The testimony and evidence demonstrate the quality and compatibility of the proposed development.

After due consideration of the testimony and evidence presented by the Developer, Community Witnesses and Protestants, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan.

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).

As determined in prior Case No. 2013-0087-A involving sign variances for the subject property, the property is unique in that it is a large site surrounded by the Hunt Valley business community. The subject property is surrounded by three roads and the former Delta Hotel property to the west, requiring signage that can be viewed from multiple locations in order for pedestrians and motorists to successfully navigate the site. Additionally, as testified to by Ms. Hertzmark, the

subject property significantly slopes from the north side of the property to south, causing additional challenges for developing appropriate signage for the site. The split zoning of the subject site also adds to its uniqueness. As a result of the 2020 zoning change, half of the site is BM-CCC and the other is ML-IM. With residential housing being allowed on the BM-CCC parcels only, the area in which the residential building could be constructed is significantly restricted. A flood plain on the site further restricts where development can occur. (Dev. Ex. 1, Sheet 8) Finally, the unique requirement by the Petitioner's lender that the residential portion of the site be subdivided into its own parcels, provides further unique challenges regarding window placement, building height and amenity open space ratios.

The first three variances requested by the Petitioner come as a result of the subdivision of the residential parcels from that containing the office buildings.

Variance #1 is being requested by the Petitioner to allow apartment windows facing an internal property line other than a street line to be as close as 0 feet thereto in lieu of the required 25 feet, pursuant to Section 235A.2 of the BCZR. This variance request has been highlighted on Sheet 1 of the Zoning Plan and reflects where such relief is necessary in four locations where windows face the office buildings that are located across and internal property line created by the required subdivision. (Dev. Ex. 13)

Variance # 2 is being requested by the Petitioner to allow amenity open space ratios of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR. As noted by Ms. Hertzmark, a 0.2 amenity open space ratio is required and has not been met on 3 of the subject property's 4 parcels. (Dev. Ex. 11) She further explained that the need for variance relief comes as a result of the fact that 4 office buildings already exist on the subject property and that many green space areas on the plan were counted

towards County open space requirements and could not be counted towards amenity open space as well. Amenity open space located in ML-IM portion of the site also could not be counted towards the required amenity open space in the BM-CCC parcels.

Variance # 3 is being requested by the Petitioner to allow a maximum building height of 89 feet in lieu of the permitted 40 feet, and 87 feet in lieu of the permitted 50 feet, pursuant to Sections 234.1 and 231.1 of the BCZR. This variance request which is clearly illustrated in Sheet 1 of the Zoning Plan (Dev. Ex. 1), is necessary in the two locations where the residential buildings are closest to the internal parcel lines facing the office buildings.

Sign Variances

Petitioner has requested multiple sign variances for the subject site. As noted by Ms. Hertzmark and Mr. McKearin, all proposed signage was provided to the DOP ahead of the Development Plan Conference by way of the Pattern Book. DOP comments on the proposed sign variances state that the proposed relief does not negatively impact the health, safety and well-being of vehicular and pedestrian traffic or create signage clutter and visual nuisance. (County Ex. 2a)

Variance #4 is being requested by the Petitioner to allow a total of 12 identification signs (wall-mounted sign types A - D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas / faces of 14, 17, 25, 28, 140 and 600 square feet (for a total of 1,191 square feet) in lieu of the one identification sign permitted for a single road frontage with a sign area / face of 25 square feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of BCZR. (Dev. Ex. 13c) The need for these sign variances come as a result of the fact that the proposed building can be viewed from all sides. Many of these signs are internal in nature and are necessary for both pedestrians and vehicles to successfully navigate the site.

Variance # 5 is being requested by Petitioner to allow freestanding identification signs with a height of 9 feet in lieu of the permitted 6 feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type H). (Dev. Ex. 13a). This variance comes as a result of the sloping nature of the site, causing greater sign height to be necessary for proper visibility.

Variance # 6 is being requested by the Petitioner to allow an identification sign to be installed on the top of a canopy a distance of 6 feet from the wall and a distance of 1 foot above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type E). (Dev. Ex. 17) This variance also comes as a result of the sloping nature of the site, causing greater sign height and protrusion from the building face to be necessary for proper visibility. This sign faces towards the office buildings and is internal in nature. (Dev. Ex. 13a-d)

Variance # 7 is being requested by the Petitioner to allow freestanding directional signs with sign areas/faces of 14 square feet each in lieu of the permitted 8 square feet and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations. 1.3 of the BCZR (sign type G). (Dev. Ex. 13-a-d) All of these sign types are internal to the site.

Variance # 8 is being requested by the Petitioner to allow wall-mounted directional signs with sign areas / faces of 28 square feet each in lieu of the permitted 8 square feet, pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F). (Dev. Ex. 13a-d) These are also internal directional signs that require additional square footage in light of the size of the subject property and due to the lower grade of at the southern end of the site.

Finally, Variance # 9 is being requested by the Petitioner to allow freestanding signs within a single premise to be as close as 2 feet apart in lieu of the required 100 feet for signs larger than

8 square feet each, pursuant to Section 450.5.B.4.a of the BCZR. (Dev. Ex. 13a) This variance request comes as a result of the mixed used nature of the site which requires two signs in close proximity identifying the commercial and residential uses on the property.

In addition to the unique characteristics of the subject property previously discussed, I find that the Petitioner would suffer a practical difficulty if the requested variances were to be denied in that the proposed buildings could not be located in the already restricted area noted on the site plan, and that appropriate signage could not be provided to insure effective wayfinding and navigation of the subject property. Additionally, I find that the requested variances are within the spirit and intent of the zoning regulations and that they will not harm the public health, safety or welfare. Consequently, the variances requested above are granted.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, Section 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).

Petitioner had requested a Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the BCZR rather than be attached to a building wall in a parallel plane to the wall (sign type E) and to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H). Sign Type E, as noted on Dev. Ex. 13 is an internal sign that faces the office buildings. This canopy type signage is required to identify the entrance to the residential building and will be visible to pedestrian traffic. Sign Types G and H are identified on Dev. Ex. 13a as being located near entrances and parking areas which require four-sided visibility to be viewed by vehicles approaching from all directions on the site.

These Special Hearing requests are an attempt to successfully guide vehicles and pedestrians through the expansive, multi-use site. Such signs are compatible with the surrounding uses and are generally consistent with the spirit and intent of the regulations. Accordingly, the Petitioner's Request for Special Hearing is granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 13th day of August, 2024, that the "TEXAS ROADHOUSE AT EXECUTIVE PLAZA, 1ST MATERIAL AMENDMENT redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, be and is hereby APPROVED, subject to the conditions noted below.

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the Baltimore County Zoning Regulations ("BCZR") rather than be attached to a building wall in a parallel plane to the wall (sign type E), be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance to allow apartment windows facing an internal property line other than a street line to be as close as 0 ft. thereto in lieu of the required 25 ft., pursuant to Section 235A.2 of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow amenity open space rations of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow a maximum building height of 89 ft. in lieu of the permitted 40 ft. and 87 ft. in lieu of the permitted 50 ft. pursuant to Sections 234.1 and 231.1 of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 sq. ft. (for a total of 1,191 sq. ft.) in lieu of the one identification sign permitted for a single road frontage with a sign/area face of 25 sq. ft. pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding identification signs with a height of 9 ft. in lieu of the permitted 6 ft., pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR (sign type H), be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, to allow an identification sign to be installed on the top of a canopy a distance of 6 ft. from the wall and a distance of 1 ft. above the vertical face of the

canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table

of Sign Regulations.6(a) of the BCZR, be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding

directional signs with sign areas/faces of 14 sq. ft. each in lieu of the permitted 8 sq. ft. and to

allow the multi-family community name/logo on a directional sign to exceed 30% of the total

sign area, pursuant to Section 450.4. Table of Sign Regulations.1.3, of the BCZR (sign Type G),

be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow wall-mounted

directional signs with sign areas/faces of 28 sq. ft. each in lieu of the permitted 8 sq. ft., pursuant

to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F), be and is hereby

GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding signs

within a single premise to be as close as 2 ft. apart in lieu of the required 100 ft. signs larger than

8 sq. ft. each, pursuant to Section 450.5.B.4.a, of the BCZR, be and is hereby **GRANTED**.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, Section

32-4-281.

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB/dlm

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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

August 1, 2024

David Karceski, Esquire — <u>dhkarceski@venable.com</u>
Adam M. Rosenblatt, Esquire — <u>amrosenblatt@venable.com</u>
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: DEVELOPMENT PLAN AND ZONING OPINION AND ORDER

Texas Roadhouse at Executive Plaza 1st Material Amendment

PAI #: 08-0804 & 2024-0149-SPHA Address: 11350 McCormick Road

Dear Messrs. Karceski and Rosenblatt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

ANDREW M. BELT

Administrative Law Judge

2 Rel

for Baltimore County

AMB:dlm Enclosure

C: See Next Page

DEVELOPMENT PLAN OPINION AND ORDERPage Two-

Jeffrey Livingston - jlivingston@baltimorecountymd.gov c: Earl Wrenn - ewren@baltimorecountymd.gov Tracy Scheuing - tomorrow@baltimorecountymd.gov Jim Hermann - jhermann@baltimorecountymd.gov Vishnu Desai - vdesai@baltimorecountymd.gov Michael Viscarra - mviscarra@baltimorecountymd.gov Jenifer Nugent - <u>inugent@baltiimorecountymd.gov</u> Brett Williams - bmwilliams@baltimorecountymd.gov Lachelle Imwiko - limwiko @baltimorecountymd.gov Jeff Perlow - jperlow@baltimorecountymd.gov Mitch Kellman - mkellman@baltimorecountymd.gov $Lloyd\ Moxley - \underline{lmoxley@baltimorecountymd.gov}$ Alyssa Carter - acarter@apartmentservices.com Joe - joeslovickiii@gmail.com Justyn Cox - <u>icox1@baltimorecountymd.gov</u> Jeff Olzacki jeffrey.olzacki@texasroadhouse.com Teresa-teller@mdot.maryland.gov

IN RE: DEVELOPMENT PLAN HEARING & * BEFORE THE OFFICE OF
PETITIONS FOR SPECIAL HEARING
AND VARIANCE * ADMINISTRATIVE HEARINGS
8th Election District
3rd Council District * FOR

11350 McCormick Road * BALTIMORE COUNTY

TEXAS ROADHOUSE AT *
EXECUTIVE PLAZA, 1ST
MATERIAL AMENDEMENT *

HILL MANAGEMENT SERVICES, INC. * CASE NOS.: 08-0894 & 2024-0149-SPHA

ADMINISTRATIVE LAW JUDGE'S ("ALJ")
COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("BCC"). Hill Management Services, Inc., the owner and the developer of the subject property (hereinafter "the Developer"), submitted for approval a twelve-sheet redlined Development Plan ("Plan") prepared by Aliza Hertzmark, P.E. of Bohler Engineering known as "Texas Roadhouse at Executive Plaza, 1st Material Amendment".

The Developer is proposing to amend the 2015 plan to include a multi-use building (7,473 sf) with 300 apartments (97 one-bedroom, 185 two-bedroom, and 18-three bedroom) and a two-level, above-ground parking structure with surface level parking.

The Concept Plan Conference for this project was held on September 28, 2021; the Community Input Meeting was held on October 4, 2023, and the Development Plan Conference was held on June 26, 2024.

The Developer has also filed Petitions for a Special Hearing and Variance as follows:

SPECIAL HEARING:

- 1. To allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the Baltimore County Zoning Regulations ("BCZR") rather than be attached to a building wall in a parallel plane to the wall (sign type E).
- 2. To allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H).

VARIANCES:

- 1. To allow apartment windows facing an internal property line other than a street line to be as close as 0 ft. thereto in lieu of the required 25 ft., pursuant to Section 235A.2 of the BCZR.
- 2. To allow amenity open space ratios of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR.
- 3. To allow a maximum building height of 89 ft. in lieu of the permitted 40 ft. and 87 ft. in lieu of the permitted 50 ft. pursuant to Sections 234.1 and 231.1 of the BCZR.
- 4. To allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 sq. ft. (for a total of 1,191 sq. ft.) in lieu of the one identification sign permitted for a single road frontage with a sign/area face of 25 sq. ft. pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR.
- 5. To allow freestanding identification signs with a height of 9 ft. in lieu of the permitted 6 ft., pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR (sign type H).
- 6. To allow an identification sign to be installed on the top of a canopy a distance of 6 ft. from the wall and a distance of 1 ft. above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR.
- 7. To allow freestanding directional signs with sign areas/faces of 14 sq. ft. each in lieu of the permitted 8 sq. ft. and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations.1.3, of the BCZR (sign Type G).
- 8. To allow wall-mounted directional signs with sign areas/faces of 28 sq. ft. each in lieu of the permitted 8 sq. ft., pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F).
- 9. To allow freestanding signs within a single premise to be as close as 2 ft. apart in lieu of the required 100 ft. signs larger than 8 sq. ft. each, pursuant to Section 450.5.B.4.a, of the BCZR.

Details of the proposed development are more fully depicted on the redlined twelve-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1. The property was posted with the Notice of Hearing Officer's Hearing and Zoning on June 27, 2024, for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. A public virtual WebEx hearing was held on July 18, 2024.

In attendance at the Hearing Officer's Hearing ("HOH") in support of the Plan on behalf of the Developer was Paul Julio of Hill Management Services, Inc., Aliza Hertzmark, P.E. and landscape architect, Eric Williams of Bohler Engineering, registered architect, Jonathan McKearin, and traffic engineer, Mark Keely from Traffic Group, Inc.,

David Karceski, Esquire and Adam M. Rosenblatt, Esquire of Venable, LLP appeared on behalf of the Developer.

COUNTY AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals: From the Department of Permits, Approvals and Inspections ("PAI") was Jerry Chen, Project Manager, James Hermann, Development Plans Review ("DPR") and Department of Recreation and Parks ("R&P"), Michael Viscarra, Development Plans Review ("DPR"), LaChelle N. Imwiko, Real Estate Compliance ("REC"), and Mitchell Kellman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County was Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), and Brett Williams from the Department of Planning ("DOP").

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. These agencies specifically comment on whether the Plan

complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

The first agency witness to testify was Jeff Livingston, representing three sub agencies of DEPS, Environmental Impact Review, ("EIR"), Storm Water Management ("SWM") and Ground Water Management ("GWM"). He reviewed the twelve-sheet-redlined plan and verified that all DEPS issues had been addressed by the Developer and that DEPS recommends approval. (County Ex. 1)

Next to testify was Brett Williams of the DOP. He testified that DOP Director, Stephen Lafferty, submitted a Hearing Officer Hearing ("HOH") Report on July 9, 2024, and that the Director recommended approval of the Plan. (County Ex. 2a). In addressing the Master Plan, the HOH Report notes that the proposed site is located within the Hunt Valley Regional Commercial Node in the Master Plan 2030 Growth Framework. The report explained that Commercial Nodes may provide valuable opportunities to intensify redevelopment efforts, transform land-use paradigms and improve quality of life. Appropriate uses in this place type include walkable town centers, housing forms designed to serve vital demographics, hotels, gathering places with greater civic and recreational opportunities. The report states that the proposed use for the development is multi-family residential and therefore conforms to the Master Plan 2030.

As noted in the HOH report, the BCZR, Section 260 requires the Director of the Department of Planning to make a finding to the Hearing Officer for all residential development of four lots or more in Baltimore County that is located within the Urban/Rural Demarcation Line. The report confirms that the DOP has reviewed the pattern book received July 10, 2024 and finds that the development is consistent with the spirit and intent of BCZR, Section 260.

Mr. Williams submitted the School Impact Analysis ("SIA") (County Ex. 2b) which DOP finds it meets the requirements of BCC Section 32-6-103 at the time of the filing date, May 15, 2024. The SIA performed by DOP indicates that the projected enrollment for Mays Chapel Elementary School, Cockeysville Middle School and Dulaney Valley High School are all below 115% of the State Rated Capacity ("SRC").

The projected number of students as a percentage of the SRC is:

Mays Chapel Elementary School - 84.25%
Cockeysville Middle School 84.01%

• Dulaney Valley High School 94.30%

Finally, Mr. Williams submitted the July 9, 2024 correspondence from Developer's expert, Aliza Hertzmark to Director of DOP Stephen Lafferty in which she completed a point-by-point response satisfied each of DOP Concept Plan Comments. (County Ex. 2c)

Next, Mitchell Kellman of the OZR testified and also recommended approval of the plan, noting that there were no outstanding comments.

The County's fourth witness was James Hermann of DPR and R&P. Mr. Hermann explained that he had reviewed the Schematic Landscape Plan and after such review recommended approval. (County Ex. 3a). Regarding the Open Space Waiver, he testified that the Developer had requested a waiver for local open space. (County Ex. 3b) He further explained that the Developer was proposing to provide 69,401 sf of the 300,000 sf of the required open space for the proposed

development. For the 230,599 still required, the Developer requested a fee in lieu in the amount of \$50,000, which has been approved. (County Ex. 4a)

The next County agency witness was Michael Viscarra from DPR. Mr. Viscarra explained that he reviewed the redlined plan regarding road water, sewers, drains, and floodplains, and that the Department of Public Works ("DPW") and Department of Public Works and Transportation ("DPWT") had no outstanding comments and thus, recommend approval. (County Ex. 5a) However, as noted in the July 16, 2024 from DPR supervisor, Vishnu Desai, DPR is waiting for final approval of the traffic study from the Maryland State Highway Administration ("SHA") and noted that building permits will not be issued by PAI until the final traffic study is approved. Teresa Eller of SHA, appeared at the hearing and reiterated the substance of her June 30, 2024 correspondence to Lloyd Moxley of Baltimore County Department of Development Management that SHA has not yet approved the amended Traffic Study submitted by the Developer. (County Ex. 5b)

The County's final witness was LaChelle Imwiko of REC who reviewed the redlined development plan and having no outstanding comments, recommended the plan for approval. (County Ex. 6)

DEVELOPER'S CASE

The Developer's first witness was Paul Julio of Hill Management. Mr. Julio explained that the Developer has owned the subject property since 1989 and has made significant investment into its renovation. He detailed the history of the subject property which included the four office towers on site once being the national headquarters of McCormick. He explained that adjacent, now vacant, Delta Hotel was once part of the subject property and served as accommodations for visiting McCormick guests. He noted that when the Developer purchased the subject property,

the hotel was not included. Mr. Julio explained that the lender financing the office tower portion of the site required that the proposed residential portion be separated from the commercial buildings. Consequently, the proposed residential apartments will be set on a separate parcel from the existing office towers. Mr. Julio testified that the existing parking lot for the four office towers is under-utilized.

The Developer's next witness was Aliza Hertzmark, P.E. from Bohler Engineering, who is a licensed Professional Engineer and was accepted as an expert in her field. (Dev. Ex. 2) She explained the twelve-sheet redlined plan in detail. (Dev. Ex. 1) Ms. Hertzmark testified that the subject property is part of an approved development plan at Executive Plaza in the Hunt Valley area of Baltimore County. She explained that the Developer is proposing to amend this plan to include a multi-use building with 300 apartments (97 one-bedroom, 185 two-bedroom, and 18 three-bedroom) and an above-ground parking structure with surface parking. She noted that the subject property was the topic of a zoning change through the 2020 Comprehensive Zoning Map Process (CZMP 2020 issue No. 3-021) resulting in a portion of the property being zoned BM-CCC, which allows for residential development. (Dev. Ex. 5) She described the subject property as being surrounded by Shawan Road to the north, McCormick Road to the East, Schilling Road to the South, and flanked by the former Delta Hotel to the West. The four executive office towers are centered on the site and surrounded by surface parking. A Texas Roadhouse restaurant is located on the southeast corner of the site. (Dev. Ex. 3-4) The Hunt Valley Town Center is located to the northeast of the subject property, across Shawan Road. There are also apartments located adjacent to Hunt Valley Town Center. Ms. Hertzmark explained that the proposed development will comprise of an inverted L-shaped building that will be located in the Northwest corner of the subject site, fronting Shawan Road. This location is currently the location of part of the parking for the office towers. Part of the inverted L-shaped building will be located along the western edge of the property, bordering the former Delta Hotel property. Also, along this western edge of the property, and south of the inverted "L", will be a parking garage with a footbridge connecting to the main building. (Dev. Ex. 6) Ms. Hertzmark explained that in conjunction with the revised zoning of the subject property during the 2020 CZMP, Hill Management entered in a Declaration of Covenants and Restrictions outlining that any residential development on the property would be limited to 300 apartment units. (Dev. Ex. 7) Additionally, she testified that the proposed development was in keeping with the 2023 Master Plan. (Dev. Ex. 8) She explained that the existing office buildings contain 400 sf. of office space and that underground pedestrian connections exist between the buildings as well as additional parking. She testified that the office buildings are currently at 90% rental capacity and the base parking requirement for daytime office hours is 1,069 required spaces. She further explained that the shared parking calculation for the site and the proposed development is 2,027 spaces, and the proposed plan includes 2,066. (Dev. Ex. 1, Sheet 4) Consequently, no parking variances are required.

