



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 – dhkarceski@venable.com
Adam M. Rosenblatt, Esquire – amrosenblatt@venable.com
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,

A blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure
C: *See Next Page*

DEVELOPMENT PLAN OPINION AND ORDER

Page Two

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

* * * * *

**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 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-family residential building with 300 apartments (96 one-bedroom, 191 two-bedroom, 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 well as a multi-modal path at Shawan and McCormick Roads. Mr. McKearin further explained that the signage on the site was designed 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 an 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 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 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



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 – 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,

A handwritten signature in blue ink, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure
C: *See Next Page*

DEVELOPMENT PLAN OPINION AND ORDER

Page Two-

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

mk 24-0562



PETITION FOR ZONING HEARING(S)

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

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

Address 11350 McCormick Road 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 Plaza LLC

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

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

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

SEE ATTACHED SHEET

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

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

SEE ATTACHED SHEET

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

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

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET

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

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

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

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2004-0149-SPHA Filing Date 6/12/24

Do Not Schedule Dates: Reviewer

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

1. 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.
5. 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 ELECTRIC 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

For Newspaper Advertising:

Case Number: 2024-0149-SHA
Property Address: 11350 McCormick Road
Legal Owners (Petitioners): Executive PLAZA LLC
Contract Purchaser/Lessee: —

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP
Address: David H. Karczeski
210 West Pennsylvania Avenue, Suite 500
Towson MD 21204
Telephone Number: (410) 494-6285

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

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 perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11350 McCormick Road ***SIGN 1A & 1B***

June 27, 2024

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

Sincerely,

June 27, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

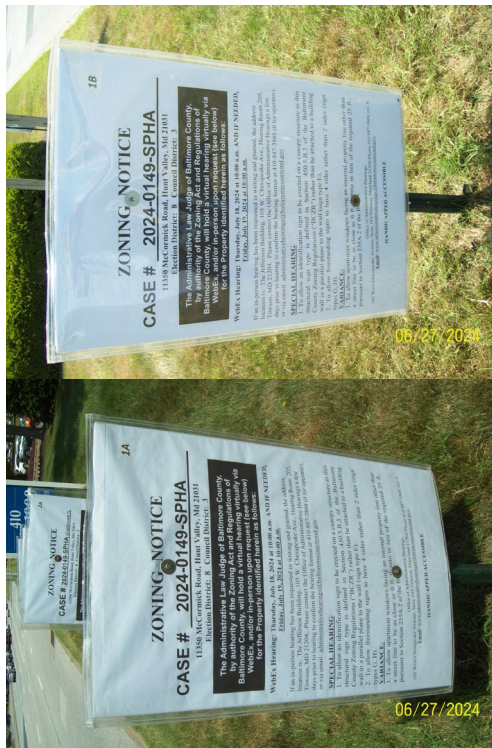
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

No. 230499

Date: 6/12/2024

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		C150					\$1,000

Total: \$1,000

Rec From: Venable, LLP
For: Commercial Special Hearing & Variance
11350 McCormick Road
Zoning Case 2024-0149-SPHA

DISTRIBUTION

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

CASHIER'S
VALIDATION

mk

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
Department of Permits, Approvals

DATE: June 10, 2024

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/21/2024

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.

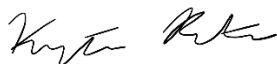
The applicant has requested relief from 235A.2 , and Sections 234.1 and 231.1 of the BCZR for setback and height requirements respectively. The requested setback relief will create minimal impacts on the surrounding and adjoining properties and the requested height is compatible to other nearby developments.

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, trails 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.

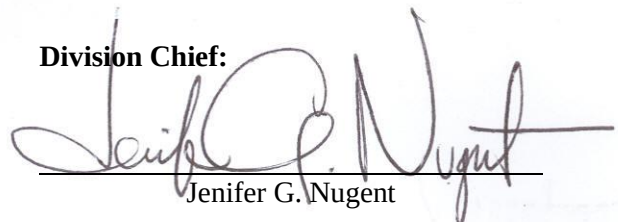
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:


Jenifer G. Nugent

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

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 1600006973

Owner Information

Owner Name: EXECUTIVE PLAZA LLC

Use: INDUSTRIAL

Principal Residence:NO

Mailing Address: 9640 DEERECO ROAD

Deed Reference: /13151/ 00623

TIMONIUM MD 21093-

Location & Structure Information

Premises Address: SCHILLING CIR

Legal Description: 4.976 AC EXEC PL III

0-0000

469 W MCCORMICK RD

HUNT VA BUSINESS COMM

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

0042 0014 0419 20000.04 0000 2023 Plat Ref: 0047/ 0048

Town: None

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

1973 187,627 SF 4,9700 AC 07

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

OFFICE BUILDING/ C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	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

000

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-SPHA

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 1600006967

Owner Information

Owner Name: EXECUTIVE PLAZA LLC

Use: INDUSTRIAL

Principal Residence:NO

Mailing Address: 9640 DEERECO ROAD
TIMONIUM MD 21093-

Deed Reference: /13151/ 00623

Location & Structure Information

Premises Address: SHAWAN RD
0-0000

Legal Description: 6.006 AC EXEC PL II
400 W MCCORMICK RD
HUNT VA BUSINESS COMM

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1
0042 0014 0413 20000.04 0000 2023 Plat Ref: 0047/ 0048

Town: None

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

1967 138,045 SF 6.0000 AC 07

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

OFFICE BUILDING/ C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	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: 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-SPHA

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:District - 08 Account Number - 1600006972

Owner Information

Owner Name:EXECUTIVE PLAZA LLC

Use:INDUSTRIAL

Principal Residence:NO

Mailing Address:9640 DEERCO ROAD
TIMONIUM MD 21093-

Deed Reference: /13151/ 00623

Location & Structure Information

Premises Address:11350 MCCORMICK RD
HUNT VALLEY 21031-1002

Legal Description: 6.806 AC EXEC PL IV
MCCORMICK RD
HUNT VA BUSINESS COMM

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1
0042 0014 0418 20000.04 0000 2023 Plat Ref: 0047/ 0048

Town: None

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

39,742 SF6.8000 AC07

Stories Basement TypeExterior Quality Full/Half Bath Garage Last Notice of Major Improvements
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 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-SPHA

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 1600006968

Owner Information

Owner Name: EXECUTIVE PLAZA LLC

Use: INDUSTRIAL

Principal Residence:NO

Mailing Address: 9640 DEERECO ROAD

Deed Reference: /13151/ 00623

TIMONIUM MD 21093-

Location & Structure Information

Premises Address: 11350 SHAWAN RD

Legal Description: 4.587 AC EXEC PL1

0-0000

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 0000 2023 Plat Ref: 0047/ 0048