In reviewing the topographical lines present on Dev. Ex.1, Sheet 5, Ms. Hertzmark noted that there is a 27 ft. grade difference from the north of the site to the south. She also pointed out that the subject site has now been divided into 4 parcels, 2 zoned BM-CCC and two zoned ML-IM. (Dev. Ex. 1, Sheet 8) She further explained that amenity open space is proposed through the subject property, but that only amenity open space existing in the BM-CCC may be counted toward the amenity open space ratio proved in BCZR, Section 235(a). She testified that existing site entrances will remain while the McCormick Road entrances will be modified. Additionally, the entrance from Schilling Road will include a new driveway leading to the former Delta Hotel to provide connectivity for future development of that site. While the existing sidewalk on

McCormick Road will remain, additional sidewalks will be added to Shawan Road and Schilling Road. Pedestrian pathways will be provided that will connect to five open space areas. Finally, Ms. Hertzmark testified the storm water collection and outfall points have been designed to meet the requirements of Storm Water Management ("SWM").

In summation, Ms. Hertzmark opined that the proposed amended Development Plan complied with the development regulations contained in the Baltimore County Code as well as other applicable County policies rules and regulations concerning development.

Next to testify was landscape architect, Eric R. Williams, R.L.A., of Bohler Engineering, who was accepted as an expert in his field. (Dev. Ex. 15) Mr. Williams outlined the details of the proposed development's schematic landscape plan. (Dev. Ex. 16) He noted that landscaping currently exists on the proposed site around the existing parking lot and Texas Roadhouse Restaurant. He explained that Sheet 1 of the Schematic Landscape Plan reflects the proposed landscaping, while Sheet 2 illustrates compliance with the Baltimore County Landscape Manual. Sheet 3 illustrates the location of existing shade trees that will be retained. (Dev. Ex. 16) Mr. Williams explained that the actual species of trees will be determined in the final landscape plan that must be approved before building permits are issued.

Testifying next was expert architect, Jonathan McKearin of Ci Design, Inc. (Dev. Ex. 17). Mr. McKearin reviewed the proposed development's Pattern Book in detail. (Dev. Ex. 18). He explained that before coming to the final product included in the Pattern Book, he consulted with County agencies such as DOP prior to participating in the Concept Plan Review process. He explained that the location of the proposed development was limited to a finite area available on a site which is already occupied by office buildings and a restaurant. He testified that the Sheet 4 of the Pattern Book outlined the proposed vehicular and pedestrian circulation through the site, while

Sheets 5-7 illustrates the building elevations and the parking deck. He noted that the buildings were designed as if each side were frontage due to the development's 360-degree visibility. He described the proposed development as having a total of five levels of residential space and two levels of parking. The Plan will also include elevated open space and amenity courtyards, as a well as a multi-modal path at Shawan and McCormick Roads. Mr. McKearin further explained that the signage on the site was designed it in a way to maximize project identification, and way-finding on a site with multiple uses and access points. He noted that the overall appearance of the proposed buildings will be similar to the apartments found across Shawn Road, adjacent to Hunt Valley Town Center.

The Developer's final witness was traffic engineer, Mark Keeley, who was accepted as an expert in his field. (Dev. Ex. 19) He testified as to the Revised Traffic Impact Study ("TIS") he prepared as Developer's Exhibit 20. He explained that during a Scoping Meeting, Baltimore County and SHA identified the parameters of the traffic study, the intersections to be studied, the time period of the study, growth rates and peak hours. The study was originally submitted to SHA in May of 2024, who provided comments, causing the study to be revised and resubmitted on July 11, 2024. Upon the date of HOH hearing, final approval of SHA was still pending as noted by the testimony of Ms. Eller of SHA.

Mr. Keely testified that the intersections included in the study were York Road at MD 145 (Signalized), York Road at Shawan Road (Signalized), York Road at Schilling Road (Unsignalized), Shawan Road at McCormick Road (Signalized), McCormick Road at Schilling Circle (Signalized) and Shawan Road at Beaver Dam Road/Cuba Road (Signalized). He further explained that all key intersections were analyzed with Critical Lane Volume ("CLV") method and the Synchro model. Unsignalized intersections were studied using Highway Capacity Manual

("HCM") method. New site generated peak hour trips were determined with the land use data contained in the Urban Institute of Transportation Engineers, Trip Generation Manual 11th Edition. Mr. Keely noted that the site access for the subject property includes two existing access points to McCormick Road, an existing access to Schilling Circle, and two existing right-in/right-out access points to Shawan Road. In summary Mr. Keely testified that the recommendations within the TIS satisfy the MDOT SHA and Baltimore County traffic study guidelines.

FINDING OF FACT AND CONCLUSIONS OF LAW

The Baltimore County Code provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. Section 32-4-229.

In *People's Counsel v. Elm Street Development Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is "then up to [protestants] to provide evidence rebutting the Director's recommendations." Id. At 703. It should also be noted that in Baltimore County "the development process is indeed an ongoing process, and the hearing officer's affirmation of the plan is just the first step." *Monkton Preservation Association, et al v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

The role of the County agencies in the development process is to perform an independent and thorough review of the development plan as it pertains to their specific area of expertise and responsibility. The agencies reviewed numerous iterations of the development plan as the Developer refined the Plan in response to agency and community comments during the course of the development process leading up to the Hearing Officer Hearing. The final twelve sheet redlined Development Plan is the Plan that the agencies have recommended for approval. These agencies will continue to review and require refinement of the Plan as necessary during this phase

to review of the project. This review and approval process will culminate with the recordation of a final development plat in the Land Records of Baltimore County and the issuance of construction permits.

As previously addressed above, the Developer presented four expert witnesses and 20 Exhibits in support of their proposal. Each expert testified that the Plan meets or exceeds all laws and regulations. The testimony and evidence demonstrate the quality and compatibility of the proposed development.

After due consideration of the testimony and evidence presented by the Developer, Community Witnesses and Protestants, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan.

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).

As determined in prior Case No. 2013-0087-A involving sign variances for the subject property, the property is unique in that it is a large site surrounded by the Hunt Valley business community. The subject property is surrounded by three roads and the former Delta Hotel property to the west, requiring signage that can be viewed from multiple locations in order for pedestrians and motorists to successfully navigate the site. Additionally, as testified to by Ms. Hertzmark, the

subject property significantly slopes from the north side of the property to south, causing additional challenges for developing appropriate signage for the site. The split zoning of the subject site also adds to its uniqueness. As a result of the 2020 zoning change, half of the site is BM-CCC and the other is ML-IM. With residential housing being allowed on the BM-CCC parcels only, the area in which the residential building could be constructed is significantly restricted. A flood plain on the site further restricts where development can occur. (Dev. Ex. 1, Sheet 8) Finally, the unique requirement by the Petitioner's lender that the residential portion of the site be subdivided into its own parcels, provides further unique challenges regarding window placement, building height and amenity open space ratios.

The first three variances requested by the Petitioner come as a result of the subdivision of the residential parcels from that containing the office buildings.

Variance #1 is being requested by the Petitioner to allow apartment windows facing an internal property line other than a street line to be as close as 0 feet thereto in lieu of the required 25 feet, pursuant to Section 235A.2 of the BCZR. This variance request has been highlighted on Sheet 1 of the Zoning Plan and reflects where such relief is necessary in four locations where windows face the office buildings that are located across and internal property line created by the required subdivision. (Dev. Ex. 13)

Variance # 2 is being requested by the Petitioner to allow amenity open space ratios of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR. As noted by Ms. Hertzmark, a 0.2 amenity open space ratio is required and has not been met on 3 of the subject property's 4 parcels. (Dev. Ex. 11) She further explained that the need for variance relief comes as a result of the fact that 4 office buildings already exist on the subject property and that many green space areas on the plan were counted

towards County open space requirements and could not be counted towards amenity open space as well. Amenity open space located in ML-IM portion of the site also could not be counted towards the required amenity open space in the BM-CCC parcels.

Variance # 3 is being requested by the Petitioner to allow a maximum building height of 89 feet in lieu of the permitted 40 feet, and 87 feet in lieu of the permitted 50 feet, pursuant to Sections 234.1 and 231.1 of the BCZR. This variance request which is clearly illustrated in Sheet 1 of the Zoning Plan (Dev. Ex. 1), is necessary in the two locations where the residential buildings are closest to the internal parcel lines facing the office buildings.

Sign Variances

Petitioner has requested multiple sign variances for the subject site. As noted by Ms. Hertzmark and Mr. McKearin, all proposed signage was provided to the DOP ahead of the Development Plan Conference by way of the Pattern Book. DOP comments on the proposed sign variances state that the proposed relief does not negatively impact the health, safety and well-being of vehicular and pedestrian traffic or create signage clutter and visual nuisance. (County Ex. 2a)

Variance #4 is being requested by the Petitioner to allow a total of 12 identification signs (wall-mounted sign types A - D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas / faces of 14, 17, 25, 28, 140 and 600 square feet (for a total of 1,191 square feet) in lieu of the one identification sign permitted for a single road frontage with a sign area / face of 25 square feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of BCZR. (Dev. Ex. 13c) The need for these sign variances come as a result of the fact that the proposed building can be viewed from all sides. Many of these signs are internal in nature and are necessary for both pedestrians and vehicles to successfully navigate the site.

Variance # 5 is being requested by Petitioner to allow freestanding identification signs with a height of 9 feet in lieu of the permitted 6 feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type H). (Dev. Ex. 13a). This variance comes as a result of the sloping nature of the site, causing greater sign height to be necessary for proper visibility.

Variance # 6 is being requested by the Petitioner to allow an identification sign to be installed on the top of a canopy a distance of 6 feet from the wall and a distance of 1 foot above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type E). (Dev. Ex. 17) This variance also comes as a result of the sloping nature of the site, causing greater sign height and protrusion from the building face to be necessary for proper visibility. This sign faces towards the office buildings and is internal in nature. (Dev. Ex. 13a-d)

Variance # 7 is being requested by the Petitioner to allow freestanding directional signs with sign areas/faces of 14 square feet each in lieu of the permitted 8 square feet and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations. 1.3 of the BCZR (sign type G). (Dev. Ex. 13-a-d) All of these sign types are internal to the site.

Variance # 8 is being requested by the Petitioner to allow wall-mounted directional signs with sign areas / faces of 28 square feet each in lieu of the permitted 8 square feet, pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F). (Dev. Ex. 13a-d) These are also internal directional signs that require additional square footage in light of the size of the subject property and due to the lower grade of at the southern end of the site.

Finally, Variance # 9 is being requested by the Petitioner to allow freestanding signs within a single premise to be as close as 2 feet apart in lieu of the required 100 feet for signs larger than

8 square feet each, pursuant to Section 450.5.B.4.a of the BCZR. (Dev. Ex. 13a) This variance request comes as a result of the mixed used nature of the site which requires two signs in close proximity identifying the commercial and residential uses on the property.

In addition to the unique characteristics of the subject property previously discussed, I find that the Petitioner would suffer a practical difficulty if the requested variances were to be denied in that the proposed buildings could not be located in the already restricted area noted on the site plan, and that appropriate signage could not be provided to insure effective wayfinding and navigation of the subject property. Additionally, I find that the requested variances are within the spirit and intent of the zoning regulations and that they will not harm the public health, safety or welfare. Consequently, the variances requested above are granted.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, Section 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).

Petitioner had requested a Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the BCZR rather than be attached to a building wall in a parallel plane to the wall (sign type E) and to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H). Sign Type E, as noted on Dev. Ex. 13 is an internal sign that faces the office buildings. This canopy type signage is required to identify the entrance to the residential building and will be visible to pedestrian traffic. Sign Types G and H are identified on Dev. Ex. 13a as being located near entrances and parking areas which require four-sided visibility to be viewed by vehicles approaching from all directions on the site.

These Special Hearing requests are an attempt to successfully guide vehicles and pedestrians through the expansive, multi-use site. Such signs are compatible with the surrounding uses and are generally consistent with the spirit and intent of the regulations. Accordingly, the Petitioner's Request for Special Hearing is granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this <u>1st</u> day of **August, 2024**, that the "TEXAS ROADHOUSE AT **EXECUTIVE PLAZA, 1**ST MATERIAL AMENDMENT redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, be and is hereby **APPROVED**, subject to the conditions noted below.

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the Baltimore County Zoning Regulations ("BCZR") rather than be attached to a building wall in a parallel plane to the wall (sign type E), be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance to allow apartment windows facing an internal property line other than a street line to be as close as 0 ft. thereto in lieu of the required 25 ft., pursuant to Section 235A.2 of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow amenity open space rations of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow a maximum building height of 89 ft. in lieu of the permitted 40 ft. and 87 ft. in lieu of the permitted 50 ft. pursuant to Sections 234.1 and 231.1 of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 sq. ft. (for a total of 1,191 sq. ft.) in lieu of the one identification sign permitted for a single road frontage with a sign/area face of 25 sq. ft. pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding identification signs with a height of 9 ft. in lieu of the permitted 6 ft., pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR (sign type H), be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, to allow an identification sign to be installed on the top of a canopy a distance of 6 ft. from the wall and a distance of 1 ft. above the vertical face of the

canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table

of Sign Regulations.6(a) of the BCZR, be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding

directional signs with sign areas/faces of 14 sq. ft. each in lieu of the permitted 8 sq. ft. and to

allow the multi-family community name/logo on a directional sign to exceed 30% of the total

sign area, pursuant to Section 450.4. Table of Sign Regulations.1.3, of the BCZR (sign Type G),

be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow wall-mounted

directional signs with sign areas/faces of 28 sq. ft. each in lieu of the permitted 8 sq. ft., pursuant

to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F), be and is hereby

GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding signs

within a single premise to be as close as 2 ft. apart in lieu of the required 100 ft. signs larger than

8 sq. ft. each, pursuant to Section 450.5.B.4.a, of the BCZR, be and is hereby GRANTED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, Section

32-4-281.

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB/dlm

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PETITION FOR ZONING HEARING(S)
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Address 11350 McCormick Road	of Baltimore County for the property located at:which is presently zoned BM-CCC, ML-IM
Deed References: 13151-623	10 Digit Tax Account # SEE ATTACHED SHEET
Property Owner(s) Printed Name(s) Executive F	
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPE	RIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
	Baltimore County and which is described in the description de a part hereof, hereby petition for:
1X_ a Special Hearing under Section 500.7 of the Zonin or not the Zoning Commissioner should approve	ng Regulations of Baltimore County, to determine whether
SEE ATTAC	CHED SHEET
a Special Exception under the Zoning Regulations	of Baltimore County to use the herein described property for
B. X a Variance from Section(s)	
	CHED SHEET
SEEATIAC	CUED SUEE!
of the zoning regulations of Baltimore County, to the z (Indicate below your hardship or practical difficulty o you need additional space, you may add an attachmen	zoning law of Baltimore County, for the following reasons: or indicate below "TO BE PRESENTED AT HEARING". If nt to this petition)
TO BE PRESENTE	ED AT HEARING
hich is the subject of this / these Petition(s).	etc. and further agree to and are to be bounded by the zoning regulations
Contract Purchaser/Lessee:	SEE ATTACHED SHEET
lame- Type or Print	Name #1 – Type or Print Name #2 – Type or Print
signature	Signature #1 Signature # 2
Mailing Address City State	Mailing Address City State
ip Code Telephone # Email Address	/ / // // Zip Code Telephone # Email Address
· 	Representative to be contacted:
Attorney for Petitioner: David H. Karceski, Esquire	David H. Kareski, Esquire
lame-Type of Print	Name - Type or Frint
ignature Venable LLP	Signature Venable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD	210 W. Pennsylvania Ave., Ste. 500 Towson MD
failing Address City State	Mailing Address City State
1204 , 410-494-6285 dhkarceski@ <u>venable.co</u> m	21204 / 410-494-6285 /dhkarceski@venable.com
ip Code Telephone # Email Address	Zip Code Telephone # Email Address
ASE NUMBER 2094-0149-SPHA Filling Date 6 1142	9 Do Not Schedule Dates: Reviewer
	4

REV. 10/4/11

11350 MCCORMICK ROAD

TAX ACCOUNT NO. 1600006972
TAX ACCOUNT NO. 1600006968
TAX ACCOUNT NO. 1600006967
TAX ACCOUNT NO. 1600006973

ATTACHMENT TO PETITION FOR SPECIAL HEARING

- Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the BCZR rather than be attached to a building wall in a parallel plane to the wall (sign type E).
- 2. Special Hearing to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H).

11350 MCCORMICK ROAD

TAX ACCOUNT NO. 1600006972
TAX ACCOUNT NO. 1600006968
TAX ACCOUNT NO. 1600006967
TAX ACCOUNT NO. 1600006973

ATTACHMENT TO PETITION FOR VARIANCE

- 1. Variance to allow apartment windows facing an internal property line other than a street line to be as close as 0 feet thereto in lieu of the required 25 feet, pursuant to Section 235A.2 of the Baltimore County Zoning Regulations ("BCZR").
- 2. Variance to allow amenity open space ratios of 0.12, 0.14 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR.
- 3. Variance to allow a maximum building height of 89 feet in lieu of the permitted 40 feet, and 87 feet in lieu of the permitted 50 feet, pursuant to Sections 234.1 and 231.1 of the BCZR.
- 4. Variance to allow a total of 12 identification signs (wall-mounted sign types A D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas / faces of 14, 17, 25, 28, 140 and 600 square feet (for a total of 1,191 square feet) in lieu of the one identification sign permitted for a single road frontage with a sign area / face of 25 square feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of BCZR.
- Variance to allow freestanding identification signs with a height of 9 feet in lieu of the permitted 6 feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type H).
- 6. Variance allow an identification sign to be installed on the top of a canopy a distance of 1 foot from the wall and a distance of 6 feet above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type E).
- 7. Variance to allow freestanding directional signs with sign areas/faces of 14 square feet each in lieu of the permitted 8 square feet and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations. 1.3 of the BCZR (sign type G).

- 8. Variance to all allow wall-mounted directional signs with sign areas / faces of 28 square feet each in lieu of the permitted 8 square feet, pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F).
- 9. Variance to allow freestanding signs within a single premises to be as close as 2 feet apart in lieu of the required 100 feet for signs larger than 8 square feet each, pursuant to Section 450.5.B.4.a of the BCZR.

11350 MCCORMICK ROAD

ATTACHMENTS TO PETITIONS FOR SPECIAL HEARING AND FOR VARIANCE

Property Owner:

Executive Plaza LLC 9640 Deereco Road Timonium, Maryland 21093

By: Anthony Giulio;

Title: Manager

Phone No.: (410) 666-1000

Email: aej@hillmgt.com

ZONING DESCRIPTION FOR VARIANCE REQUEST JUNE 10, 2024

ALL THOSE LOTS OR PARCELS OF LAND LOCATED IN THE COUNTY OF BALTIMORE, STATE OF MARYLAND, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SHAWAN ROAD WHICH IS OF VARYING WIDTH, SAID POINT BEING SOUTH 57°50′59" WEST 194.93 FEET MORE OR LESS, FROM A POINT FORMED BY THE INTERSECTION OF THE CENTERLINES OF SHAWN ROAD AND MCCORMICK ROAD, THENCE

- 1. BINDING ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 142.0 FEET AND A DISTANCE OF 197.84 FEET, THENCE
- 2. BINDING ON THE WESTERLY RIGHT-OF-WAY OF MCCORMICK ROAD SOUTH 04°47′23″ EAST, 921.46 FEET TOWARD SCHILLING CIRCLE, THENCE
- 3. SOUTH 40°12'37" WEST, 99.00 FEET, THENCE
- 4. BINDING ON THE NORTHERLY RIGHT-OF-WAY OF SCHILLING CIRCLE SOUTH 85°12'37" WEST, 786.04 FEET, THENCE
- 5. NORTH 04°47′23″ WEST, 411.99 FEET, THENCE
- 6. SOUTH 85°12'27" WEST 43.47 FEET, THENCE
- 7. NORTH 04°47′23" WEST, 700.98 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SHAWAN ROAD, THENCE
- 8. BINDING ON THE SOUTHERLY RIGHT-OF-WAY OF SHAWAN ROAD NORTH 85°25'43" EAST 50.71 FEET. THENCE
- 9. NORTH 85°39'28" EAST 250.03 FEET, THENCE
- 10. NORTH 85°25'43" EAST 150.03 FEET, THENCE
- 11. NORTH 85°02'48" EAST 150.05 FEET, THENCE
- 12. NORTH 86°46'08" EAST 159.57 FEET TO THE POINT OF BEGINNING.

BEING THOSE PARCELS OF LAND RECORDED IN DEED LIBER 13151, FOLIO 623, AS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, CONTAINING 22.37 ACRES OF LAND MORE OR LESS. ALSO KNOWN AS 11350 MCCORMICK ROAD, BEING PARCELS 413, 415, 418 AND 419 OF BALTIMORE COUNTY TAX MAP 42, AND LOCATED WITHIN THE EIGHTH ELECTRION DISTRICT AND THIRD COUNCILMANIC DISTRICT.



ALIZA HERTZMARK
PROFESSIONAL ENGINEER NO. 58589

2024-0149-SPHA

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

2024-0149-51HA
Case Number:
Property Address: 11350 Mc Cormick Road
Legal Owners (Petitioners): Executive (LAZA LLC
Contract Purchaser/Lessee;
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): Venable LLY
Address: David H. Kanceski
210 West Pennsylvensa Avenue, Suite 500
TOWSON MD 21204
Telephone Number: (410) 49 4-62 85

*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.