Town: None

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

1967 126,956 SF 4.5800 AC 07

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

OFFICE BUILDING/ C3

Value Information

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

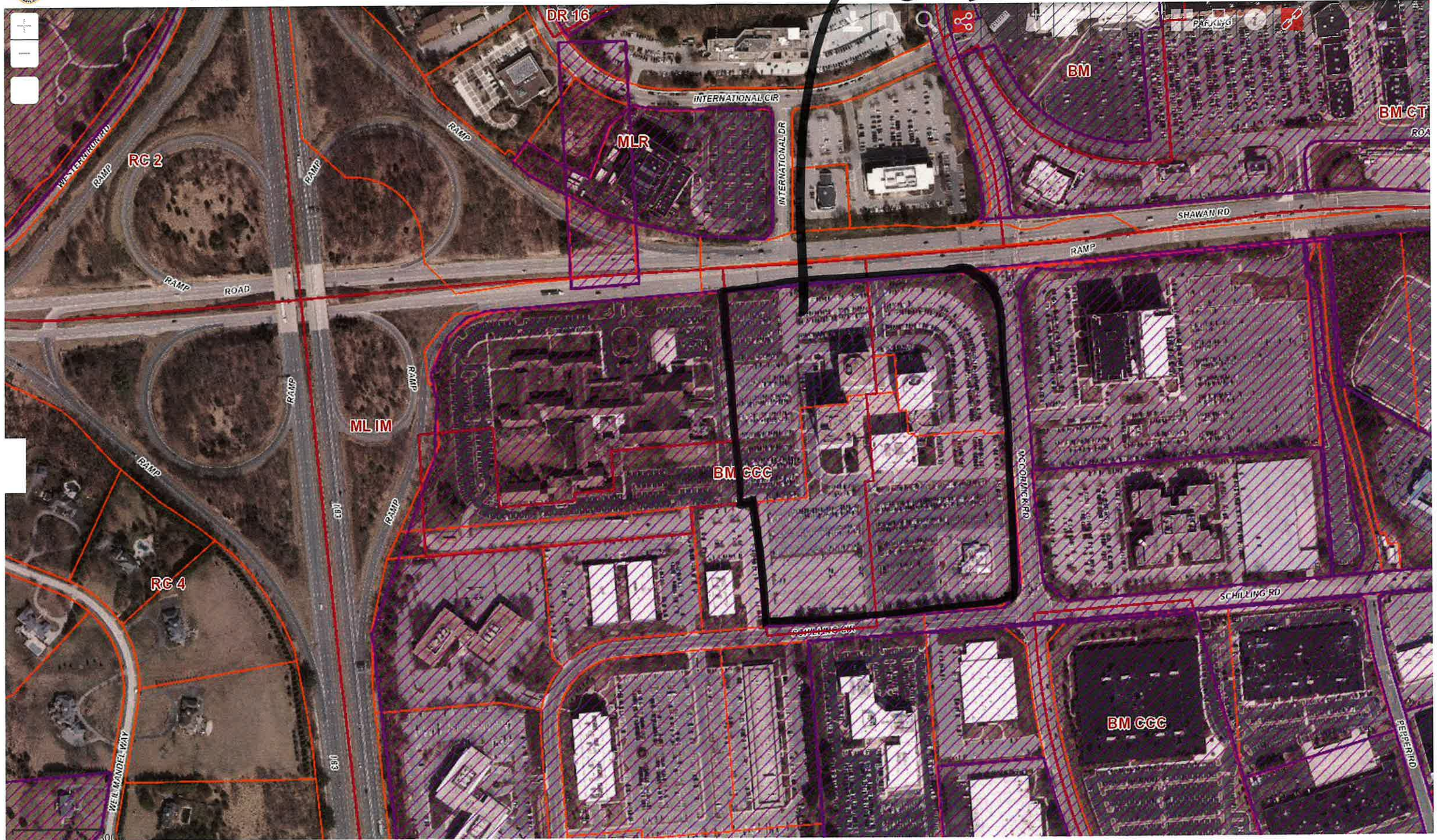
Homeowners' Tax Credit Application Status: No ApplicationDate:

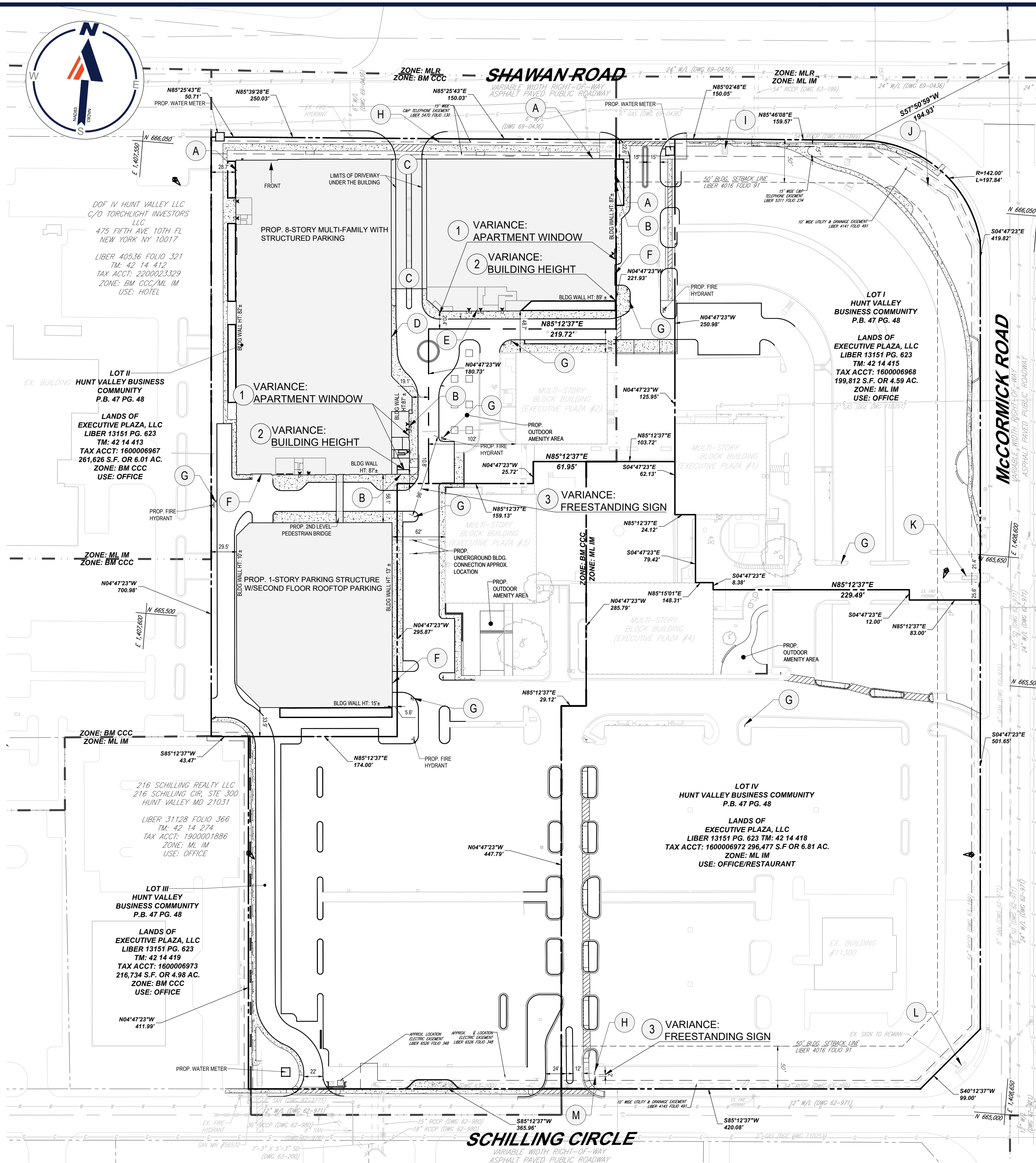
2024-0149-SPHA



11350 MCGORMICK RD.

SITE





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

ZONING CASE NO. 1983-0164-A:
(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.