Revised 3/2022

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CERTIFICATE OF POSTING

	2024-0149-SPHA RE: Case No.:
	Petitioner/Developer:
	Executive Plaza, LLC
	July 19, 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 perjur posted conspicuously on the property located at:	• • • • • •
11350 McCormick Road	SIGN 1A & 1B
	e 27, 2024
The sign(s) were posted on(Mon	nth, Day, Year)



| June 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)

OFFICE	OF BUE	OGET AND	IARYLANI D FINANC RECEIPT	E			2304	199		
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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: June 24, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0149-SPHA

Address: 11350 MCCORMICK RD Legal Owner: Executive Plaza, LLC

Zoning Advisory Committee Meeting of June 24, 2024.

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

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: June 10, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0149-SPHA

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: Schematic Landscape Plan is required to be Approved prior to the Development Plan as part of the Development Plan Process.

Recreations & Parks: No comment – LOS & No Greenways affected.

VKD: sc

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 6/21/2024

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0149-SPHA

INFORMATION:

Property Address: 11350 McCormick Road

Petitioner: Executive Plaza LLC; Anthony Giulio

Zoning: BM-CCC, ML-IM

Requested Action: Variance/Special Hearing

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

Special Hearing -

- 1. To allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the BCZR rather than be attached to a building wall in a parallel plane to the wall (sign type E).
- 2. To allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H)

Variance (s) -

- 1. To allow apartment windows facing an internal property line other than a street line to be as close as 0 feet thereto in lieu of the required 25 feet, pursuant to Section 235A.2 of the Baltimore County Zoning Regulation (BCZR).
- 2. To allow amenity open space ratios of 0,12, 0.14, and 0.13 for Parcels II, III and V, respectively, in lieu of the required. 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR.
- 3. To allow a maximum building height of 89 feet in lieu of the permitted 40 feet, and 87 feet in lieu of the permitted 50 feet, pursuant to Sections 234.1 and 231.1 of the BCZR.
- 4. To allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 square feet (for a total of 1,191 square feet) in lieu of the one identification sign permitted for a single road frontage with a sign area/face of 25 square feet, pursuant to Section 450.4, Table of Sign Regulations .6(a) of the BCZR.
- 5. To allow freestanding identification signs with a height of 9 feet in lieu of the permitted 6 feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type H).
- 6. To allow an identification sign to be installed on the top of a canopy a distance of 1 foot from the wall and a distance of 6 feet above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type E.)

- 7. To allow freestanding directional signs with sign areas/faces of 14 square feet each in lieu of the permitted 8 square feet and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4.Table of Sign Regulations.1.3 of the BCZR (sign type G).
- 8. To all allow wall-mounted directional signs with sign areas/faces of 28 square feet each in lieu of the permitted 8 square feet, pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F).
- 9. To allow freestanding signs within a single premises to be as close as 2 feet apart in lieu of the required 100 feet for signs larger than 8 square feet each, pursuant to Section 450.5..4.a of the BCZR.

The subject site is part of an approved development plan at Executive Plaza. The applicant proposes to amend the plan to include a multi-use building with retail/restaurant (7,473sf), 448 parking spaces, and 300 apartments (97 one-bedroom, 185 two-bedroom, and 18 three-bedroom) and a parking structure that provides 388 parking spaces.

The applicant has requested relief from 235A.2, and Sections 234.1 and 231.1 of the BCZR for setback and height requirements respectively. The requested setback relief will create minimal impacts on the surrounding and adjoining properties and the requested height is compatible to other nearby developments.

The site development proposal requires 6.89 acres of open space per section 235A.4 of the BCZR and section 260.3 of the County Code. The development plan shows approximately 2.05 acres of outdoor amenities, trials and connectors counted towards the required open space. The applicant will be required to submit a fee-in-lieu waiver request for the remainder of the required open space.

The proposed signage and their locations help achieve branding visibility and clear building indication for users accessing the site. Ahead of the Development Plan Conference, the applicant provided a Pattern Book to the Department of Planning for review. The Pattern Book included information on signage, which is consistent with the plans submitted with the Petitioners current Zoning Variance and Special Hearing requests. The above variance relief request does not appear to negatively impact the health, safety and well-being of vehicular and pedestrian traffic or create signage clutter and visual nuisance. The Department of Planning has no objections to or comments on the proposed signage in the Development Plan Conference report. As such, the Department of Planning has no objections to the requested Special Hearing and Variance requests.

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

Division Chief:

Prepared by:

Krystle Patchak

SL/JGN/KP

c: David H. Karceski David Birkenthal, Community Planner Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County

Real Property Data Search () Search Result for BALTIMORE COUNTY

View GroundRent Registration

Special Tax Recapture: None

View Map

District - 08 Account Number - 1600006973 Account Identifier:

View GroundRent Redemption

Owner Information

EXECUTIVE PLAZA LLC Use: Owner Name:

INDUSTRIAL Principal Residence:NO

9640 DEERECO ROAD TIMONIUM MD 21093-Mailing Address:

Location & Structure Information

Premises Address:

SCHILLING CIR

Legal Description: 4.976 AC EXEC PL III
469 W MCCORMICK RD
HUNT VA BUSINESS COMM

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1

Plat Ref: 0047/ 0048 0042 0014 0419 20000.04 2023

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

187,627 SF

StoriesBasementType

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

OFFICE BUILDING/ C3

Value Information

	Base Value	Value	Phase-in Assessments		
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024	
Land:	3,732,000	3,732,000			
Improvements	9,115,700	10,563,500			
Total:	12,847,700	14,295,500	13,330,300	13,812,900	
Preferential Land:	0	0			

Transfer Information

Seller: EXECUTIVE PLAZA ASSOCIATES	Date: 09/15/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13151/ 00623	Deed2:
Seller: PRUDENTIAL INSUR ANCE CO	Date: 12/31/1987	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07760/ 00695	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 ApplicationDate:

2024-0149-5PHA

1/1

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View GroundRent Registration View GroundRent Redemption View Map

Special Tax Recapture: None

District - 08 Account Number - 1600006967 Account Identifier:

Owner Information

INDUSTRIAL EXECUTIVE PLAZA LLC Use: Owner Name: Principal Residence:NO

9640 DEERECO ROAD Deed Reference: /13151/ 00623 TIMONIUM MD 21093-Mailing Address:

Location & Structure Information

Legal Description: 6.006 AC EXEC PL II SHAWAN RD Premises Address:

400 W MCCORMICK RD HUNT VA BUSINESS COMM

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1

Plat Ref: 0047/ 0048 0042 0014 0413 20000.04 0000 2023

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

138,045 SF 1967

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements StoriesBasementType

OFFICE BUILDING/ C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	4,504,500	4,504,500		
Improvements	4,416,100	3,526,100		
Total:	8,920,600	8,030,600	8,030,600	8,030,600
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller: PRUDENTIAL INSUR ANCE CO	Date: 12/31/1987	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07760/ 00695	Deed2:
Seller: EXECUTIVE PLAZA ASSOCIATES Type: NON-ARMS LENGTH OTHER	Date: 09/15/1998 Deed1: /13151/ 00623	Price: \$0 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:

2024-0149-5PHA

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View GroundRent Registration View GroundRent Redemption View Map

Special Tax Recapture: None

District - 08 Account Number - 1600006972 Account Identifier:

Owner Information

EXECUTIVE PLAZA LLC Use: INDUSTRIAL Owner Name: Principal Residence:NO

9640 DEERCO ROAD Deed Reference: /13151/ 00623 Mailing Address:

TIMONIUM MD 21093-

Location & Structure Information

11350 MCCORMICK RD HUNT VALLEY 21031-1002 Legal Description: 6.806 AC EXEC PL IV MCCORMICK RD HUNT VA BUSINESS COMM Premises Address:

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1

Plat Ref: 0047/ 0048 0042 0014 0418 20000.04 0000 2023

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

39,742 SF

Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements Stories Basement Type RESTAURANT STONE/ C4

Value Information

	Base Value	Value Phase-in Assessments		
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	5,104,500	5,104,500		
Improvements	8,569,500	7,177,300		
Total:	13,674,000	12,281,800	12,281,800	12,281,800
Preferential Land:	0	0		

Transfer Information

Seller: EXECUTIVE PLAZA ASSOCIATES	Date: 09/15/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13151/ 00623	Deed2:
Seller: PRUDENTIAL INSUR ANCE CO	Date: 12/31/1987	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07760/ 00695	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessme	ents: 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: N	one		

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0149-SPHA

1/1

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

View Map

District - 08 Account Number - 1600006968

Owner Information

Owner Name:

EXECUTIVE PLAZA LLC Use:

View GroundRent Redemption

INDUSTRIAL Principal Residence:NO

Mailing Address:

TIMONIUM MD 21093-

Location & Structure Information

Premises Address:

11350 SHAWAN RD

Legal Description: 4.587 AC EXEC PL1 SW COR MCCORMICK ROA HUNT VALLEY BUSINESS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1

0042 0015 0415 20000.04

Plat Ref: 0047/ 0048

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

126,956 SF

StoriesBasementType

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

OFFICE BUILDING/

C3

Value Information

Phase-in Assessments Value Base Value As of As of 07/01/2024 01/01/2023 07/01/2023 3,440,200 3,440,200 Land: 4,970,800 5,163,100 Improvements 8,475,100 8,539,200 8,603,300 8,411,000 Total: Preferential Land:

Transfer Information

Seller: EXECUTIVE PLAZA ASSOCIATES Date: 09/15/1998 Price: \$0 Deed2: Type: NON-ARMS LENGTH OTHER Deed1: /13151/ 00623 Date: 12/31/1987 Price: \$0 Seller: PRUDENTIAL INSUR ANCE CO Type: NON-ARMS LENGTH OTHER Deed1: /07760/ 00695 Deed2: Price: Seller: Deed2: Deed1: Type:

Exemption Information

07/01/2023 07/01/2024 Partial Exempt Assessments: Class 0.00 000 County: 0.00 000 State: 0.00|0.00 0.00|0.00 000 Municipal:

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

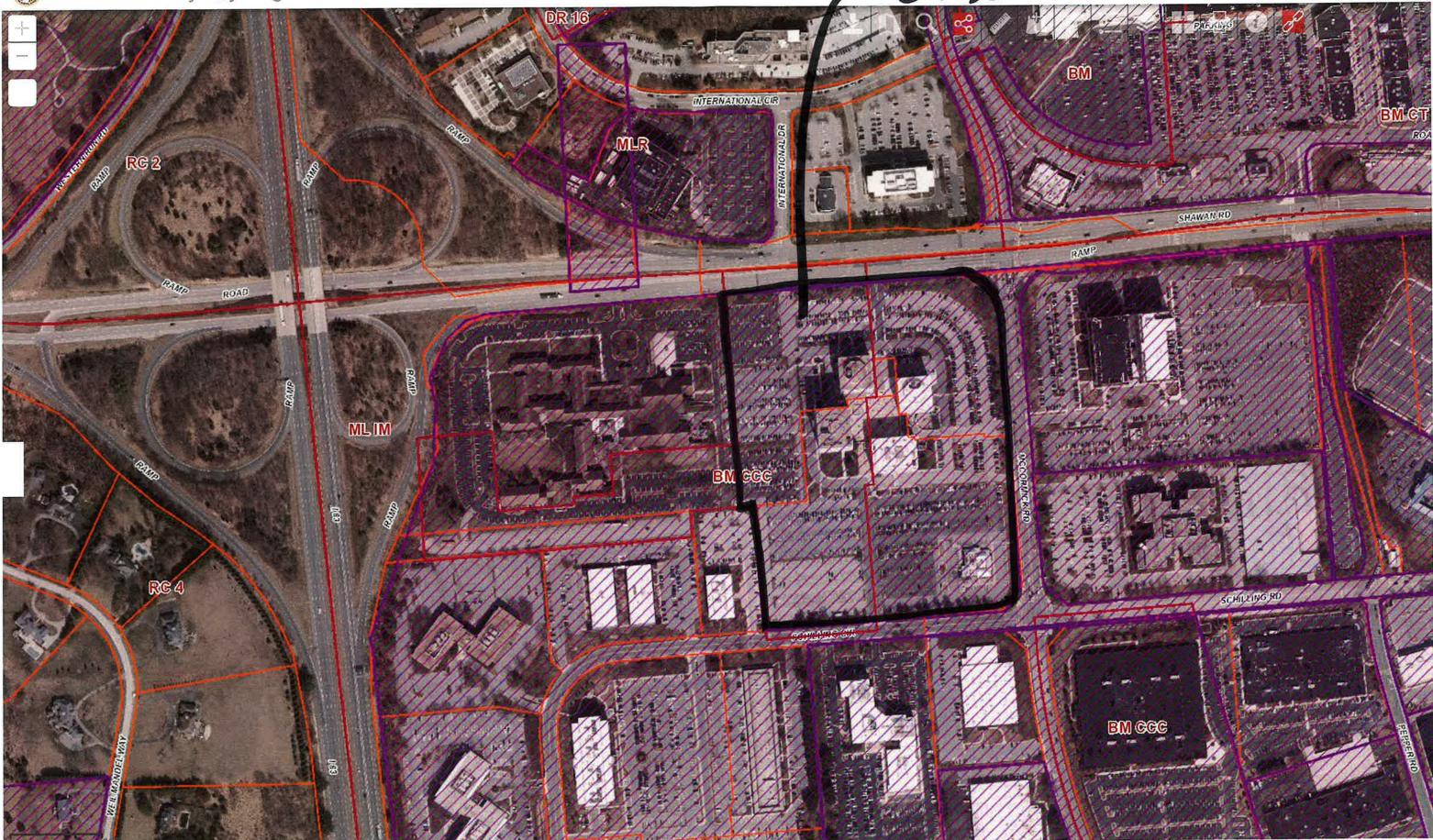
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

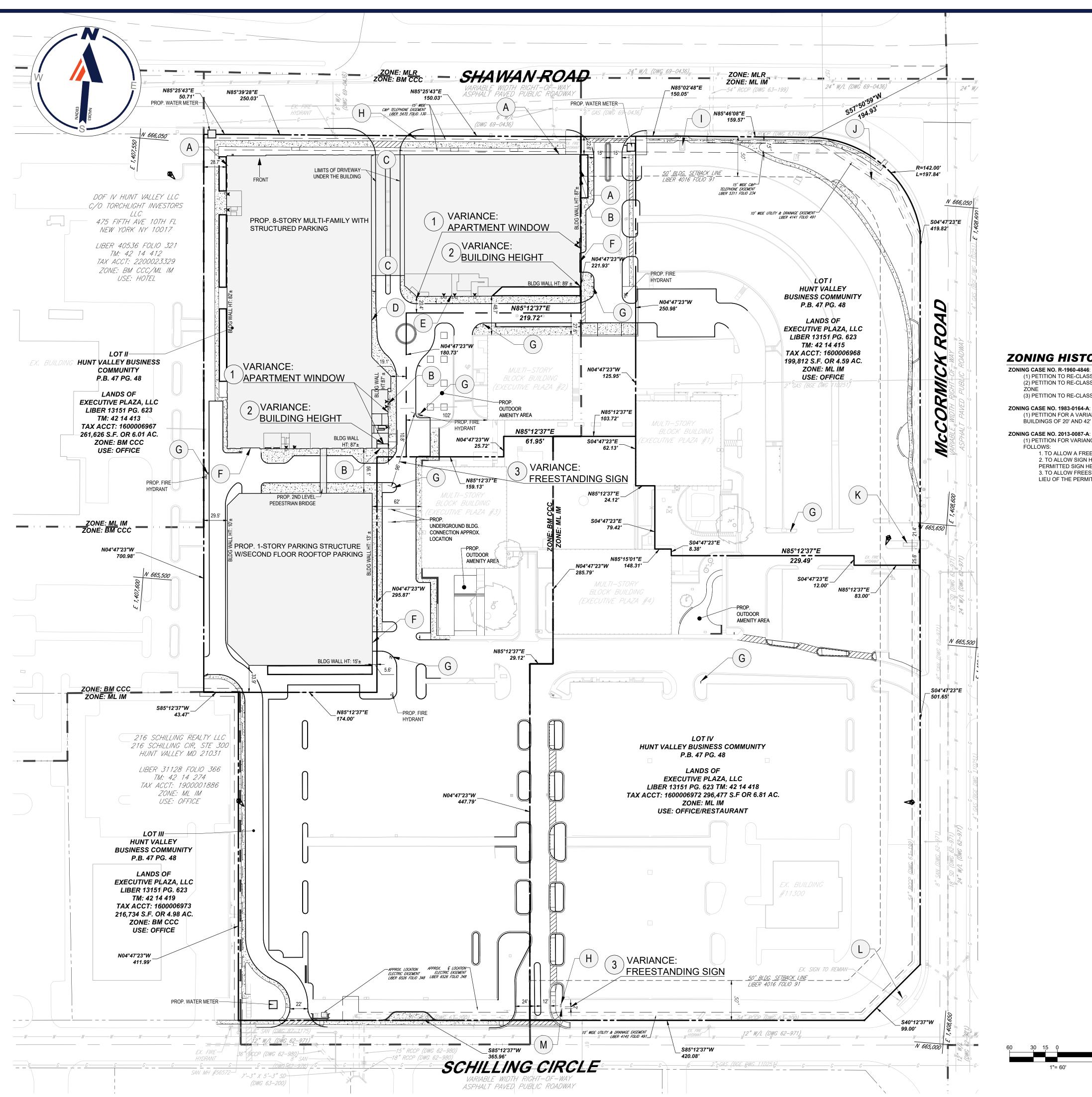
2024-0149-SPHA

1/1

Baltimore 24350 Mc GRANCK RD.



-76.666 39.495 Degrees





LOCATION MAP

SCALE: 1" = 1000'

ZONING HISTORY

ZONING CASE NO. R-1960-4846:

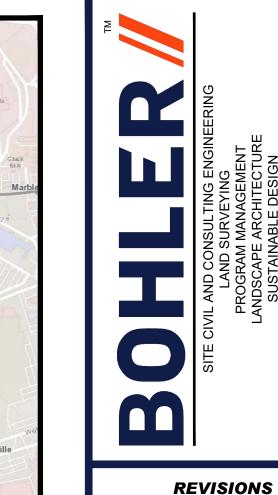
(1) PETITION TO RE-CLASSIFY THE ZONING STATUS OF THE SUBJECT PROPERTY FROM A B-R TO AN M-L ZONE. (2) PETITION TO RE-CLASSIFY THE ZONING STATUS OF THE SUBJECT PROPERTY FROM A R-20 ZONE TO AN M-L

(3) PETITION TO RE-CLASSIFY THE ZONING STATUS OF THE SUBJECT PROPERTY FROM A B-L ZONE TO AN M-L ZONE.

(1) PETITION FOR A VARIANCE FROM SECTION 225.1 (23B.1&2, 301.1, AND 102.2) TO PERMIT A DISTANCE BETWEEN BUILDINGS OF 20' AND 42' RESPECTIVELY INSTEAD OF THE REQUIRED 52.5' AND 60', RESPECTIVELY.

(1) PETITION FOR VARIANCE FOR FREESTANDING SIGNS FROM B.C.Z.R. SECTION 450.4 ATTACHMENT 1.7(d) AS 1. TO ALLOW A FREESTANDING JOINT IDENTIFICATION SIGN WITHOUT A VEHICULAR ENTRANCE (SIGN A) 2. TO ALLOW SIGN HEIGHT OF 20' FOR A FREESTANDING JOINT IDENTIFICATION SIGN IN LIEU OF THE

PERMITTED SIGN HEIGHT OF 12' (SIGN E) 3. TO ALLOW FREESTANDING JOINT IDENTIFICATION SIGNS WITH SIGN AREAS/FACES OF 138 AND 141 SQ. FT IN LIEU OF THE PERMITTING SIGN AREA/FACE OF 75 SQ FT EACH (SIGNS E AND F)



REV DATE



COMMENT

FOR CONCEPT **PURPOSES ONLY**

It's fast. It's free. It's the law.

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENC

REVIEW AND APPROVAL. <u>IT IS NOT INTENDED AS A CONSTRUC</u> <u>DOCUMENT</u> UNLESS INDICATED OTHERWISE. PROJECT No.:

DRAWN BY: CHECKED BY: DATE: CAD I.D.:

PROJECT:

PLAN TO **ACCOMPANY**

VARIANCE

TEXAS ROADHOUSE AT

EXECUTIVE PLAZA

EXECUTIVE PLAZA

11350 McCORMICK RD. **HUNT VALLEY MD. 21031** BALTIMORE COUNTY M 42 G 14 P 413, 415 & 419 COUNCILMANIC DISTRICT 3 **ELECTION DISTRICT 8**

901 DULANEY VALLEY ROAD, SUITE 80 **TOWSON, MARYLAND 21204** Phone: (410) 821-7900 Fax: (410) 821-7987 MD@BohlerEng.com

LICENSE NO. 58589, EXPIRATION DATE: 12/06/25

PLAN TO **ACCOMPANY**

VARIANCE REQUEST

SHEET 1 OF 6

ORG. DATE - 06/11/24

DEVELOPER | APPLICANT MARYLAND COORDINATE SYSTEM (MCS) HILL MANAGEMENT SERVICES, INC. 9640 DEERCO ROAD TIMONIUM MD 21093 **OWNER** PHONE: (410) 666-1000 CONTACT: PAUL GIULIO

PHONE: 410-821-7900

EMAIL: AHERTZMARK@BOHLERENG.COM

EXECUTIVE PLAZA, LLC PREPARER OF PLAN 216 SCHILLING CIRCLE, SUITE 300 HUNT VALLEY MD 21031 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204

PARKING LEVEL 2: 78,137 S.F. GARAGE BUILDING 34,627 S.F. (INCLUDES BRIDGE CONNECTION) ADJUSTED GROSS FLOOR AREA (INCLUDES PARKING GARAGE AREAS): 651,199 S.F.

5.3. FLOOR AREA RATIO: MAXIMUM FAR: 4.0 PROPOSED FAR: 3.02 (651,199 SF / 215,814 SF)

5.4. BUILDING HEIGHT: PERMITTED: SUBJECT TO HEIGHT TENT REGULATIONS (SEE DIAGRAM, SHEET 8) RESIDENTIAL BUILDING

FRONT: MAXIMUM PERMITTED: 100 FFFT MAXIMUM PROVIDED: 89 FEET ± SIDE/REAR: 40' OR 5:1 SLOPE FROM LOT LINE FOR HEIGHT GREATER THAN 40' SIDE/REAR SETBACK PERMITTED HEIGHT *89' ± 89' ± 87' ± *87'±

GARAGE BUILDING HEIGHT PROVIDED: 15 FEET ± (MAXIMUM) *A VARIANCE IS REQUESTED FOR PROPOSED BUILDING HEIGHT.

5.5. SETBACKS REQUIRED PROVIDED: RESIDENTIAL YARDS GARAGE BUILDING BUILDING FRONT (NORTH SIDE (EAST): 0' / 19' ± 5' ± SIDE (WEST): 28' ± REAR (SOUTH FRONT TO CENTER

PER SECTION 235A - SPECIAL REGULATIONS FOR CCC DISTRICTS OF THE BALTIMORE COUNTY LARGEST PIPE SIZE 2" PER PLANS. NO FIRE PUMP. SEE B795730 FOR UNMANNED SHELTER. ISSUED ZONING REGULATIONS, THE FOLLOWING PROVISIONS APPLY TO THIS DEVELOPMENT:

ELDERLY HOUSING FACILITIES SHALL BE PERMITTED IN ANY STORY OF A BUILDING. •2.*NO APARTMENT WINDOW FACING A PROPERTY LINE OTHER THAN A STREET LINE SHALL BE CLOSER THAN 25 FEET THERETO. THE MINIMUM DISTANCE BETWEEN THE CENTERS CASE NO. B948119: ADDING 4 SPRINKLER HEADS TO PROACTION SPRINKLER SYSTEM.1 1/2" LARGEST

OF FACING WINDOWS OF DIFFERENT APARTMENTS ON THE SAME LOT SHALL BE 50 PIPE SIZE NO FIRE PUMP. SEE B947391 FOR BUILDING PERMIT ISSUED 2018/06/29

•3. THE SPECIFIC NUMBER OF DWELLING OR DENSITY UNITS, AS SUCH, SHALL NOT BE DIRECTLY LIMITED.

•4. *THE MINIMUM PERMITTED AMENITY OPEN SPACE RATIO SHALL BE 0.2.

25 FEET TO A PROPERTY LINE *A VARIANCE FROM SECTION 235A.4 IS REQUESTED FOR AMENITY OPEN SPACE RATIO LESS

AMENITY OPEN SPACE RATIO: MINIMUM REQUIRED = 0.2

LINE OF STREET

(AMENITY OPEN SPACE ON LOT DIVIDED BY ADJUSTED GROSS FLOOR AREA OF BUILDINGS ON OF SEAISSUED 2019/02/28 *PROVIDED = 0.13 (88,001 SF / 651,199 SF)

REQUIRED: 2,027 SPACES (PEAK PARKING REQUIREMENT PER SHARED PARKING CALCULATION - SEE CHART) PROVIDED: 2,066 SPACES 1,174 SURFACE SPACES

491 GARAGE SPACES (PROP. RESIDENTIAL BUILDING) 245 GARAGE SPACES (PROP. GARAGE BUILDING) 156 GARAGE SPACES (EXISTING OFFICE PODIUM)

THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

THERE ARE NO WETLANDS LOCATED ON SITE.

THERE ARE NO KNOWN STREAMS, SEEPS, PONDS, OR OTHER WATER BODIES ON SITE THERE ARE NO KNOWN HISTORIC STRUCTURES OR AREAS OF ARCHEOLOGICAL SIGNIFICANCE **SUBDIVISION ZONING TABLE:**

13. THERE ARE NO KNOWN ENDANGERED OR PROTECTED SPECIES OR HABITATS ON SITE

14. THERE IS NO FORESTED AREA ON SITE.

THE PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

THERE ARE NO KNOWN WELLS OR SEPTIC SYSTEMS ON SITE; THERE ARE NO KNOWN UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON SITE.

17. THE SITE IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES MAP AREAS.

COMMERCIAL PERMIT HISTORY

WALL BUILDING II ISSUED 2010/01/29

CASE NO. B882522: CONSTRUCT 1-STY RESTAURANT. 91'10"X87'10"X27'6"=7268SF. ISSUED 2015/12/11 CASE NO. B903260: INSTALL NEW (136) SPRINKLER HEADS WET TYPE SPRINKLER SYSTEM FOR NEW RESTAURANT AND ANTIFREEZE SYSTEM FOR CUPOLA TOWERS. LARGEST PIPE SIZE 4". ISSUED

CASE NO. B904395: INSTALL FIRE LINE APPROX. 140' OF 6" PIPE TO INCLUDE STUB IN. REFER TO B882522ISSUED 2016/02/24

CASE NO. B956141: ADD 3 SPRINKLERS, RELOCATE 6 SPRINKLERS, LARGEST PIPE SIZE 1". NO FIRE PUMP. PLANS WAIVED: JB REFER TO B954105 FOR ALTS ISSUED 2019/02/12

CASE NO. B732511: INSTALL ONE S/F ILLUM ENTERPRISE WALL SIGN 2.5'X 15"=37.5SF ON 107LF FRT WALL BUILDING ISSUED 2010/01/29

CASE NO B732310: INT ALT TO INCLUDE: DEMO/CONST OF METAL STUD DRYWALL PARTITIONS CEILING GRID/TILE. HVAC REWORK, FINISHES, 4.310SF SEPARATE PERMIT IS REQUIRED FOR ANY ADDITIONAL WORK, SEALED PLANS TO BE ON SITE: SLW ISSUED 2010/01/26

CASE NO. B732563: INSTALL ONE S/F ILLUM ENTERPRISE WALL SIGN 2.5'X 15"=37.5SF ON 107LF FRT

CASE NO. B741861: INT ALTS TO CLOSE UP PRIVATE STAIRS (2) OPENING W/STEEL AND CONCRETE FOR 840SF AND FINISHES. ALL WORK PER PLANS. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. SEALED PLAN ON SITE. WAIVE PLANS-ALB ISSUED 2010/06/25

CASE NO. B785571: INTERIOR ALTERATIONS TO INCLUDE DEMOLITION & CONSTRUCTION OF DRYWALL PARTITIONS WITH METAL STUDS, CEILING GRID & TILES, HVAC REWORK, FINISHES& FIXTURES.6500SF.SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK.SEALED CONST PLAN ON SITE CONST PLAN WAIV ISSUED 2012/04/13

THE PROPOSED BUILDINGS WILL BE LOCATED ON PROPOSED PARCEL V (WHICH IS A PORTION CASE NO. B844106: INT ALTS TO INCLUDE: DEMO & CONST OF DRYWALL MTL STUD PARTITIONS. OF PARCEL 413). FOR APPLICABLE ZONING REQUIREMENTS, THE PROPOSED SITE AREA OF CEILING TILE/GRID, HVAC REWORK, FIXTURES & FINISHES. 2640SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL PERMITS. OK TO WAIVE PLANS:ALB. KEEP SET OF SEALED PLANSON SITE ISSUED 2014/05/01

CASE NO. B956910: INT ALTS TO INCLUDE: DEMO & CONST METAL STUD & DRYWALL PARTITIONS. PROPOSED: EXISTING COMMERCIAL USES TO REMAIN; PROPOSED MULTI-FAMILY RESIDENTIAL CEILING GRID &TILE. HVAC. COUNTER/SINK, FIXTURES & FINISHES PER PLANS 5576SF, SEPARATE PERMIT REQUIRED FOR ANY ADD'I WORK KEEP SEALED CONSTRUCTION PLANSON SITE WAIVE PLANS: ALB ISSUED 2019/03/12

> CASE NO. B949659: ADD 9 & RELOCATE 80 SPRINKLER HEADS, LARGEST PIPE SIZE 1" PER PLANSISSUED 2018/07/03

CASE NO. B947391: INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS. CEILING GRID & TILE HVAC, FIXTURES & FINISHES PER PLANS 9003SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK WAIVE DATA SHEETS: ALB. ISSUED 2018/05/17

CASE NO. B956457: RELOCATE (30) SPRINKLER HEADS AND ADD (4) SPRINKLERS. LARGEST PIPE SIZE 1". LIGHT HAZARD. REFER TO B955488 ISSUED 2019/03/12 CASE NO. B738456: INT ALTS TO INCLUDE DEMO & CONSTRUCTION OF DRYWALL PARTITIONS W/MTL STUDS, CEILING GRID AND TILES, HVAC REWORK AND FINISHES FOR 1830SF. SEPARATE PERMIT

REQ'D FOR ANY ADD'L WORK. SEALED PLANS ON SITE, OK TO WAIVE PLANS -YAP ISSUED 2010/05/06 CASE NO. B860855: INSTALL NOVEL 1230 CLEAN AGENT FIRE SUPPRESSION SYSTEM WITH TWO (2)

NOZZLES, LARGEST PIPE SIZE 1-1/2" PER PLANS; IN AN EXISTING COMPUTER SERVER ROOM. ISSUED

CASE NO. B931425: REMOVE 16 ANTENNAS AND INSTALL 16 NEW ANTENNAS ON ROOFTOP.NO ALTS TO GROUND EQUIPMENT NO CHANGE IN HEIGHT/LOCATION. SEALED PLANS T/B ON SITE.OK TO WAIVE PLANS-YAPISSUED 2017/01/26

CASE NO. B950552: INT ALTS TO INCLUDE: DEMO & CONST METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE.COUNTERW/SINK, HVAC DUCT WORK, FIXTURES & FINISHES PER PLANS 2953SF PROVIDED HEIGHT SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SEALED CONSTRUCTION PLANSON SITE; OK TO ISSUED 2018/07/31

> CASE NO. B788907: INSTALL ONE F/S D/F MONUMENT SIGN (C) AT SCHILLING CIR ENTRANCE 3.09'X10.5'X6H=32.5SF ISSUED 2012/05/25

CASE NO. B949992: INT ALTS TO: DEMO AND CONST MTL STUD DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC REWORK AND FINISHES.1,282SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK.S.P.O.S:ALBISSUED 2018/07/13

CASE NO. B327891: COC FROM BUSINESS TO DAYCARE.INT ALTS TO DEMO PARTITIONS & CEILING.INSTALL PARTITIONS, CEILING.DOORS & FINISHES.SEPARATE PERMIT REQUIRED FOR ANY OTHER ADDITIONAL WORK, 5844SF, ISSUED 1998/01/20

CASE NO. B808607: (1) ILLUM FREESTANDING SIGN 10.667'X17'=181.3SF HEIGHT = 10.6667' ISSUED

CASE NO. B732564: INSTALL ONE S/F ILLUM ENTERPRISE WALL SIGN 2.5'X 15"=37.5SF ON 107LF FRT WALL BUILDING III ISSUED 2010/01/29

CASE NO. B732565: INSTALL ONE S/F ILLUM ENTERPRISE WALL SIGN 2.5'X 15"=37.5SF ON 107LF FRT WALL BUILDING IV ISSUED 2010/01/29 CASE NO. B806462: INSTALL DRY SPRINKLER SYSTEM WITH 2 STANDPIPES & 2 SPRINKLER HEADS

•1. APARTMENTS SHALL BE PERMITTED, BUT ONLY ABOVE THE FIRST STORY OF A BUILDING, CASE NO. B929332: INT ALTS FOR NEW TENANT TO INCLUDE: CONST MTL STUD/DRYWALL PARTITIONS, SALON STATIONS, EXHAUST FAN, MILLWORK, FINISHES & FIXTURES PER PLANS. 2562SF. SEPARATE

PERMIT REQ'D FOR ANY ADD'L WORK. SEALED PLANS ON SITE, WAIVE PLANS ISSUED 2017/02/03

CASE NO. B955900: RELOCATE 35 & ADD 1 SPRINKLER HEADS, LARGEST PIPE SIZE 1" PER PLANS. SEE B955626 FOR INT ALTS.ISSUED 2019/02/05

CASE NO. B309972: INSTALL 3 POLE MOUNTED ANTENNAS,6 SKID MOUNTED ANTENNAS & 2 EQUIPMENT CABINETS ON ROOF OF EX BLDG. ISSUED 1997/02/17

* A VARIANCE FROM SECTION 235A.2 IS REQUESTED FOR APARTMENT WINDOWS CLOSER THAN CASE NO. B815091: INT ALTS TO INCLUDE DEMO & CONST DRYWALL/MTL STUD PARTITIONS, CEILING TILE/GRID. HVAC REWORKFIXTURES AND FINISHES. 6540SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. SEALED PLANS ON SITE, OK TO WAIVE PLANS-ALBISSUED 2013/05/01

> CASE NO. B956543: INT ALT TO RECONFIGURE OFFICE LAYOUT TO INCLUDEDEMO & CONST MTL STUD/DRYWALL PARTITIONS, INTERIOR DOORS, ENCLOSE BREAKROOM, FINISHES & FIXTURES PER PLANS. 4600SF. SEPARATE PERMIT REQD FOR ANY ADDL WORK. OK TO WAIVE PLANS: ALB KEEP SET

CASE NO. B949793: INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, FIXTURES & FINISHES PER PLANS 7130SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. KEEP SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS: SLW ISSUED 2018/11/26

CASE NO. B945845: INT ALTS TO INCLUDE: DEMO & CONST METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, ADA RESTROOM, HVAC DUCT WORK, FIXTURES & FINISHES PER PLANS 2886SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SEALED CONSTRUCTION PLANSON SITE; OK TO ISSUED 2018/03/29

CASE NO. B739185: INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC REWORK & FINISHES PER PLANS 7906SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. WAIVE PLANS: SLWISSUED 2010/05/14

CASE NO. B732309: INT ALT TO INCLUDE: DEMO/CONST OF METAL STUD DRYWALL PARTITIONS, CEILING GRID/TILE, HVAC REWORK, FINISHES. 2,879SF SEPARATE PERMIT IS REQUIRED FOR ANY ADDITIONAL WORK. SEALED PLANS TO BE ON SITE;SLW ISSUED 2010/01/26

PROPOSED SIT

AREA (SF)

182,576

63,048

(EX. TO REMAIN)

296.477

(EX. TO REMAIN

215,814

CASE NO. B810985: (1) ILLUM WALL SIGN 9.6458'X2.6667'=25.72SF FRONT WALL = 18LF ISSUED 2013/03/14

CASE NO. B420156: REPLACE EXISTING ROOFTOP EQUIPMENT CABINET & ALTER ROOF FRAMING TO SUPPORT NEW CABINET, SEALED PLAN ON SITE FOR INSPECTOR, 150SF, SEP PERMIT REQ'D FOR ANY ADD'L WORK, PLANS WAIVED-ALB, ISSUED 2000/06/27 CASE NO. B680567: ISSUED 2007/10/30

CASE NO. B788908: UNMANNED EQUIPMENT INSTALL 2 NEW CABINETS INSIDE EX BLDG INSTALL 5 ANTENNAS TO PENTHOUSE FACADE, ISSUED 2012/05/25

CASE NO: B890951: (2) ILLUM WALL SIGNS 1 @ 5'X 29.33'= 146.6 SF 1 @ 3.25'X 5.58'= 18.14 SF ISSUED

CASE NO. B788908: REPERMIT ONE D/F F/S MONUNENT SIGN @MCCORNICK ENTRANCE 5.5'X 13.5'X12'H=74.25SF ISSUED 2018/07/18

CASE NO. B950157: INTERIOR ALTERATIONS TO INCLUDE: DEMO AND INSTALL DRYWALL METAL STUD PARTITIONS, CEILING TILE/GRID, HVAC REWORK AND FINISHES, 2418SF SEPARATE PERMIT REQ'D FOR ANY ADD'I WORK S.P.O.S.-ALB ISSUED 2018/07/18

REQUIRED:LWS. SEE B900100 FOR OFFICE W/INT ALTS.ISSUED 20160218 CASE NO. B897094: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/ DRYWALL PARTITIONS. CEILING TILE/GRID, HVAC REWORK, FIXTURES & FINISHES. 3453SF. SEPARATE PERMIT REQUIRED FOR ANY

CASE NO. B904211: RELOCATE 8 SPRINKLER HEADS, LARGEST PIPE SIZE 1", LIGHT HAZARD, NO PLANS

ADD'L WORK. KEEP SET OFSIGNED & SEALED DWG'S ON SITE, WAIVE PLANS-SLW ISSUED 20151130 CASE NO. B865346: INT ALTS TO DEMO & CONST MTL STUD/DRYWALL PARTNCEILING TILE/GRID, REWORK HVAC, FIXTURES AND FINISHES. 4423SF. SEPARATE PERMIT REQD FOR ANY ADDL WORK. OK TO WAIVE PLANS:ALB. KEEP SET OF SEALED PLANS ON SITE.ISSUED 20141209

CASE NO. B897089: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/ DRYWALL PARTITIONS. CEILING TILE/GRID. HVAC REWORK. FIXTURES & FINISHES, 469SF, SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SET OFSIGNED & SEALED DWG'S ON SITE, WAIVE PLANS-SLW ISSUED 2015/11/30

CASE NO. B900100: INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL

PARTITIONS, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 9397SF.

FOR ANY ADDL WORK. OK TO WAIVE PLANS:SLW. KEEP PLANS ON SITE. ISSUED 2019/08/27

SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. WAIVE DATA SHEETS:ALB.ISSUED 2016/01/21 CASE NO. B963258: INT ALTS TO DEMO & CONST MTL STUD/DRYWALL PARTITIONS. CEILING TILE/GRID, HVAC/DUCT WK, INSTALL DOORS, FINISHES & FIXTURES 3047SF SEPARATE PERMIT REQD

CASE NO. B948272INTERIOR ALTERATIONS TO INCLUDE: DEMO AND CONSTRUCT METAL STUD AND DRYWALL PARTITIONS HVAC RE-WORK FINISHES AND FIXTURES PER PLANS 3065SE SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, S.P.O.S ALB 2018/05/29

CASE NO. B967502: RELOCATE SEVEN (7) & ADD ONE (1) SPRINKLER HEADS, LARGEST PIPE SIZE 1". NO PLANS REQUIRED PER DMC. REFER TO B967035 FOR INTERIOR ALTERATIONS, ISSUED 2020/02/05 CASE NO. B841878: INTERIOR ALTS TO INCLUDE: DEMO AND CONST MTL STUD/DRYWALL PARTITIONS ADA RESTRM, SINK IN BREAK RM, CEILING TILE/ GRID AS NEEDED, HVAC AS NEEDED AND FIXTURES

ISSUED 2014/04/11 CASE NO. B850857: INT ALTS TO INCLUDE: DEMO & CONST DRYWALL/MTL STUD PARTITIONS, CEILING GRID/TILE, HVAC RE- WORK, FIXTURES & FINISHES. 1252SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L

AND FINISHES PER PLANS 4300SF, ALL OTHER WORK REQUIRES A SEPARATE PERMIT. SPOS W

CASE NO. B963705: RELOCATE 15 SPRINKLERS, LARGEST PIPE SIZE 1" LIGHT HAZARD. REFER TO

CASE NO. B788910: INSTALL ONE S/F F/S MONUNENT SIGN @MCCORNICK & SCHILLING RD 4'X12.91'X8H=51.7SF SIGN (B)ISSUED 2012/05/25

WORK. SEALED PLANS ON SITE, WAIVE PLANS-ALB ISSUED 20140709

B963258 FOR ALTS ISSUED 20190918

WAIVED: YA ISSUED 2016/08/08

CASE NO. B900410: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/ DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC REWORK, ADA RESTROOM, FIXTURES AND FINISHES, 480SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORKSEALED PLANS ON SITE, WAIVE PLANS-ALB ISSUED 20160105

CASE NO. B923499: INTERIOR ALTERATIONS TO INCLUDE: DEMO AND CONSTMETAL STUD/DRYWALL PARTITIONS CEILING TILE ANDGRID HVAC REWORK FINISHES AND FIXTURES PER PLANS 2448SE SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. SEALED CONST PLAN ON SITE, CONST PLAN

CASE NO. B959240: INTERIOR ALTERATIONS TO INCLUDE: DEMO & CONST METAL STUD AND DRYWALL PARTITIONS CEILING TILE& GRID FINISHES AND FIXTURE PER PLANS 2141SE SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. KEEP SET OF SEALED & SIGNED PLANS ON SITE, PLAN WAIVED:

CASE NO. B744579 INTERIOR ALTS TO INCLUDE DEMO & CONSTRUCT DRYWALL METAL STUD PARTITIONS, CEILING TILE/ GRID, HVAC REWORK AND FINISHES. 1444SF. SEPARATE PERMIT REQ FOR

CASE NO. B949994: INT ALTS TO:DEMO AND CONST MTL STUD DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC REWORK AND FINISHES.775SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK S.P.O.S:ALB ISSUED 2018/07/13