ZONING CASE NO. 2013-0087-A:
 (1) PETITION FOR VARIANCE FOR FREESTANDING SIGNS FROM B.C.Z.R. SECTION 450.4 ATTACHMENT 1.7 (G) AS FOLLOWS:
 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)

BOHLER TM

SITE CIVIL AND CONSULTING ENGINEERING

LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

[illegible]

Know what's below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the

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

PROJECT No.:	MD19219
DRAWN BY:	
CHECKED BY:	
DATE:	06/11/
CAD I.D.:	SITE

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. HERTZMARK



SHEET TITLE:

PLAN TO ACCOMPANY VARIANCE REQUEST

SHEET NUMBER:

1

SHEET 1 OF 6

ORG. DATE - 06/11/24

Jun 11, 2024
C:\PROGRAMD

SITE NOTES

1. PROPERTY INFORMATION
COUNCILMANIC DISTRICT: 3RD
ELECTION DISTRICT: 8TH
GROWTH TIER: 1
CENSUS TRACT: 4084
WATERSHED: LOCH RAVEN RESERVOIR
TAX ACCT: 1600006967, 1600006968, 1600006972,1600006973
TAX MAP: 0042
GRID: 14
PARCEL: 0413, 0415, 0418, AND 0419
SUBDIVISION: HUNT VALLEY BUSINESS COMMUNITY
2. ZONE: BM-CCC - BUSINESS MAJOR (PARCELS 413 AND 419)
ML-IM - MANUFACTURING, LIGHT (PARCELS 415 AND 418)
THE PROPOSED BUILDINGS WILL BE LOCATED IN THE BM-CCC ZONE.
3. SITE AREA:
EXISTING:
PARCEL I (415): 198,812 S.F. OR 4.59 AC.
PARCEL II (413): 261,626 S.F. OR 6.01 AC.
PARCEL III (419): 216,734 S.F. OR 4.98 AC.
PARCEL IV (418): 296,477 S.F. OR 6.81 AC.
TOTAL: 974,649 S.F., AC. 22.37 AC.
- PROPOSED:
PARCEL I (PORTION OF 415): 182,576 S.F. OR 4.19 AC.
PARCEL II (PORTION OF 413 AND 415): 63,048 S.F. OR 1.45 AC.
PARCEL III (419): 216,734 S.F. OR 4.98 AC. (EXISTING TO REMAIN)
PARCEL IV (418): 296,477 S.F. OR 6.81 AC. (EXISTING TO REMAIN)
PARCEL V (PORTION OF 413): 215,814 S.F. OR 4.96 AC.
TOTAL: 974,649 S.F., 22.37 AC
- THE PROPOSED BUILDINGS WILL BE LOCATED ON PROPOSED PARCEL V (WHICH IS A PORTION OF PARCEL 413). FOR APPLICABLE ZONING REQUIREMENTS, THE PROPOSED SITE AREA OF 215,814 S.F. OR 4.96 AC. WILL BE USED. (SEE PROPOSED PARCEL MAP, NEXT SHEET)
4. USE:
EXISTING: COMMERCIAL (INCLUDING OFFICE, RETAIL, BANK, AND RESTAURANT)
PROPOSED: EXISTING COMMERCIAL USES TO REMAIN; PROPOSED MULTI-FAMILY RESIDENTIAL
5. BULK REGULATIONS FOR PROPOSED PARCEL V (NEW RESIDENTIAL LOT):
(SEE NEXT SHEET FOR FULL ZONING TABLE APPLICABLE TO FULL PROPERTY/SUBDIVISION)
- 5.1. PROPOSED DENSITY: 300 APARTMENT/DWELLING UNITS
- 5.2. BUILDING AREA:
RESIDENTIAL BUILDING: 616,572 S.F.