CASE NO. B772692: INT ALTS TO INCLUDE DEMO & CONST DRYWALL PARTITIONS W/MTL STUDS CEILING GRID/TILES. HVAC REWORK FIXTURES AND FINISHES, 2457SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. SEALED PLAN ON SITE, WAIVE PLANS-ALBISSUED 2011/10/07 CASE NO. B845525: (1) ILLUM SIGN S/F SIGN 2.5'X12'=30SF ON 21.5LF BLDG FRONT ISSUED 2014/05/15

CASE NO. B932606: INSTALL (2) ILLUM WALL SIGNS - 3.5' X 3.5' = 12.25SF EACH ISSUED 2017/03/06 CASE NO. B962207: ADD 7 & RELOCATE 53 SPRINKLER HEADS, LARGEST PIPE SIZE 1" PER PLANS. SEE B961489 FOR INT ALTS. ISSUED: 2019/08/08 CASE NO. B771186 INTERIOR ALTERATIONS TO INCLUDE DEMO & CONST. OF DRYWALL, PARTITION W MTL STUDS, CEILING GRIDAND TILES, HVAC REWORK AND FINISHES FOR 4.575SFSEPARATE PERMIT REQD FOR ANY ADDL WORK, SEALED PLAN ON SITE, WAIVED PLANS PER ALB, ISSUED: 2011/09/15 CASE NO. B952473 ADD (8) SPRINKLER HEADS. RELOCATE (32) HEADS. CHANGE (45) TO NEW HEADS/PLATE

SAME. LIGHT HAZARD. LARGEST PIPE SIZE 1 1/2". ISSUED: 2018/10/03 CASE NO. B894495 ISSUED: INT ALTS TO INCLUDE: DEMO AND CONST MTL STUD/ DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC REWORK, FIXTURES & FINISHES. 1506SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. WAIVE PLANS-SLW ISSUED: 20151030

CASE NO. B969010 RELOCATE 8 SPRINKLER HEADS, LARGEST PIPE SIZE IS 1". NO FIRE PUMP. NO PLANS REQ'D: DMC ISSUED: 2020/03/30

CASE NO. B872807 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, ADA COMPLIANT RESTRMCEILING GRID & TILE. HVAC REWORK, FIXTURES & FINISHES PER PLANS 1111SF. SEPARATE PERMIT REQUREQUIRED FOR ANY ADDITIONAL WORK. WAIVE PLANS PER JB. ISSUED: 2015/03/24 CASE NO. INT ALTS TO INCLUDE: DEMO/CONST OF MTL STUD/DRY WALL PARTITIONS, HVAC REWORK, CELING TILE/GRID, COUNTER W/SINK, FIXTURES & FINISHES.1771SF SEP PERMIT REQ'D FOR ANY ADD'L WORK S.P.O.S.-ALB ISSUED: 2018/04/26

CASE NO. B968520 INTERIOR ALTERATIONS TO INCLUDE: DEMO AND CONSTMETAL STUD AND DRYWALL PARTITIONS, CEILING TILEAND GRID, HVAC REWORK, FINISHES AND FIXTURES PER PLANS 2260SF, SEPARATE PERMIT REQ'D FOR ANYADD'L WORK. KEEP SET OF SIGNED SEALED PLANS ON SITE. PLAN WAIV ISSUED:

CASE NO. B872810 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, EMPLOYEE BREAK RM CEILING GRID & TILE, HVAC REWORK, FIXTURES & FINISHES PER PLANS 1509SF SEPARATE PERMIT REQUREQUIRED FOR ANY ADDITIONAL WORK. WAIVE PLANS PER JB. 20% CON ISSUED:

CASE NO. B877192 INT ALTS TO INCLUDE: DEMO AND CONSTRUCTION OF DRYWALL PARTITIONS WITH METAL STUDS, CEILING GRID AND TILE, HVAC REWORK AND FINISHES FOR 6.523SF ALL OTHER WORK REQUIRES A SEPERATE PERMIT. NEW ADA RESTROOM. KEEP SEALED PLANS ON SITE, OK TO ISSUED: CASE NO. B889487 ISSUED: STORM WATER MANAGEMENT, 0.87AC DISTURBED AREA. PERMIT EXPIRES TWO

AMENITY OPEN

SPACE (SF)

27,201

N/A

88,001

YEARS FROM DATE OF ISSUE

ENTRANCE ISSUED: 20120525

ISSUED: 2021/06/29

N/C IN HEIGHT.ISSUED: 2011/03/04

CASE NO. B949720 ISSUED: INT ALTS TO INCLUDE DEMO/CONST MTLSTUD/DRYWALL PATITIONS CEILING TILE/GRID.HVAC REWORK.ADA RESTROOMS.FIXTURES & FINISHES. SEP PERMIT REQD FOR ANY ADDITIONAL WORK.10,590SF PLANS WAIVED-JB,1SET OF SEALED PLANS TO BE KEPTON SITE

CASE NO. B788912 FRECT ONE E/S S/F MONUMENT SIGN3 09'X 10 5'X6H = 32 5SF SIGN (D) @ SHAWAN RD

CASE NO. B829175 INT ALTS INCLUDE:DEMO & CONSTRUCT DRYWAL METAL PARTITIONS, CEILING GRID/TILE, HVAC, FINISHES, 3702SF, SEPARATE PERMIT REO'D FOR ANY ADD'L WORK, KEEP SET OF SEALED & SIGNED CONSTRUCTION PLANS ON SITE PER SLW-OK TO WAIVE PLANS PER SLW.ISSUED: 2013/10/16 CASE NO. B844144 ERECT ONE 40'X60' RIGID FRAME TEMPORARY TENT IN PARKING LOT OF HOTEL. SECURED W/ CONCRETE BLOCKS (540LBS EA). FOR SEMINARS 5/7-5/9/14. RESTROOMS IN ADJACENT HOTEL. NO FOOD OR DRINK CERTIFICATE OF FLAME RETARDATION ATTACHED, FIREMARSHAL INSPECT ISSUED: 2014/05/05 CASE NO. B900102 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 961SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK, KEEP SEALED CONSTRUCTION PLANS ON SITE, WAIVE PLANS:ALB ISSUED: 20151230 CASE NO. B900102 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 961SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS: ALB ISSUED: 2015/12/30 CASE NO. B811229 ISSUED: INT ALTS TO INCLUDE: DEMO& CONSTRUCT METAL STUD&DRYWALL PARTITIONS, CEILING GRID & TILE, INSTALLDOORS, FIXTURES& FINISHES2168SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK.KEEP SIGNED &SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS: SL

ISSUED: 2013/03/19 CASE NO. B959508 PLUG TWO SPRINKLERS. LARGEST PIPE SIZE 1" NO PLANS REQ ISSUED: 20190516 CASE NO. 20190910 RELOCATE 8 SPRINKLERS, LARGEST PIPE SIZE 1" LIGHT HAZARD. NO FIRE PUMP, NO PLANS REQ'D:DMC REFER TO B963257 FOR ALTS ISSUED: 2019/09/10

CASE NO. B975403 ISSUED: INT ALTS TO INCLUDE DEMO & INSTALL OF METAL STUD DRYWALL PARTITIONS, DRYWALL CEILING, FIXTURES AND FINISHES. SEPARATE PERMIT REQ'D FOR ADD'L WORK. 1,333SF. S.P.O.S. PER ALB. ISSUED: 2020/10/07

CASE NO. B921266 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, FIXTURES & FINISHES PER PLANS 590SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK, KEEP SEALED CONSTRUCTION PLANS ON SITE, WAIVE PLANS:ALB ISSUED: 2016/07/18 CASE NO. B925555 ISSUED: INTERIOR ALTERATIONS INCLUDES: DEMO AND CONSTRUCT DRYWALL METAL STUD PARTITIONS, CEILING TILE/GRID, HVAC REWORK AND FINISHES. 2677SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, KEEP SET OF SEALED & SIGNED CONSTRUCTION PLS ON SITE-OK

CASE NO. B984828 ISSUED: RELOCATION OF FM-200 CYLINDER TO NEW LOCATION.PROVIDE NEW PANEL. DETECTION, AND NOTIFICATION APPLIANCES, 1" NOZZLE ISSUED: 2021/07/27 CASE NO. B982880 INT ALTS TO INCLUDE DEMO AND CONSTRUCT DRYWALL PARTITIONS.MTL-STUDS.HVAC AND DUCT WORK MILLWK BREAK RM FINISHES SEPARATE PERMIT REQUIRED FOR ADDITIONAL WORK 2.132SF

CASE NO. B752290 INT ALTS TO INCLUDE: DEMO & CONSTRUCTION OF DRYWALL PARTITIONS W/MTL STUDS, CFILING TILE & GRID, HVAC REWORK AND FINISHES FOR 2830SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK CONSTPLANS ON SITE WAIVE PLANS-YAP ISSUED: 2010/12/02

CASE NO. B776475 INTERIOR ALTERATION TO INCLUDE DEMOLITION & CONSTRUCTION OF DRYWALL PARTITIONS MTL STUDS CEILING TILE/GRID, HVAC & FINISHES. SEPARATE PERMIT REQD FOR ANY ADDL WORK, OVERALL 8,352SF SEALED PLANS ON SITE PER YAP.ISSUED: 2011/11/30

CASE NO. B960167 ADD & RELOCATE 13 SPRINKLER HEADS IN OFFICE SPACE PER NFPA13, LARGEST PIPE SIZE -1", LIGHT HAZARD OCCUPANCY. SEE B959240 FOR INT ALT ISSUED: 2019/06/13 CASE NO. B949057 INSTALL NEW CLEAN AGENT SYSTEM, 1 NOZZLE, LARGEST PIPE SIZE 1-1/2". NO FIRE PUMP.

CASE NO. B978686 RELOCATE 2 SPRINKLERS. REPLACE 6 HEADS TO MATCH EXISTING. LARGEST PIPE SIZE 1". NO FIRE PUMP. SEE B975403 FOR INT ALTS ISSUED: 2021/01/26 CASE NO. B967339 INT ALTS TO INCLUDE: DEMO/CONST MTL STUD/DRYWALLPARTITIONS, BULKHEAD, REPLACE CEILING TILE. FIXTURES+FINISHES PER PLANS. 1243SF.SEP PERMIT REQD FOR ANY ADDL WORK.SEALED

ALSO FOR PRE-ACTION SPRINKLER B948119, ISSUED: 6/17/2018

PLANS TO REMAIN ON SITE-ALB ISSUED: 2020/01/29 CASE NO. B965192 ADD 3 SPRINKLER HEADS, RELOCATE 22 SPRINKLER HEADS, LARGEST PIPE SIZE 1", LIGHT HAZARD REFER TO B964750 FOR INT ALTS EX OFFICE ISSUED: 2019/11/07

CASE NO. B951326 RELOCATE (2) AND LOWER (1) SPRINKLER. LARGEST PIPE SIZE 1". LIGHT HAZARD. REFER TO B950332. NO PLANS REQUIRED. ISSUED: 2018/08/21 CASE NO. B951325 ADD AND RELOCATE (14) SPRINKLER HEADS. LARGEST PIPE SIZE 1". LIGHT HAZARD. REFER

TO B950552. ISSUED: 2018/08/21 CASE NO. B900099 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE.HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 802SF, SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS:ALB ISSUED: 2015/12/30 CASE NO. B977247 ADD 2 SPRINKLERS. LARGEST PIPE SIZE 1" NO PLANS REQUIRED PER DMC ISSUED: CASE NO. B986532 ADD (2) SPRINKLERS, RELOCATE (6) SPRINKLERS. NO FIRE PUMP, LIGHT HAZARD, LARGEST

PIPE SIZE 1". ISSUED: 2021/08/26 CASE NO. B918732 ADD 1 SPRINKLER HEAD, RELOCATE 8 HEADS, LARGEST PIPE SIZE 1". NO PLANS REQUIRED: LWS REFER TO B913261 FOR INT ALTS ISSUED: B918732 CASE NO. B977967 RELOCATE 4 AND ADD 3 SPRINKLERS. LARGEST PIPE SIZE 1". NO FIRE PUMP NO PLANS

REQUIRED PER DMC ISSUED: 2020/12/22 CASE NO. B723653 INT.ALT.TO INCLUDE DEMOLITION & CONST.OF DRY- WALL PARTITIONS WITH METAL STUDS, CEILING GRID &TILES, HVAC REWORK AND FINISHES-2465SF; SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. SEALED PLAN ON SITE, PLANS WAIVED-ALB. RE-ISSUED TO AD ISSUED: 2009/08/26 CASE NO. B756354 INSTALL 8 TOTAL ANTENNAS AND 1 EQUIPMENT CABINET WITH PLATFORM ON EX.ROO SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK.OWNER AFFIDVIT ATTACHED.DATA SHEETS WAIVED-ALB.

CASE NO. B745804 INTERIOR ALTS TO INCLUDE: DEMO & CONSTRUCT METALSTUD DRYWALL PARTITIONS, CEILING GRID/TILE, HVAC REWORK AND FINISHES. 2468SF SEPARATE PERMIT REQ'D FOR ANY ADDL WORK. SEALED PLANS ON SITE PER ALB-WAIVE PLANS. ISSUED: 2010/08/23

CASE NO. B778490 INSTALL (1) ILLUM WALL SIGN. 2.5' X 9' = 22.5SF. 60LF STOREFRONT ISSUED: 2012/01/04 CASE NO. B960168 ADD & RELOCATE 15 SPRINKLER HEADS IN OFFICE SPACE PER NFPA13, LARGEST PIPE SIZE 1", LIGHT HAZARD OCCUPANCY. SEE B959241 FOR INT ALT ISSUED: 20190613

CASE NO. B961488 INT ALTS TO INCLUDE: DEMO AND REPLACE FINISHES, REMODEL EX ADA RESTROOM, CEILING TILE & GRID, FINISHES AND FIXTURES PER PLANS 321SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. KEEP SET OF SEALED & SIGNED PLANS ON SITE, OK TO WAIVE PLANS: ISSUED: 20190709 CASE NO. B944084 INT ALTS TO INCLUDE DEMO & CONST OF MTL STUD/ DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC, FIXTURES & FINISHES PER PLANS.SEP PERMIT REQ'D FOR ANY ADD'L WORK. 2255SF DATA SHEETS WAIVE-SLW ISSUED: 2018/03/26

CASE NO. B950332 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, FIXTURES & FINISHES PER PLANS 921SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. KEEP SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS: ALB ISSUED: 20180724 CASE NO. R954105 INT ALTS TO EX OFFICE TO INCLUDE: DEMO/CONST MTI STUD/DRYWALL PARTITIONS NEW CEILING TILE.INT DOORS.(2)EMPLOYEE BREAKRMS W/SINKS.+ FINISHES. SEP PERMIT REQD FOR ANY ADL WORK.STE 500=5116SFSTE 600=6310SF.OVERALL-11,426SF.PLANS WAIVED- KEEP 1SET OF SI ISSUED: 2018/11/21

CASE NO. B955786 ISSUED: INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, FIXTURES & FINISHES PER PLANS 810SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK, KEEP SEALED CONSTRUCTION PLANS ON SITE, WAIVE PLANS:YAP ISSUED: 2019/01/28 CASE NO. B964748 ISSUED: INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS CEILING GRID & TILE HVAC, FIXTURES & FINISHES PER PLANS 3107SF SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. KEEP SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS:ALB ISSUED: 2019/10/15 CASE NO. B957658 RELOCATE 27 SPRINKLER HEADS, LARGEST PIPE SIZE 1" PER PLANS. SEE B956910 FOR INT ALTS. ISSUED: 2019/04/08

ISSUED: 2021/07/06 CASE NO. B735341 INTERIOR ALTERATIONS TO INCLUDE: DEMO & CONST OF DRYWALL PARTITIONS WITH METAL STUDS, CEILING GRID & TILES, HVAC REWORK & FINISHES.4512SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK.SEALED CONST PLAN ON SITE PER YAP ISSUED: 2010/0325

CASE NO. B984381 ADD 2 SPRINKLERS. NO FIRE PUMP LARGEST PIPE SIZE 1". NO PLANS REQUIRED PER DMC

CASE NO. B765967 INTERIOR ALTERATIONS INCLUDES: DEMO & CONSTRUCT DRYWALL METAL PARTITIONS CEILING TILE/GRID, HVAC, REWORK AND FINISHES. 2448SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK KEEP SET OF SEALED & SIGNED CONSTRUCTION PLS ON SITE-OK TO WAIVE PLANSISSUED: 2011/07/01 CASE NO. B795730 ISSUED: INSTALL 16 ANTENNAS ON EXISTING ROOFTOP & CONSTAN UNMANNED SHELTER ON ROOFTOP AND REPLACE STAND BY GENERATOR ON GRADE WITH NEW GENERATOR AS PER PLANS AS PER

CASE NO. B963257 INT ALTS TO DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, MODIFY

BUILDING HEIGHT (FT)

EX. TO REMAIN

(ALL OTHER SIDES EX. TO REMAIN)

EX. TO REMAIN

EX. TO REMAIN

SEE "SITE NOTES", NOTE 5

PERMITTED

135' / 505'

(SETBACK * 5:1)

PROVIDED

129' +/- (EX. TO REMAIN)

SETBACKS (FT)

EX. TO REMAIN

EX. TO REMAIN

EX. TO REMAIN

SEE "SITE NOTES", NOTE 5

REQUIRED

15' / 0' / 0' / 0'

PROVIDED

27' / 102' / (ALL

OTHER SIDES EX. TO

AMENITY OPEN SPACE RATIO

REQUIRED

PROVIDED

0.14

0.13

TOTAL 2,102

** calculations based on data from Texas Roadhouse Development Plan, dated 9/10/2015

DEVELOPER APPLICANT	MARYLAND COORDINATE
HILL MANAGEMENT SERVICES, INC.	SYSTEM (MCS)
9640 DEERCO ROAD TIMONIUM MD 21093 PHONE: (410) 666-1000 CONTACT: PAUL GIULIO	<u>OWNER</u>
PREPARER OF PLAN	EXECUTIVE PLAZA, LLC 216 SCHILLING CIRCLE, SUITE 300
BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204 PHONE: 410-821-7900 EMAIL: AHERTZMARK@BOHLERENG.COM	HUNT VALLEY MD 21031

HVAC, COUNTER W/SINK, FINISHES & FIXTURES 1283SF SEPARATE PERMIT REQD FOR ANY ADDL WORK. OK TO WAIVE PLANS: SLW. KEEP PLANS ON SITE. ISSUED: 2019/08/27

CASE NO. B961489 INT ALTS TO INCLUDE: DEMO FINISHES, REMODEL EX RESTRMS, CONST METAL STUD & DRYWALL PARTITIONS, CEILING TILE & GRID, BREAK RM SINK, DOORS, FINISHES/FIXTURES PER PN 6350SF.SEPARATE PERMITREQ'D FOR ANY ADD'L WORK. KEEP SET OF SEALED & SIGNED PLANS ON ISSUED:

CASE NO. B955819 RELOCATE 6 SPRINKLERS, LARGEST PIPE SIZE 1" LIGHT HAZARD. NO PLANS REQUIRED:

DMC. REFER TO B955337 ISSUED: 20190129 CASE NO. B955626 INTERIOR ALTERATIONS INCLUDE: DEMO & CONSTRUCT DRYWALL METAL STUD PARTITIONS, CEILING TILE/ GRID, REWORK HVAC, FINISHES. 5132SF SEPARATE PERMIT REQ'D FOR ANY ADD'L

WORK. S.P.O.S.-SLW-WAIVE CONSTRUCTION PLANS. ISSUED: 20190123 CASE NO. B964750 INT ALTS TO INCLUDE: DEMO & CONSTRUCT METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, FIXTURES & FINISHES PER PLANS 5036SF SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. KEEP SEALED CONSTRUCTION PLANS ON SITE. WAIVE PLANS: ALB ISSUED: 2019/10/15 CASE NO. B913261 INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/ DRYWALL PARTITIONS. HVAC MODIFICATIONS, FIXTURES & FINISHES, 1152SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, NO ILLEGAL

CASE NO. B975369 INT ALTS TO INCLUDE:MTL STUD/DRYWALL PARTITIONSMILLWORK,NEW SINK,MODIFY HVAC.FIXTURES+FINISHES5.000SF PER PLANS SEPARATE PERMIT REQUIRED FOR ANY ADDL WORK. ISSUED

LOCKS, MUST COMPLY MD ACCESSIBILITY CODE. PLANS WAIVED-JB ISSUED: 2017/09/20

CASE NO. B789650 ISSUED: INT ATLS TO INCLUDE: DEMO AND CONST DRYWALL/ MTL STUD PARTITIONS, CEILING GRID/TILES, HVAC REWORK, FIXTURES & FINISHES, 3680SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, SEALED PLANS ON SITE, WAIVE PLANS-ALB CASE NO. B816595 INT ALT TO INCLUDE: DEMO& CONST MTL STUD/DRYWALLPARTITIONS, CEILING TILE/GRID, HVAC,ADA RESTRMSFINISHES AND FIXTURES PER PLANS. 6171SF. PERMITREQD FOR ANY ADDL WORK. OK TO

WAIVE PLANS; ALB. KEEP SET OF PLANS ON SITE. ISSUED: 2014/02/26 CASE NO. B857356 INSTALL (3) RRH'S AND (3) DISTRIBUTION BOXES TO EXISTING TELECOM SITE. NO CHANGE IN HEIGHT OK TO WAIVE PLANS, KEEP SIGNED SEALED PLAN ON SIDE PER SLW ISSUED: 2014/09/11 CASE NO. B955488 INTERIOR ALTS TO INCLUDE: DEMO AND CONSTRUCT METAL STUD AND DRYWALL PARTITIONS, CEILING TILEAND GRID, HVAC REWORK, COUNTERS WITH SINKS, FINISHES AND FIXTURES PER