RESIDENTIAL: 442,787 S.F.
PARKING: 173,785 S.F.
PARKING LEVEL 1: 95,648 S.F.
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 FEET
MAXIMUM PROVIDED: 89 FEET ±
SIDE/REAR: 40' OR 5:1 SLOPE FROM LOT LINE FOR HEIGHT GREATER THAN 40'
SIDE/REAR SLOPE PERMITTED HEIGHT PROVIDED HEIGHT
0' 40' *89 ±
20' 100' 89 ±
10' 50' 87 ±
28' 140' 82 ±
- GARAGE BUILDING HEIGHT PROVIDED: 15 FEET ± (MAXIMUM)
- *A VARIANCE IS REQUESTED FOR PROPOSED BUILDING HEIGHT.
- 5.5. SETBACKS
- | YARDS | REQUIRED: | PROVIDED: | GARAGE BUILDING |
|----------------|-----------|-------------|-----------------|
| FRONT (NORTH): | 15' | 22' ± | N/A |
| SIDE (EAST): | 0' | 0' / 10' ± | 5' ± |
| SIDE (WEST): | 0' | 20' ± | 29' ± |
| REAR (SOUTH): | 0' | 20' / 10' ± | 33' ± |
- FRONT TO CENTER-
LINE OF STREET 40' 101± N/A
6. PER SECTION 235A - SPECIAL REGULATIONS FOR CCC DISTRICTS OF THE BALTIMORE COUNTY ZONING REGULATIONS, THE FOLLOWING PROVISIONS APPLY TO THIS DEVELOPMENT:
- *1. APARTMENTS SHALL BE PERMITTED, BUT ONLY ABOVE THE FIRST STORY OF A BUILDING. 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 OF FACING WINDOWS OF DIFFERENT APARTMENTS ON THE SAME LOT SHALL BE 50 FEET.
 - *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.
- * A VARIANCE FROM SECTION 235A.2 IS REQUESTED FOR APARTMENT WINDOWS CLOSER THAN 25 FEET TO A PROPERTY LINE.
- * A VARIANCE FROM SECTION 235A.4 IS REQUESTED FOR AMENITY OPEN SPACE RATIO LESS THAN 0.2.
7. AMENITY OPEN SPACE RATIO:
(AMENITY OPEN SPACE FROM LOT DIVIDED BY ADJUSTED GROSS FLOOR AREA OF BUILDINGS ON THE LOT)
MINIMUM REQUIRED = 0.2
*PROVIDED = 0.13 (88,001 SF / 651,199 SF)
8. PARKING
REQUIRED: 2,027 SPACES
(PEAK PARKING REQUIREMENT PER SHARED PARKING CALCULATION - SEE CHART)
PROVIDED: 2,068 SPACES
1,174 SURFACE SPACES
491 GARAGE SPACES (PROP. RESIDENTIAL BUILDING)
245 GARAGE SPACES (PROP. GARAGE BUILDING)
156 GARAGE SPACES (EXISTING OFFICE PODIUM)
9. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. THERE ARE NO WETLANDS LOCATED ON SITE.
11. THERE ARE NO KNOWN STREAMS, SEEPS, PONDS, OR OTHER WATER BODIES ON SITE.
12. THERE ARE NO KNOWN HISTORIC STRUCTURES OR AREAS OF ARCHEOLOGICAL SIGNIFICANCE ON SITE.
13. THERE ARE NO KNOWN ENDANGERED OR PROTECTED SPECIES OR HABITATS ON SITE.
14. THERE IS NO FORESTED AREA ON SITE.
15. THE PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
16. 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 BASINS SERVICES MAP AREAS.