PLANS, 3342SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, OK WAIVE PLANS, ISSUED: 2019/01/17 CASE NO. B950901 INSTALL NEW CLEAN AGENT FIRE SYSTEM, LARGEST PIPE SIZE 1", 1 SPRINKLER HEAD TOTAL. NO FIRE PUMP. REFER TO B949793. ISSUED: 2018/08/15 CASE NO. B944363 ISSUED: INT ALTS TO DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID. HVAC REWORK COUNTER TOPS W/SINK ADA RESTRMS FINISHES & FIXTURES PER PLANS 11 701SE

SEPARATE PERMIT REQD FOR ANY ADDL WK. OK TO WAIVE PLANS:SLW KEEP SET OF SEA ISSUED: 2018/02/14 CASE NO. B967756 RELOCATE 12 SPRINKLERS. PIPE SIZE= 1". LIGHT HAZARD. SEE B967339 FOR INT ALTS. ISSUED: 2020/02/25

CASE NO. B965191 ISSUED: ADD 4 SPRINKLER HEADS, RELOCATE 15 SPRINKLER HEADS, LARGEST PIPE SIZE 1", LIGHT HAZARD REFER TO B964748 FOR INT ALTS EX OFFICE CASE NO. B985334 INTERIOR ALTERATIONS INCLUDE: DRYWALL METAL STUD PARTITIONS. CEILING TILE/GRID

HVAC/ DUCT WORK, FIXTURES AND FINISHES. 5441SF SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. SEALED PLAN ISSUED: 2021/07/27 CASE NO. B889069 INT ALTS TO DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC REWORK, FIXTURES & FINISHES. 771SF. SEPARATE PERMIT REQD FOR ANY ADDL WORK. OK TO WAIVE PLANS: SLW KEEP SET OF SEALED PLANS ON SITE ISSUED: 2015/09/09

CASE NO. B887605 INT ALTS TO INCLUDE: DEMO AND CONSTRUCT MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC REWORK AND FINISHES, 814SF, SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, KEEP SET OF SEALED & SIGNED CONST PLANS ON SITE, WAIVE PLAISSUED: 2015/08/21

CASE NO. B759551 INTERIOR ALTERATIONS TO INCLUDE DEMO & CONSTRUCTION OF DRYWALL PARTITIONS, W MTI STUDSCEII ING GRID AND TILES HVAC REWORK, AND FINISHFOR 5,968SF, SEPARATE PERMIT REQD FOR ANY ADDL WORK, OK TO WAIVE PLANS PER SLW. KEEP SET OF PLANS ON SITE ISSUED: 2011/04/11 CASE NO. B788902 INSTALL ONE WALL SIGN ON WEST SIDE OF BUILDG 3.0'X47.24=141.81SF 125LF SIDE WALL

ISSUED: 2012/05/25

CASE NO. B959241 INTERIOR ALTERATIONS TO INCLUDE: DEMO & CONST METAL STUD AND DRYWALL PARTITIONS, CEILING TILE& GRID, FINISHES AND FIXTURE PER PLANS 2141SF SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK, KEEP SET OF SEALED & SIGNED PLANS ON SITE, PLAN WAIVED: SL ISSUED: 2019/05/10 CASE NO. B955337 INTERIOR ALTERATIONS INCLUDE: DEMO AND CONSTRUCTDRYWALL METAL PARTITIONS. CEILING TILE/GRID, REWORK HVAC, COUNTER W/SINK AND FINISHES. 1583SF SEPARTATE PERMIT REQ'D FOR ANY ADD'L WORK. S.P.O.S.-SLW-OK TO WAIVE PLANS. ISSUED: 2019/01/10

CASE NO. B951936 ADD 2 SPRINKLER HEADS AND RELOCATE 22 SPRINKLERHEADS, LARGEST PIPE SIZE 1", LIGHT HAZARD. REFER TO B949793.ISSUED: 2018/09/14 CASE NO. B889486 GRADE 38,008SF DISTRUBED AREA FOR FUTURE RESTAURANT. PERMIT EXPIRES TWO YEARS FROM DATE OF ISSUE, ISSUED: 2015/11/24

PARKING REQUIRED:

REQUIRED PARKING

EXECUTIVE PLAZA Ratio Base Rea Evening Night 7.391 9 2,180 SF 7,273 SF Medical Office Athletic Club 7,060 SF 10.0 Child Care 9 employees 7,500 SF Texas Roadhouse 96 d.u. 191 d.u. 13 d.u 300 d.u. Resi Subtotal 2,027 866 870

calculations based on area tabulations provided by Hill Mgmt 3/8/2022

DEVELOPER APPLICANT HILL MANAGEMENT SERVICES, INC.	MARYLAND COORDINATE SYSTEM (MCS)	
9640 DEERCO ROAD TIMONIUM MD 21093 PHONE: (410) 666-1000 CONTACT: PAUL GIULIO	OWNER	
PREPARER OF PLAN BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204 PHONE: 410-821-7900 EMAIL: AHERTZMARK@BOHLERENG.COM	EXECUTIVE PLAZA, LLC 216 SCHILLING CIRCLE, SUITE 300 HUNT VALLEY MD 21031	

SHARED PARKING CALCULATIONS

REVISIONS COMMENT REV DATE



FOR CONCEPT **PURPOSES ONLY**

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGEN REVIEW AND APPROVAL. <u>IT IS NOT INTENDED AS A CONSTRUC</u> <u>DOCUMENT</u> UNLESS INDICATED OTHERWISE.

DRAWN BY: CHECKED BY: CAD I.D.:

PROJECT: PLAN TO

PROJECT No.:

VARIANCE TEXAS

ACCOMPANY

EXECUTIVE PLAZA

ROADHOUSE AT

EXECUTIVE PLAZA

11350 McCORMICK RD. **HUNT VALLEY MD. 21031** BALTIMORE COUNTY M 42 G 14 P 413, 415 & 419 **COUNCILMANIC DISTRICT 3**

ELECTION DISTRICT 8

901 DULANEY VALLEY ROAD, SUITE 80 **TOWSON, MARYLAND 21204** Phone: (410) 821-7900 Fax: (410) 821-7987 MD@BohlerEng.com

DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSEL TO PERSONAL ENGINEER LICENSE NO. 58589, EXPIRATION DATE: 12/06/25

PLAN TO **ACCOMPANY VARIANCE**

SHEET 2 OF 6

REQUEST

ORG. DATE - 06/11/24

BUILDINGS 4) VARIANCE: AMENITY OPEN SPACE

PARCEL

ZONING

BM-CCC AND ML-IM

BM-CCC

ML-IM

BM-CCC

124,024

188,468

119,034

651,199

ADJUSTED GROSS FLOOR AREA (SF)

EX. BUILDINGS TO

PROP.RESIDENTIA

AND GARAGE

PERMITTED

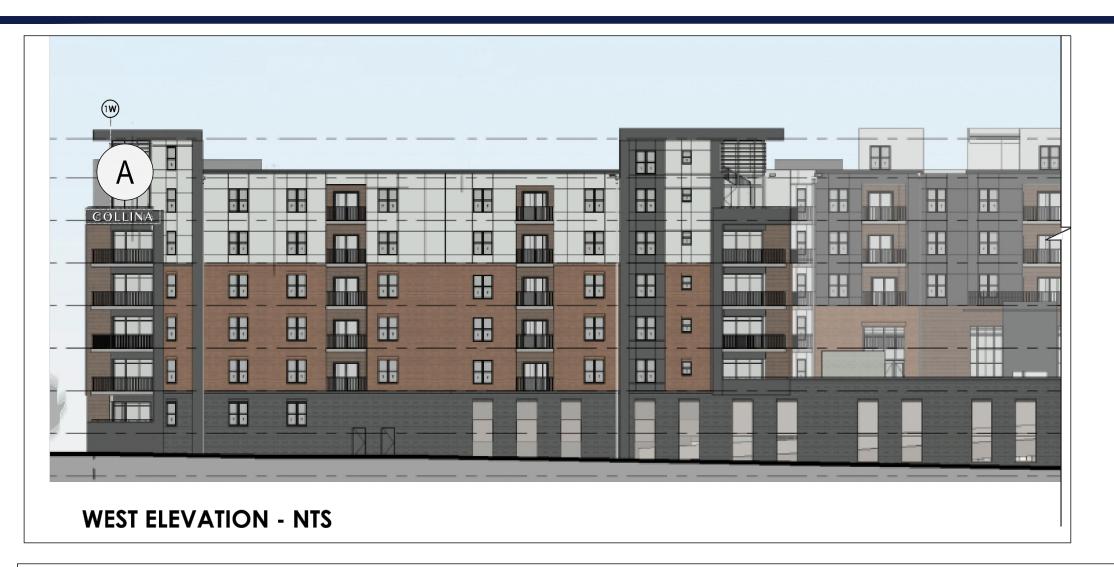
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FLOOR AREA RATIO

EX. TO REMAIN

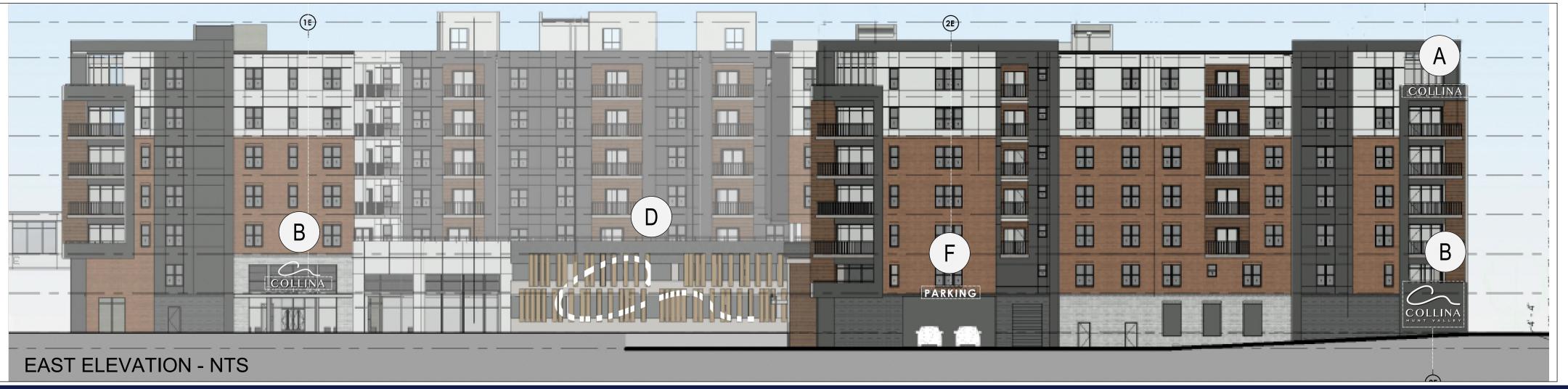
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PROVIDED











REVISIONS REV DATE



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CAD I.D.:

PROJECT: PLAN TO **ACCOMPANY**

VARIANCE

TEXAS ROADHOUSE AT EXECUTIVE PLAZA

EXECUTIVE PLAZA

11350 McCORMICK RD. HUNT VALLEY MD. 21031 BALTIMORE COUNTY M 42 G 14 P 413, 415 & 419 COUNCILMANIC DISTRICT 3 ELECTION DISTRICT 8

BOHLER

901 DULANEY VALLEY ROAD, SUITE 80° TOWSON, MARYLAND 21204 Phone: (410) 821-7900 Fax: (410) 821-7987 MD@BohlerEng.com

A.S. HERYZWARK PROFES SOUND FOR SERVICE SERVI

PLAN TO **ACCOMPANY VARIANCE** REQUEST

SHEET 3 OF 6

ORG. DATE - 06/11/24

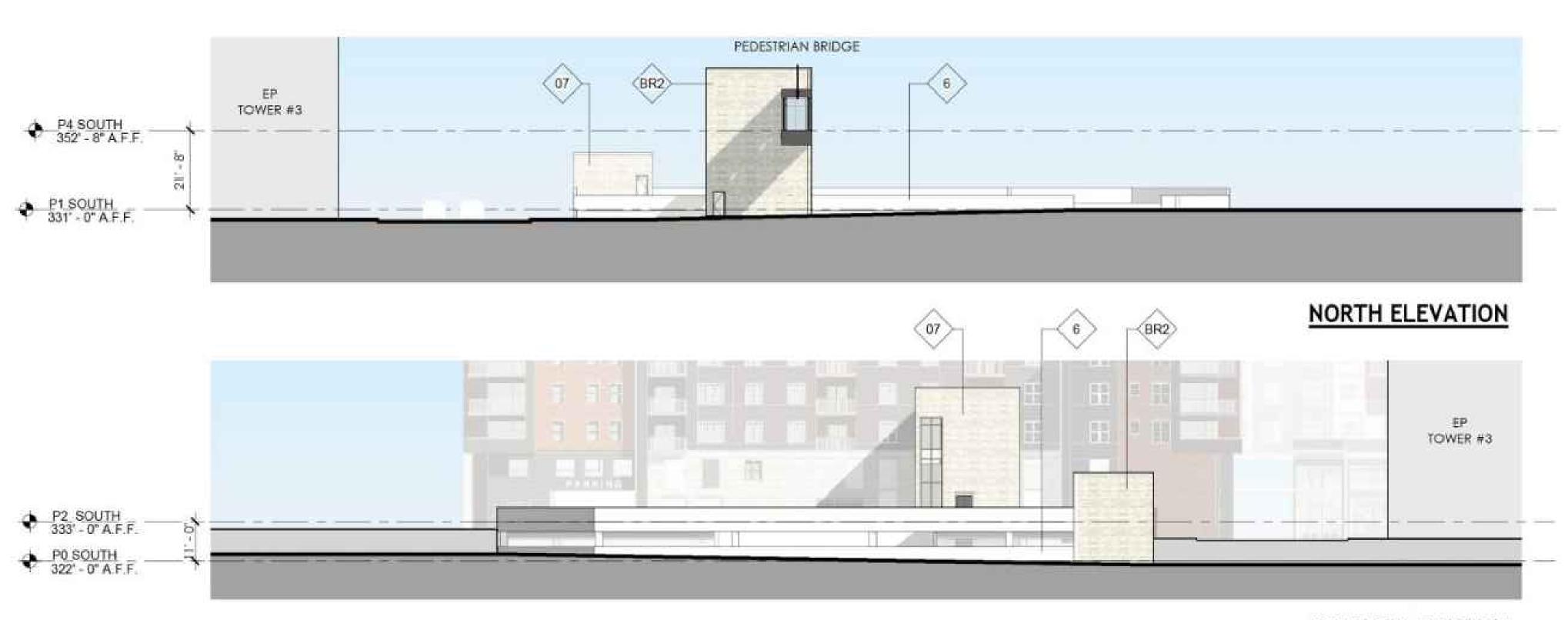
DEVELOPER | APPLICANT MARYLAND COORDINATE SYSTEM (MCS) HILL MANAGEMENT SERVICES, INC. 9640 DEERCO ROAD TIMONIUM MD 21093 **OWNER** PHONE: (410) 666-1000

CONTACT: PAUL GIULIO

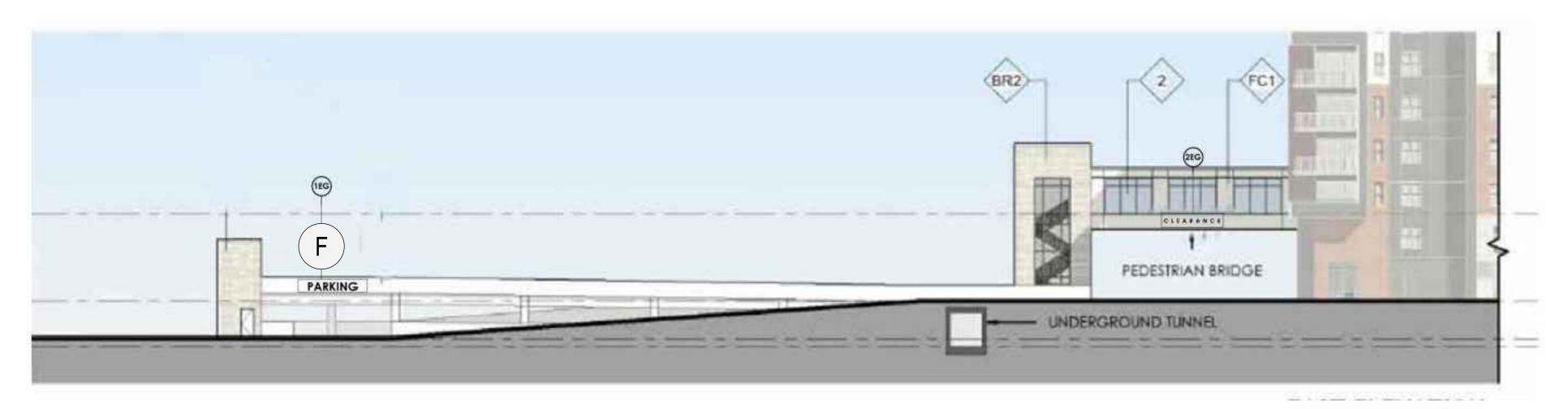
EMAIL: AHERTZMARK@BOHLERENG.COM

BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204 PHONE: 410-821-7900

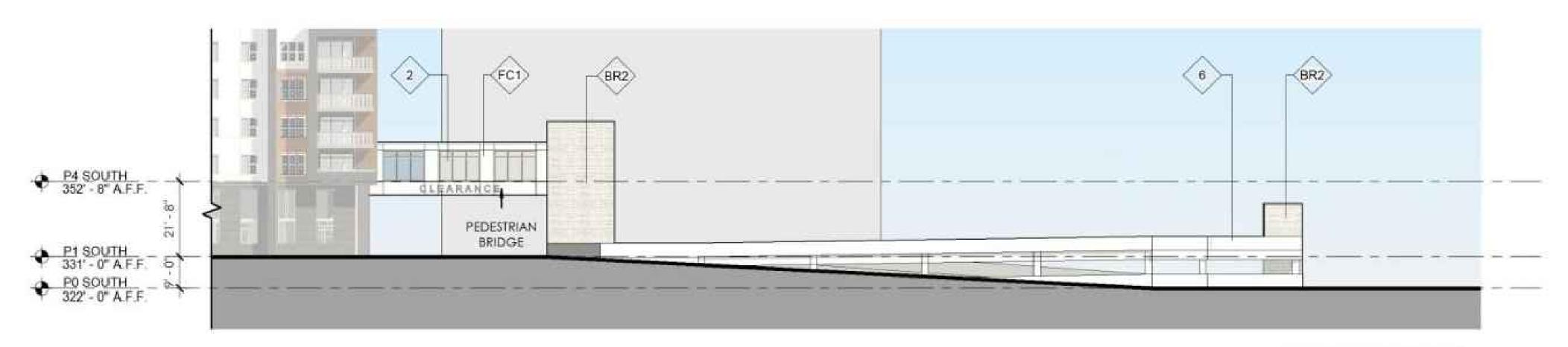
EXECUTIVE PLAZA, LLC PREPARER OF PLAN 216 SCHILLING CIRCLE, SUITE 300 **HUNT VALLEY MD 21031**



SOUTH ELEVATION



EAST ELEVATION - NTS



WEST ELEVATION



	F	REVISIONS	
REV	DATE	COMMENT	DRAWN BY CHECKED BY
			CHECKED BY



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06/11/24 SITE-0

PROJECT No.: DRAWN BY: CHECKED BY:

DATE: CAD I.D.: PROJECT:

PLAN TO **ACCOMPANY**

VARIANCE

TEXAS ROADHOUSE AT

EXECUTIVE PLAZA EXECUTIVE PLAZA

11350 McCORMICK RD. HUNT VALLEY MD. 21031 BALTIMORE COUNTY M 42 G 14 P 413, 415 & 419 COUNCILMANIC DISTRICT 3
ELECTION DISTRICT 8

901 DULANEY VALLEY ROAD, SUITE 80° TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987 MD@BohlerEng.com



PLAN TO **ACCOMPANY VARIANCE** REQUEST

SHEET NUMBER:

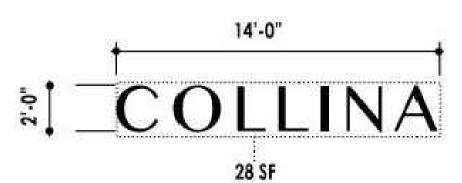
SHEET 4 OF 6 ORG. DATE - 06/11/24

DEVELOPER | APPLICANT MARYLAND COORDINATE SYSTEM (MCS) HILL MANAGEMENT SERVICES, INC. 9640 DEERCO ROAD TIMONIUM MD 21093 PHONE: (410) 666-1000 CONTACT: PAUL GIULIO **OWNER** EXECUTIVE PLAZA, LLC 216 SCHILLING CIRCLE, SUITE 300 PREPARER OF PLAN

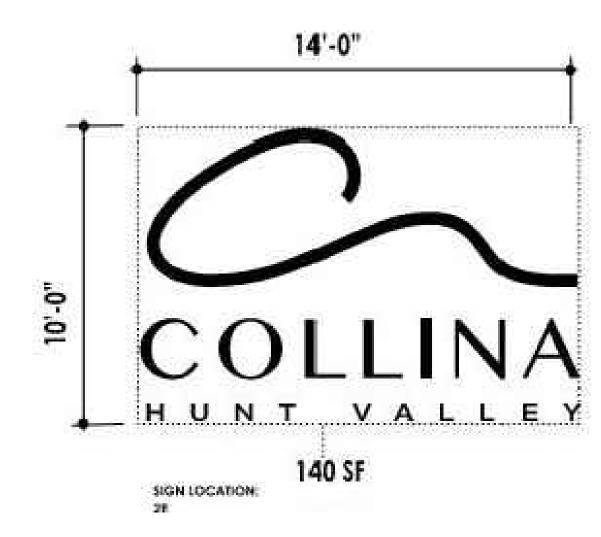
BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204

PHONE: 410-821-7900 EMAIL: AHERTZMARK@BOHLERENG.COM HUNT VALLEY MD 21031

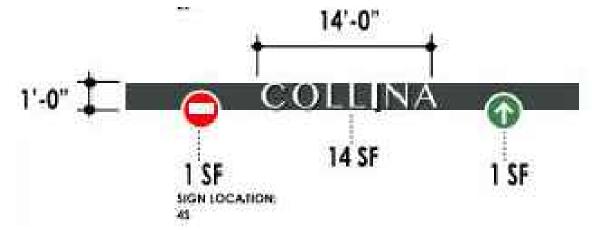
(A) IDENTIFICATION WALL MOUNTED SIGN- 2' X 14' = 28 SF



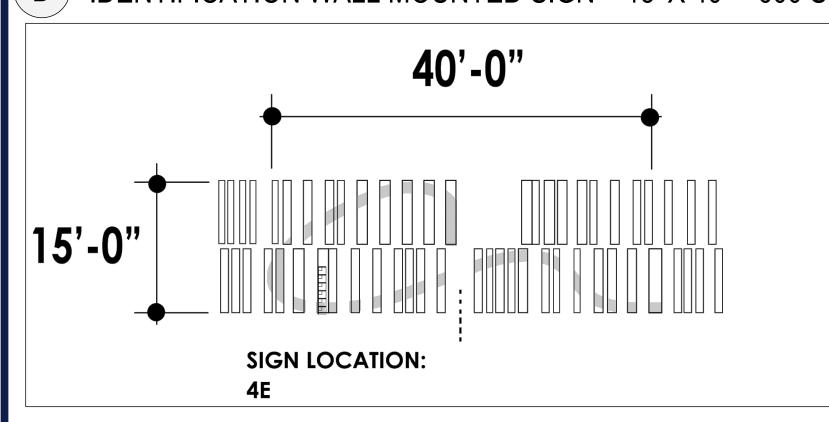
IDENTIFICATION WALL MOUNTED SIGN= 10' X 14' = 140 SF



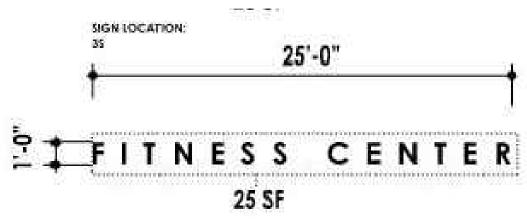
IDENTIFICATION WALL MOUNTED SIGN = 1' X 14' = 14 SF



IDENTIFICATION WALL MOUNTED SIGN = 15' X 40' = 600 SF



(E) CANOPY SIGN (FRONT VIEW) - 1' X 25' = 25 SF

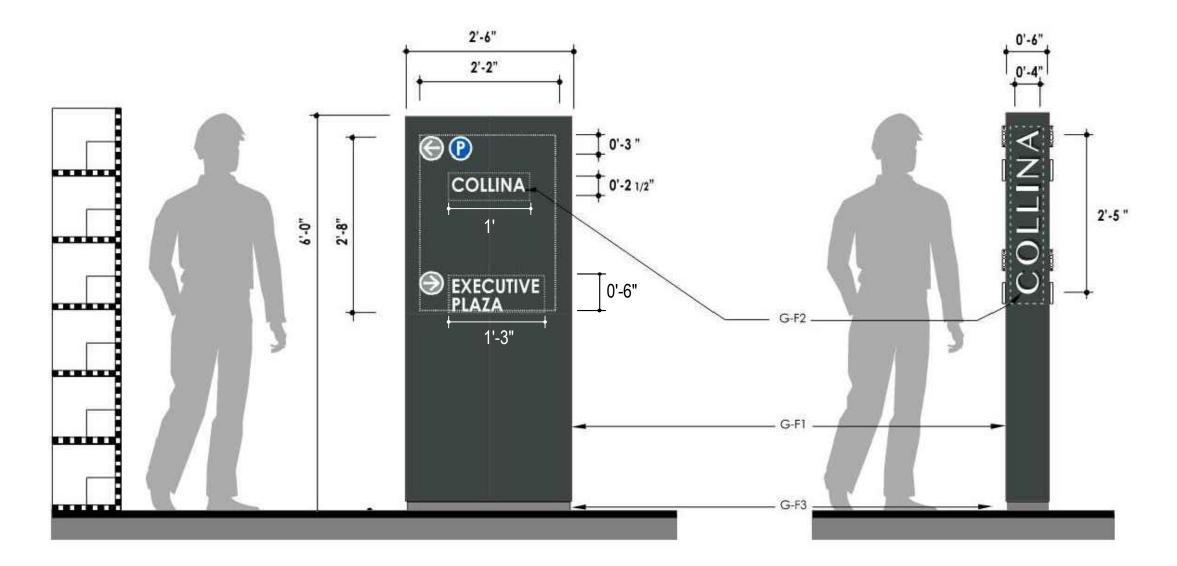


1'-0" THICK LETTER ATTACHED TO CANOPY **SECTION OF SIGN AND CANOPY 3S**

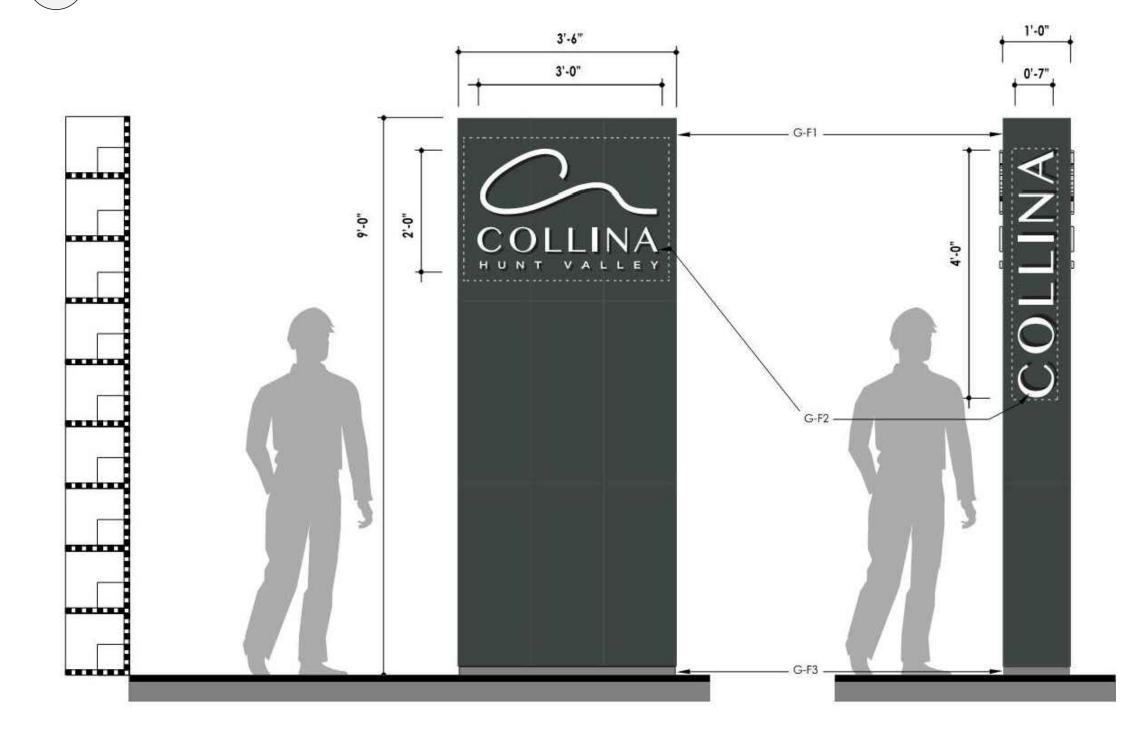
E CANOPY SIGN (SIDE VIEW)

F DIRECTIONAL SIGN- 2' X 14' = 28 SF PARKING

G DIRECTIONAL SIGN = 13.14 SF



IDENTIFICATION FREESTANDING SIGN = 16.66 SF



SIGNAGE CHART

DIRECTIONAL (B.C.Z.R. 450.4 ATTACHMENT 1, 3(A))

ID			P	ROPOSED SIGN	IAGE			ALLOWARIE	ALLOWARIE	ALLOWABLE
	QUANTITY	SIGN PANEL WIDTH (FT.)	SIGN PANEL HEIGHT (FT.)	SIGN PANEL AREA (S.F.)	SIGN HEIGHT	AREA COMPANY NAME/LOGO	PERCENT COMPANY NAME/LOGO	ALLOWABLE SIGNAGE HEIGHT PER CODE (FT.)	ALLOWABLE SIGNAGE AREA PER CODE (S.F.)	PERCENT COMPANY NAME/LOGO PER CODE
G	9	4 SIDED SIGI	N, SEE DETAIL	13.14	6.00	3.27	25%	6.00	8.00	30%
F	3	14.00	2.00	28	2.00	-	-	6.00	8.00	-

*VARIANCE REQUIRED FOR TOTAL SIGN FACE AREA OF 13.14 SF IN LIEU OF MAXIMUM 8 SF PERMITTED

SIGNAGE CHART

*VARIANCE REQUIRED FOR TOTAL SIGN FACE AREA OF 28 SF IN LIEU OF MAXIMUM 8 SF PERMITTEI

		ENTIFIC CZR 450					
	, —					-(//	
BUILDING ELEVATION	ID		SIGNAG	GE		ALLOWABLE SIGNAGE HEIGHT PER	ALLOWABLE SIGNAGE AREA PER CODE (S.F.
		SIGN PANEL WIDTH (FT.)	SIGN PANEL HEIGHT (FT.)	SIGN PANEL AREA (S.F.)	SIGN HEIGHT (FT.)	CODE (FT.)	
NORTH	A	14.00	2.00	28.00	2.00	6.00	25
ELEVATION	C	14.00	1.00	14.00	1.00		25
WEST ELEVATION	A	14.00	2.00	28.00	2.00	6.00	25
	A	14.00	2.00	28.00	2.00	6.00	
EAST	B	14.00	10.00	140.00	10.00	6.00	25
ELEVATION	D	40.00	15.00	600.00	15.00	6.00	25
	В	14.00	10.00	140.00	10.00	6.00	
	(B)	14.00	10.00	140.00	10.00	6.00	25
SOUTH ELEVATION	©	14.00	1.00	14.00	1.00	6.00	25
	E	25.00	1.00	25.00	1.00	6.00	25

IDENTIFICATION - FREESTANDING (BCZR 450.4 ATTACHMENT 1, 6(A))

ID		SIGNAG	ALLOWABLE ALLOWABLE SIGNAGE			
	SIGN PANEL WIDTH (FT.)	SIGN PANEL HEIGHT (FT.)	TOTAL SIGN PANEL AREA (S.F.)	SIGN HEIGHT (FT.)	HEIGHT PER CODE (FT.)	SIGNAGE AREA PER CODE (S.F.)
(H)	4 SIDED SIGN	, SEE DETAIL	16.66	9.00	6.00	25
H	4 SIDED SIGN	, SEE DETAIL	16.66	9.00	6.00	25

*VARIANCE REQUIRED FOR TWELVE (12) PROPOSED SIGNS IN LIEU OF THE MAXIMUM ONE PER EACH FRONTAGE.

*VARIANCE REQUIRED FOR SIGN AREA EXCEEDING MAXIMUM OF 25 SF. *VARIANCE REQUIRED FOR SIGN HEIGHT EXCEEDING MAXIMUM OF 6 FT.

DEVELOPER APPLICANT HILL MANAGEMENT SERVICES, INC.	MARYLAND COORDINATE SYSTEM (MCS)
9640 DEERCO ROAD TIMONIUM MD 21093 PHONE: (410) 666-1000 CONTACT: PAUL GIULIO	OWNER
PREPARER OF PLAN	EXECUTIVE PLAZA, LLC 216 SCHILLING CIRCLE, SUITE 300
BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204 PHONE: 410-821-7900 EMAIL: AHERTZMARK@BOHLERENG.COM	HUNT VALLEY MD 21031

REVISIONS					
REV	DATE	COMMENT	DRAWN BY CHECKED BY		



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DATE: CAD I.D.: PROJECT:

PLAN TO **ACCOMPANY**

VARIANCE

TEXAS ROADHOUSE AT EXECUTIVE PLAZA

EXECUTIVE PLAZA

11350 McCORMICK RD. **HUNT VALLEY MD. 21031** BALTIMORE COUNTY M 42 G 14 P 413, 415 & 419 COUNCILMANIC DISTRICT 3
ELECTION DISTRICT 8

901 DULANEY VALLEY ROAD, SUITE 80 Fax: (410) 821-7987 MD@BohlerEng.com



PLAN TO **ACCOMPANY VARIANCE** REQUEST

SHEET 5 OF 6

ORG. DATE - 06/11/24

EXISTING JOINT IDENTIFICATION SIGN TO REMAIN



EXISTING JOINT IDENTIFICATION SIGN TO REMAIN



EXISTING JOINT IDENTIFICATION SIGN TO REMAIN



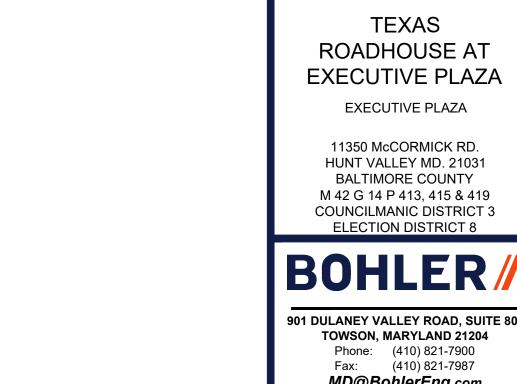
M EXISTING JOINT IDENTIFICATION SIGN TO REMAIN



EXISTING JOINT IDENTIFICATION SIGN TO REMAIN



EXISTING SIGNS APPROVED PER ZONING CASE NO. 2013-0087-A. (SEE NOTES, SHEET 1)



DEVELOPER APPLICANT HILL MANAGEMENT SERVICES, INC.	MARYLAND COORDINATE SYSTEM (MCS)
9640 DEERCO ROAD TIMONIUM MD 21093 PHONE: (410) 666-1000 CONTACT: PAUL GIULIO	OWNER
PREPARER OF PLAN	EXECUTIVE PLAZA, LLC 216 SCHILLING CIRCLE, SUITE 300
BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204	HUNT VALLEY MD 21031

PHONE: 410-821-7900

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DATE: CAD I.D.:

PLAN TO ACCOMPANY

VARIANCE

BOHLER

TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com



PLAN TO **ACCOMPANY VARIANCE** REQUEST

SHEET 6 OF 6

ORG. DATE - 06/11/24



JOHN A. OLSZEWSKI, JR. County Executive

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

August 1, 2024

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

> RE: DEVELOPMENT PLAN AND ZONING OPINION AND ORDER

Texas Roadhouse at Executive Plaza 1st Material Amendment

PAI #: 08-0804 & 2024-0149-SPHA Address: 11350 McCormick Road

Dear Messrs. Karceski and Rosenblatt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

ANDREW M. BELT

Administrative Law Judge

2 Rel

for Baltimore County

AMB:dlm Enclosure

C: See Next Page

DEVELOPMENT PLAN OPINION AND ORDERPage Two-

Jeffrey Livingston - jlivingston@baltimorecountymd.gov c: Earl Wrenn - ewren@baltimorecountymd.gov Tracy Scheuing - tomorrow@baltimorecountymd.gov Jim Hermann - jhermann@baltimorecountymd.gov Vishnu Desai - vdesai@baltimorecountymd.gov Michael Viscarra - mviscarra@baltimorecountymd.gov Jenifer Nugent - <u>inugent@baltiimorecountymd.gov</u> Brett Williams - bmwilliams@baltimorecountymd.gov Lachelle Imwiko - limwiko @baltimorecountymd.gov Jeff Perlow - jperlow@baltimorecountymd.gov Mitch Kellman - mkellman@baltimorecountymd.gov $Lloyd\ Moxley - \underline{lmoxley@baltimorecountymd.gov}$ Alyssa Carter - acarter@apartmentservices.com Joe - joeslovickiii@gmail.com Justyn Cox - <u>icox1@baltimorecountymd.gov</u> Jeff Olzacki jeffrey.olzacki@texasroadhouse.com Teresa-teller@mdot.maryland.gov

IN RE: DEVELOPMENT PLAN HEARING & * BEFORE THE OFFICE OF
PETITIONS FOR SPECIAL HEARING
AND VARIANCE * ADMINISTRATIVE HEARINGS
8th Election District
3rd Council District * FOR

11350 McCormick Road * BALTIMORE COUNTY

TEXAS ROADHOUSE AT *
EXECUTIVE PLAZA, 1ST
MATERIAL AMENDEMENT *

HILL MANAGEMENT SERVICES, INC. * CASE NOS.: 08-0894 & 2024-0149-SPHA

ADMINISTRATIVE LAW JUDGE'S ("ALJ")
COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("BCC"). Hill Management Services, Inc., the owner and the developer of the subject property (hereinafter "the Developer"), submitted for approval a twelve-sheet redlined Development Plan ("Plan") prepared by Aliza Hertzmark, P.E. of Bohler Engineering known as "Texas Roadhouse at Executive Plaza, 1st Material Amendment".

The Developer is proposing to amend the 2015 plan to include a multi-use building (7,473 sf) with 300 apartments (97 one-bedroom, 185 two-bedroom, and 18-three bedroom) and a two-level, above-ground parking structure with surface level parking.

The Concept Plan Conference for this project was held on September 28, 2021; the Community Input Meeting was held on October 4, 2023, and the Development Plan Conference was held on June 26, 2024.

The Developer has also filed Petitions for a Special Hearing and Variance as follows:

SPECIAL HEARING:

- 1. To allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the Baltimore County Zoning Regulations ("BCZR") rather than be attached to a building wall in a parallel plane to the wall (sign type E).
- 2. To allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H).

VARIANCES:

- 1. To allow apartment windows facing an internal property line other than a street line to be as close as 0 ft. thereto in lieu of the required 25 ft., pursuant to Section 235A.2 of the BCZR.
- 2. To allow amenity open space ratios of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR.
- 3. To allow a maximum building height of 89 ft. in lieu of the permitted 40 ft. and 87 ft. in lieu of the permitted 50 ft. pursuant to Sections 234.1 and 231.1 of the BCZR.
- 4. To allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 sq. ft. (for a total of 1,191 sq. ft.) in lieu of the one identification sign permitted for a single road frontage with a sign/area face of 25 sq. ft. pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR.
- 5. To allow freestanding identification signs with a height of 9 ft. in lieu of the permitted 6 ft., pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR (sign type H).
- 6. To allow an identification sign to be installed on the top of a canopy a distance of 6 ft. from the wall and a distance of 1 ft. above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR.
- 7. To allow freestanding directional signs with sign areas/faces of 14 sq. ft. each in lieu of the permitted 8 sq. ft. and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations.1.3, of the BCZR (sign Type G).
- 8. To allow wall-mounted directional signs with sign areas/faces of 28 sq. ft. each in lieu of the permitted 8 sq. ft., pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F).
- 9. To allow freestanding signs within a single premise to be as close as 2 ft. apart in lieu of the required 100 ft. signs larger than 8 sq. ft. each, pursuant to Section 450.5.B.4.a, of the BCZR.

Details of the proposed development are more fully depicted on the redlined twelve-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1. The property was posted with the Notice of Hearing Officer's Hearing and Zoning on June 27, 2024, for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. A public virtual WebEx hearing was held on July 18, 2024.

In attendance at the Hearing Officer's Hearing ("HOH") in support of the Plan on behalf of the Developer was Paul Julio of Hill Management Services, Inc., Aliza Hertzmark, P.E. and landscape architect, Eric Williams of Bohler Engineering, registered architect, Jonathan McKearin, and traffic engineer, Mark Keely from Traffic Group, Inc.,

David Karceski, Esquire and Adam M. Rosenblatt, Esquire of Venable, LLP appeared on behalf of the Developer.

COUNTY AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals: From the Department of Permits, Approvals and Inspections ("PAI") was Jerry Chen, Project Manager, James Hermann, Development Plans Review ("DPR") and Department of Recreation and Parks ("R&P"), Michael Viscarra, Development Plans Review ("DPR"), LaChelle N. Imwiko, Real Estate Compliance ("REC"), and Mitchell Kellman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County was Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), and Brett Williams from the Department of Planning ("DOP").