COMMERCIAL RESTAURANT HISTORY

- 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 2016/02/05
- CASE NO. B904395: INSTALL FIRE LINE APPROX. 140' OF 6" PIPE TO INCLUDE STUB IN. REFER TO B882522/ISSUED 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 SIF ILLUM ENTERPRISE WALL SIGN 2.5'X 15"-37.5SF ON 107LF FRT WALL BUILDING ISSUED 2010/01/29
- CASE NO. B732310: INT ALTS TO INCLUDE: DEMO/CONST OF METAL STUD DRYWALL PARTITIONS, CEILING GRID/TILE, HVAC REWORK, FINISHES. 4,310SF SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. SEALED PLANS TO BE ON SITE; SLW ISSUED 2010/01/26
- CASE NO. B732563: INSTALL ONE SIF ILLUM ENTERPRISE WALL SIGN 2.5'X 15"-37.5SF ON 107LF FRT WALL BUILDING II ISSUED 2010/01/29
- CASE NO. B741061: 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.KEEP CONST PLAN WAIVED ISSUED 2012/04/13

- CASE NO. B956910: INT ALTS TO INCLUDE: DEMO & CONST METAL STUD & DRYWALL PARTITIONS, CEILING GRID &TILE, HVAC, COUNTER/SINK, FIXTURES & FINISHES PER PLANS 5765SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SEALED CONSTRUCTION PLANSION SITE. WAIVE PLANS: ALB ISSUED 2019/03/12
- CASE NO. B949659: ADD 9 & RELOCATE 80 SPRINKLER HEADS, LARGEST PIPE SIZE 1" PER PLANS ISSUED 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 WMTL 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. B860655: 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 2014/10/17
- 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-YAP/ISSUED 2017/01/26
- CASE NO. B956552: INT ALTS TO INCLUDE: DEMO & CONST METAL STUD & DRYWALL PARTITIONS, CEILING GRID & TILE,COUNTER/SINK, HVAC DUCT WORK, FIXTURES & FINISHES PER PLANS 2953SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. KEEP SEALED CONSTRUCTION PLANSION SITE; OK TO ISSUED 2018/07/31
- CASE NO. B841878: INTERIOR ALTS TO INCLUDE: DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 3397SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. WAIVE DATA SHEETS-ALB. ISSUED 2016/01/21
- CASE NO. B963258: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC/DUCT WK, INSTALL DOORS, FIXTURES & FIXTURES 3047SF SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. OK TO WAIVE PLANS-SLW. KEEP PLANS ON SITE. ISSUED 2019/06/27
- CASE NO. B948272:INTERIOR ALTERATIONS TO INCLUDE: DEMO AND CONSTRUCT METAL STUD AND DRYWALL PARTITIONS, HVAC RE-WORK, FINISHES AND FIXTURES PER PLANS 3055SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. S.P.O.S.-ALB ISSUED 2018/05/25
- 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, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 3397SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. WAIVE DATA SHEETS-ALB. ISSUED 2016/01/21
- CASE NO. B963258: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC/DUCT WK, INSTALL DOORS, FIXTURES & FIXTURES 3047SF SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. OK TO WAIVE PLANS-SLW. KEEP PLANS ON SITE. ISSUED 2019/06/27
- CASE NO. B948272:INTERIOR ALTERATIONS TO INCLUDE: DEMO AND CONSTRUCT METAL STUD AND DRYWALL PARTITIONS, HVAC RE-WORK, FINISHES AND FIXTURES PER PLANS 3055SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. S.P.O.S.-ALB ISSUED 2018/05/25
- 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, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 3397SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. WAIVE DATA SHEETS-ALB. ISSUED 2016/01/21
- CASE NO. B963258: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC/DUCT WK, INSTALL DOORS, FIXTURES & FIXTURES 3047SF SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. OK TO WAIVE PLANS-SLW. KEEP PLANS ON SITE. ISSUED 2019/06/27
- CASE NO. B948272:INTERIOR ALTERATIONS TO INCLUDE: DEMO AND CONSTRUCT METAL STUD AND DRYWALL PARTITIONS, HVAC RE-WORK, FINISHES AND FIXTURES PER PLANS 3055SF. SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. S.P.O.S.-ALB ISSUED 2018/05/25
- 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, CEILING GRID & TILE, HVAC, ADA SINK, FIXTURES & FINISHES PER PLANS 3397SF. SEPARATE PERMIT REQUIRED FOR ANY ADD'L WORK. WAIVE DATA SHEETS-ALB. ISSUED 2016/01/21
- CASE NO. B963258: INT ALTS TO INCLUDE: DEMO & CONST MTL STUD/DRYWALL PARTITIONS, CEILING TILE/GRID, HVAC/DUCT WK, INSTALL DOORS, FIXTURES & FIXTURES 3047SF SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK. OK TO WAIVE PLANS-SLW. KEEP PLANS ON SITE. ISSUED 2019/06/27
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- CASE NO. B