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. These agencies specifically comment on whether the Plan

complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

The first agency witness to testify was Jeff Livingston, representing three sub agencies of DEPS, Environmental Impact Review, ("EIR"), Storm Water Management ("SWM") and Ground Water Management ("GWM"). He reviewed the twelve-sheet-redlined plan and verified that all DEPS issues had been addressed by the Developer and that DEPS recommends approval. (County Ex. 1)

Next to testify was Brett Williams of the DOP. He testified that DOP Director, Stephen Lafferty, submitted a Hearing Officer Hearing ("HOH") Report on July 9, 2024, and that the Director recommended approval of the Plan. (County Ex. 2a). In addressing the Master Plan, the HOH Report notes that the proposed site is located within the Hunt Valley Regional Commercial Node in the Master Plan 2030 Growth Framework. The report explained that Commercial Nodes may provide valuable opportunities to intensify redevelopment efforts, transform land-use paradigms and improve quality of life. Appropriate uses in this place type include walkable town centers, housing forms designed to serve vital demographics, hotels, gathering places with greater civic and recreational opportunities. The report states that the proposed use for the development is multi-family residential and therefore conforms to the Master Plan 2030.

As noted in the HOH report, the BCZR, Section 260 requires the Director of the Department of Planning to make a finding to the Hearing Officer for all residential development of four lots or more in Baltimore County that is located within the Urban/Rural Demarcation Line. The report confirms that the DOP has reviewed the pattern book received July 10, 2024 and finds that the development is consistent with the spirit and intent of BCZR, Section 260.

Mr. Williams submitted the School Impact Analysis ("SIA") (County Ex. 2b) which DOP finds it meets the requirements of BCC Section 32-6-103 at the time of the filing date, May 15, 2024. The SIA performed by DOP indicates that the projected enrollment for Mays Chapel Elementary School, Cockeysville Middle School and Dulaney Valley High School are all below 115% of the State Rated Capacity ("SRC").

The projected number of students as a percentage of the SRC is:

Mays Chapel Elementary School - 84.25%
Cockeysville Middle School 84.01%

• Dulaney Valley High School 94.30%

Finally, Mr. Williams submitted the July 9, 2024 correspondence from Developer's expert, Aliza Hertzmark to Director of DOP Stephen Lafferty in which she completed a point-by-point response satisfied each of DOP Concept Plan Comments. (County Ex. 2c)

Next, Mitchell Kellman of the OZR testified and also recommended approval of the plan, noting that there were no outstanding comments.

The County's fourth witness was James Hermann of DPR and R&P. Mr. Hermann explained that he had reviewed the Schematic Landscape Plan and after such review recommended approval. (County Ex. 3a). Regarding the Open Space Waiver, he testified that the Developer had requested a waiver for local open space. (County Ex. 3b) He further explained that the Developer was proposing to provide 69,401 sf of the 300,000 sf of the required open space for the proposed

development. For the 230,599 still required, the Developer requested a fee in lieu in the amount of \$50,000, which has been approved. (County Ex. 4a)

The next County agency witness was Michael Viscarra from DPR. Mr. Viscarra explained that he reviewed the redlined plan regarding road water, sewers, drains, and floodplains, and that the Department of Public Works ("DPW") and Department of Public Works and Transportation ("DPWT") had no outstanding comments and thus, recommend approval. (County Ex. 5a) However, as noted in the July 16, 2024 from DPR supervisor, Vishnu Desai, DPR is waiting for final approval of the traffic study from the Maryland State Highway Administration ("SHA") and noted that building permits will not be issued by PAI until the final traffic study is approved. Teresa Eller of SHA, appeared at the hearing and reiterated the substance of her June 30, 2024 correspondence to Lloyd Moxley of Baltimore County Department of Development Management that SHA has not yet approved the amended Traffic Study submitted by the Developer. (County Ex. 5b)

The County's final witness was LaChelle Imwiko of REC who reviewed the redlined development plan and having no outstanding comments, recommended the plan for approval. (County Ex. 6)

DEVELOPER'S CASE

The Developer's first witness was Paul Julio of Hill Management. Mr. Julio explained that the Developer has owned the subject property since 1989 and has made significant investment into its renovation. He detailed the history of the subject property which included the four office towers on site once being the national headquarters of McCormick. He explained that adjacent, now vacant, Delta Hotel was once part of the subject property and served as accommodations for visiting McCormick guests. He noted that when the Developer purchased the subject property,

the hotel was not included. Mr. Julio explained that the lender financing the office tower portion of the site required that the proposed residential portion be separated from the commercial buildings. Consequently, the proposed residential apartments will be set on a separate parcel from the existing office towers. Mr. Julio testified that the existing parking lot for the four office towers is under-utilized.

The Developer's next witness was Aliza Hertzmark, P.E. from Bohler Engineering, who is a licensed Professional Engineer and was accepted as an expert in her field. (Dev. Ex. 2) She explained the twelve-sheet redlined plan in detail. (Dev. Ex. 1) Ms. Hertzmark testified that the subject property is part of an approved development plan at Executive Plaza in the Hunt Valley area of Baltimore County. She explained that the Developer is proposing to amend this plan to include a multi-use building with 300 apartments (97 one-bedroom, 185 two-bedroom, and 18 three-bedroom) and an above-ground parking structure with surface parking. She noted that the subject property was the topic of a zoning change through the 2020 Comprehensive Zoning Map Process (CZMP 2020 issue No. 3-021) resulting in a portion of the property being zoned BM-CCC, which allows for residential development. (Dev. Ex. 5) She described the subject property as being surrounded by Shawan Road to the north, McCormick Road to the East, Schilling Road to the South, and flanked by the former Delta Hotel to the West. The four executive office towers are centered on the site and surrounded by surface parking. A Texas Roadhouse restaurant is located on the southeast corner of the site. (Dev. Ex. 3-4) The Hunt Valley Town Center is located to the northeast of the subject property, across Shawan Road. There are also apartments located adjacent to Hunt Valley Town Center. Ms. Hertzmark explained that the proposed development will comprise of an inverted L-shaped building that will be located in the Northwest corner of the subject site, fronting Shawan Road. This location is currently the location of part of the parking for the office towers. Part of the inverted L-shaped building will be located along the western edge of the property, bordering the former Delta Hotel property. Also, along this western edge of the property, and south of the inverted "L", will be a parking garage with a footbridge connecting to the main building. (Dev. Ex. 6) Ms. Hertzmark explained that in conjunction with the revised zoning of the subject property during the 2020 CZMP, Hill Management entered in a Declaration of Covenants and Restrictions outlining that any residential development on the property would be limited to 300 apartment units. (Dev. Ex. 7) Additionally, she testified that the proposed development was in keeping with the 2023 Master Plan. (Dev. Ex. 8) She explained that the existing office buildings contain 400 sf. of office space and that underground pedestrian connections exist between the buildings as well as additional parking. She testified that the office buildings are currently at 90% rental capacity and the base parking requirement for daytime office hours is 1,069 required spaces. She further explained that the shared parking calculation for the site and the proposed development is 2,027 spaces, and the proposed plan includes 2,066. (Dev. Ex. 1, Sheet 4) Consequently, no parking variances are required.

In reviewing the topographical lines present on Dev. Ex.1, Sheet 5, Ms. Hertzmark noted that there is a 27 ft. grade difference from the north of the site to the south. She also pointed out that the subject site has now been divided into 4 parcels, 2 zoned BM-CCC and two zoned ML-IM. (Dev. Ex. 1, Sheet 8) She further explained that amenity open space is proposed through the subject property, but that only amenity open space existing in the BM-CCC may be counted toward the amenity open space ratio proved in BCZR, Section 235(a). She testified that existing site entrances will remain while the McCormick Road entrances will be modified. Additionally, the entrance from Schilling Road will include a new driveway leading to the former Delta Hotel to provide connectivity for future development of that site. While the existing sidewalk on

McCormick Road will remain, additional sidewalks will be added to Shawan Road and Schilling Road. Pedestrian pathways will be provided that will connect to five open space areas. Finally, Ms. Hertzmark testified the storm water collection and outfall points have been designed to meet the requirements of Storm Water Management ("SWM").

In summation, Ms. Hertzmark opined that the proposed amended Development Plan complied with the development regulations contained in the Baltimore County Code as well as other applicable County policies rules and regulations concerning development.

Next to testify was landscape architect, Eric R. Williams, R.L.A., of Bohler Engineering, who was accepted as an expert in his field. (Dev. Ex. 15) Mr. Williams outlined the details of the proposed development's schematic landscape plan. (Dev. Ex. 16) He noted that landscaping currently exists on the proposed site around the existing parking lot and Texas Roadhouse Restaurant. He explained that Sheet 1 of the Schematic Landscape Plan reflects the proposed landscaping, while Sheet 2 illustrates compliance with the Baltimore County Landscape Manual. Sheet 3 illustrates the location of existing shade trees that will be retained. (Dev. Ex. 16) Mr. Williams explained that the actual species of trees will be determined in the final landscape plan that must be approved before building permits are issued.

Testifying next was expert architect, Jonathan McKearin of Ci Design, Inc. (Dev. Ex. 17). Mr. McKearin reviewed the proposed development's Pattern Book in detail. (Dev. Ex. 18). He explained that before coming to the final product included in the Pattern Book, he consulted with County agencies such as DOP prior to participating in the Concept Plan Review process. He explained that the location of the proposed development was limited to a finite area available on a site which is already occupied by office buildings and a restaurant. He testified that the Sheet 4 of the Pattern Book outlined the proposed vehicular and pedestrian circulation through the site, while

Sheets 5-7 illustrates the building elevations and the parking deck. He noted that the buildings were designed as if each side were frontage due to the development's 360-degree visibility. He described the proposed development as having a total of five levels of residential space and two levels of parking. The Plan will also include elevated open space and amenity courtyards, as a well as a multi-modal path at Shawan and McCormick Roads. Mr. McKearin further explained that the signage on the site was designed it in a way to maximize project identification, and way-finding on a site with multiple uses and access points. He noted that the overall appearance of the proposed buildings will be similar to the apartments found across Shawn Road, adjacent to Hunt Valley Town Center.

The Developer's final witness was traffic engineer, Mark Keeley, who was accepted as an expert in his field. (Dev. Ex. 19) He testified as to the Revised Traffic Impact Study ("TIS") he prepared as Developer's Exhibit 20. He explained that during a Scoping Meeting, Baltimore County and SHA identified the parameters of the traffic study, the intersections to be studied, the time period of the study, growth rates and peak hours. The study was originally submitted to SHA in May of 2024, who provided comments, causing the study to be revised and resubmitted on July 11, 2024. Upon the date of HOH hearing, final approval of SHA was still pending as noted by the testimony of Ms. Eller of SHA.

Mr. Keely testified that the intersections included in the study were York Road at MD 145 (Signalized), York Road at Shawan Road (Signalized), York Road at Schilling Road (Unsignalized), Shawan Road at McCormick Road (Signalized), McCormick Road at Schilling Circle (Signalized) and Shawan Road at Beaver Dam Road/Cuba Road (Signalized). He further explained that all key intersections were analyzed with Critical Lane Volume ("CLV") method and the Synchro model. Unsignalized intersections were studied using Highway Capacity Manual

("HCM") method. New site generated peak hour trips were determined with the land use data contained in the Urban Institute of Transportation Engineers, Trip Generation Manual 11th Edition. Mr. Keely noted that the site access for the subject property includes two existing access points to McCormick Road, an existing access to Schilling Circle, and two existing right-in/right-out access points to Shawan Road. In summary Mr. Keely testified that the recommendations within the TIS satisfy the MDOT SHA and Baltimore County traffic study guidelines.

FINDING OF FACT AND CONCLUSIONS OF LAW

The Baltimore County Code provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. Section 32-4-229.

In *People's Counsel v. Elm Street Development Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is "then up to [protestants] to provide evidence rebutting the Director's recommendations." Id. At 703. It should also be noted that in Baltimore County "the development process is indeed an ongoing process, and the hearing officer's affirmation of the plan is just the first step." *Monkton Preservation Association, et al v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

The role of the County agencies in the development process is to perform an independent and thorough review of the development plan as it pertains to their specific area of expertise and responsibility. The agencies reviewed numerous iterations of the development plan as the Developer refined the Plan in response to agency and community comments during the course of the development process leading up to the Hearing Officer Hearing. The final twelve sheet redlined Development Plan is the Plan that the agencies have recommended for approval. These agencies will continue to review and require refinement of the Plan as necessary during this phase

to review of the project. This review and approval process will culminate with the recordation of a final development plat in the Land Records of Baltimore County and the issuance of construction permits.

As previously addressed above, the Developer presented four expert witnesses and 20 Exhibits in support of their proposal. Each expert testified that the Plan meets or exceeds all laws and regulations. The testimony and evidence demonstrate the quality and compatibility of the proposed development.

After due consideration of the testimony and evidence presented by the Developer, Community Witnesses and Protestants, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan.

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).

As determined in prior Case No. 2013-0087-A involving sign variances for the subject property, the property is unique in that it is a large site surrounded by the Hunt Valley business community. The subject property is surrounded by three roads and the former Delta Hotel property to the west, requiring signage that can be viewed from multiple locations in order for pedestrians and motorists to successfully navigate the site. Additionally, as testified to by Ms. Hertzmark, the

subject property significantly slopes from the north side of the property to south, causing additional challenges for developing appropriate signage for the site. The split zoning of the subject site also adds to its uniqueness. As a result of the 2020 zoning change, half of the site is BM-CCC and the other is ML-IM. With residential housing being allowed on the BM-CCC parcels only, the area in which the residential building could be constructed is significantly restricted. A flood plain on the site further restricts where development can occur. (Dev. Ex. 1, Sheet 8) Finally, the unique requirement by the Petitioner's lender that the residential portion of the site be subdivided into its own parcels, provides further unique challenges regarding window placement, building height and amenity open space ratios.

The first three variances requested by the Petitioner come as a result of the subdivision of the residential parcels from that containing the office buildings.

Variance #1 is being requested by the Petitioner to allow apartment windows facing an internal property line other than a street line to be as close as 0 feet thereto in lieu of the required 25 feet, pursuant to Section 235A.2 of the BCZR. This variance request has been highlighted on Sheet 1 of the Zoning Plan and reflects where such relief is necessary in four locations where windows face the office buildings that are located across and internal property line created by the required subdivision. (Dev. Ex. 13)

Variance # 2 is being requested by the Petitioner to allow amenity open space ratios of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR. As noted by Ms. Hertzmark, a 0.2 amenity open space ratio is required and has not been met on 3 of the subject property's 4 parcels. (Dev. Ex. 11) She further explained that the need for variance relief comes as a result of the fact that 4 office buildings already exist on the subject property and that many green space areas on the plan were counted

towards County open space requirements and could not be counted towards amenity open space as well. Amenity open space located in ML-IM portion of the site also could not be counted towards the required amenity open space in the BM-CCC parcels.

Variance # 3 is being requested by the Petitioner to allow a maximum building height of 89 feet in lieu of the permitted 40 feet, and 87 feet in lieu of the permitted 50 feet, pursuant to Sections 234.1 and 231.1 of the BCZR. This variance request which is clearly illustrated in Sheet 1 of the Zoning Plan (Dev. Ex. 1), is necessary in the two locations where the residential buildings are closest to the internal parcel lines facing the office buildings.

Sign Variances

Petitioner has requested multiple sign variances for the subject site. As noted by Ms. Hertzmark and Mr. McKearin, all proposed signage was provided to the DOP ahead of the Development Plan Conference by way of the Pattern Book. DOP comments on the proposed sign variances state that the proposed relief does not negatively impact the health, safety and well-being of vehicular and pedestrian traffic or create signage clutter and visual nuisance. (County Ex. 2a)

Variance #4 is being requested by the Petitioner to allow a total of 12 identification signs (wall-mounted sign types A - D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas / faces of 14, 17, 25, 28, 140 and 600 square feet (for a total of 1,191 square feet) in lieu of the one identification sign permitted for a single road frontage with a sign area / face of 25 square feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of BCZR. (Dev. Ex. 13c) The need for these sign variances come as a result of the fact that the proposed building can be viewed from all sides. Many of these signs are internal in nature and are necessary for both pedestrians and vehicles to successfully navigate the site.

Variance # 5 is being requested by Petitioner to allow freestanding identification signs with a height of 9 feet in lieu of the permitted 6 feet, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type H). (Dev. Ex. 13a). This variance comes as a result of the sloping nature of the site, causing greater sign height to be necessary for proper visibility.

Variance # 6 is being requested by the Petitioner to allow an identification sign to be installed on the top of a canopy a distance of 6 feet from the wall and a distance of 1 foot above the vertical face of the canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table of Sign Regulations. 6(a) of the BCZR (sign type E). (Dev. Ex. 17) This variance also comes as a result of the sloping nature of the site, causing greater sign height and protrusion from the building face to be necessary for proper visibility. This sign faces towards the office buildings and is internal in nature. (Dev. Ex. 13a-d)

Variance # 7 is being requested by the Petitioner to allow freestanding directional signs with sign areas/faces of 14 square feet each in lieu of the permitted 8 square feet and to allow the multi-family community name/logo on a directional sign to exceed 30% of the total sign area, pursuant to Section 450.4. Table of Sign Regulations. 1.3 of the BCZR (sign type G). (Dev. Ex. 13-a-d) All of these sign types are internal to the site.

Variance # 8 is being requested by the Petitioner to allow wall-mounted directional signs with sign areas / faces of 28 square feet each in lieu of the permitted 8 square feet, pursuant to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F). (Dev. Ex. 13a-d) These are also internal directional signs that require additional square footage in light of the size of the subject property and due to the lower grade of at the southern end of the site.

Finally, Variance # 9 is being requested by the Petitioner to allow freestanding signs within a single premise to be as close as 2 feet apart in lieu of the required 100 feet for signs larger than

8 square feet each, pursuant to Section 450.5.B.4.a of the BCZR. (Dev. Ex. 13a) This variance request comes as a result of the mixed used nature of the site which requires two signs in close proximity identifying the commercial and residential uses on the property.

In addition to the unique characteristics of the subject property previously discussed, I find that the Petitioner would suffer a practical difficulty if the requested variances were to be denied in that the proposed buildings could not be located in the already restricted area noted on the site plan, and that appropriate signage could not be provided to insure effective wayfinding and navigation of the subject property. Additionally, I find that the requested variances are within the spirit and intent of the zoning regulations and that they will not harm the public health, safety or welfare. Consequently, the variances requested above are granted.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, Section 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).

Petitioner had requested a Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the BCZR rather than be attached to a building wall in a parallel plane to the wall (sign type E) and to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H). Sign Type E, as noted on Dev. Ex. 13 is an internal sign that faces the office buildings. This canopy type signage is required to identify the entrance to the residential building and will be visible to pedestrian traffic. Sign Types G and H are identified on Dev. Ex. 13a as being located near entrances and parking areas which require four-sided visibility to be viewed by vehicles approaching from all directions on the site.

These Special Hearing requests are an attempt to successfully guide vehicles and pedestrians through the expansive, multi-use site. Such signs are compatible with the surrounding uses and are generally consistent with the spirit and intent of the regulations. Accordingly, the Petitioner's Request for Special Hearing is granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this <u>1st</u> day of **August, 2024**, that the "TEXAS ROADHOUSE AT **EXECUTIVE PLAZA, 1**ST MATERIAL AMENDMENT redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, be and is hereby **APPROVED**, subject to the conditions noted below.

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Section 450.5.B.3 of the Baltimore County Zoning Regulations ("BCZR") rather than be attached to a building wall in a parallel plane to the wall (sign type E), be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, to allow freestanding signs to have 4 sides rather than 2 sides (sign types G, H), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance to allow apartment windows facing an internal property line other than a street line to be as close as 0 ft. thereto in lieu of the required 25 ft., pursuant to Section 235A.2 of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow amenity open space rations of 0.16, 0.16 and 0.13 for Parcels II, III and V, respectively, in lieu of the required 0.2 for each parcel, pursuant to Section 235A.4 of the BCZR be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow a maximum building height of 89 ft. in lieu of the permitted 40 ft. and 87 ft. in lieu of the permitted 50 ft. pursuant to Sections 234.1 and 231.1 of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow a total of 12 identification signs (wall-mounted sign types A-D, canopy sign type E, freestanding sign type H) accessory to a multi-family building with sign areas/faces of 14, 17, 25, 28, 140 and 600 sq. ft. (for a total of 1,191 sq. ft.) in lieu of the one identification sign permitted for a single road frontage with a sign/area face of 25 sq. ft. pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding identification signs with a height of 9 ft. in lieu of the permitted 6 ft., pursuant to Section 450.4. Table of Sign Regulations.6(a) of the BCZR (sign type H), be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, to allow an identification sign to be installed on the top of a canopy a distance of 6 ft. from the wall and a distance of 1 ft. above the vertical face of the

canopy in lieu of the requirement that the sign be wall-mounted, pursuant to Section 450.4. Table

of Sign Regulations.6(a) of the BCZR, be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding

directional signs with sign areas/faces of 14 sq. ft. each in lieu of the permitted 8 sq. ft. and to

allow the multi-family community name/logo on a directional sign to exceed 30% of the total

sign area, pursuant to Section 450.4. Table of Sign Regulations.1.3, of the BCZR (sign Type G),

be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow wall-mounted

directional signs with sign areas/faces of 28 sq. ft. each in lieu of the permitted 8 sq. ft., pursuant

to Section 450.4. Table of Sign Regulations.1.3 of the BCZR (sign type F), be and is hereby

GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance to allow freestanding signs

within a single premise to be as close as 2 ft. apart in lieu of the required 100 ft. signs larger than

8 sq. ft. each, pursuant to Section 450.5.B.4.a, of the BCZR, be and is hereby GRANTED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, Section

32-4-281.

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB/dlm

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