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

FOR CONCEPT
PURPOSES ONLY

PROJECT No.:	MD192199.2
DRAWN BY:	SF
CHECKED BY:	AH
DATE:	06/11/24
CAD I.D.:	SITE-0

**PLAN TO
ACCOMPANY
VARIANCE**

_____ FOR _____

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

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


I, ALIZA S. HERLIHY, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 58589, EXPIRATION DATE: 12/06/25

HEET TITLE:

**PLAN TO
ACCOMPANY
VARIANCE
REQUEST**

HEET NUMBER:

3

SHEET 3 OF 6

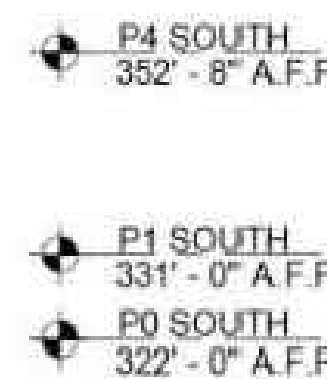
ORG. DATE - 06/11/24

DEVELOPER / APPLICANT HILL MANAGEMENT SERVICES, INC. 9640 DEERCO ROAD TIMONIUM MD 21093 PHONE: (410) 668-1000 CONTACT: PAUL GIULIO	MARYLAND COORDINATE SYSTEM (MCS) OWNER EXECUTIVE PLAZA, LLC 216 SCHILLING CIRCLE, SUITE 300 HUNT VALLEY MD 21031
PREPARER OF PLAN BOHLER 901 DULANEY VALLEY ROAD, SUITE 801 TOWSON, MD 21204 PHONE: 410-821-7900 EMAIL: AHERTZMARK@BOHLERENG.COM	



P2 SOUTH
333' - 0" A.F.F.

P0 SOUTH
322' - 0" A.F.F.



DEVELOPER / APPLICANT

HILL MANAGEMENT SERVICES, INC.
9640 DEERCO ROAD
TIMONUM MD 21093
PHONE: (410) 666-1000
CONTACT: PAUL GIULIO

PREPARER OF PLAN

BOHLER
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MD 21204
PHONE: 410-821-7900
EMAIL: AHERTZMARK@BOHLERENG.COM

**MARYLAND COORDINATE
SYSTEM (MCS)**

OWNER

EXECUTIVE PLAZA, LLC
216 SCHILLING CIRCLE, SUITE 300
HUNT VALLEY MD 21031

SHEET TITLE:

**PLAN TO
ACCOMPANY
VARIANCE
REQUEST**

SHEET NUMBER:

4

SHEET 4 OF 6

ORG. DATE: - 06/11/24

EXECUTIVE PLAZA
11550 MCCORMICK ROAD

Liberty Mutual
INSURANCE

MassMutual

MARY VALLEY
PHYSICAL THERAPY

Play and Learn
at Hunt Valley
Child Care Center

ELEVATE
FITNESS & WELLNESS

PROGRESSIVE

Planning & Management by
RSM Management Services, Inc.
410-966-1000

MARYLAND COORDINATE
 SYSTEM (MCS)

OWNER

 EXECUTIVE PLAZA, LLC
 216 SCHILLING CIRCLE, SUITE 300
 HUNT VALLEY MD 21031

REVISIONS

[illegible]

FOR CONCEPT
PURPOSES ONLY

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DATE:	06/11/24
CAD I.D.:	SITE-0

PROJECT:

**PLAN TO
ACCOMPANY
VARIANCE**

FOR

**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 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

A.S. HERTZMARK

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 58589

PROFESSIONAL CERTIFICATION
I, ALIZA S. HERTZMARK, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 58589, EXPIRATION DATE 12/06/25

SHEET TITLE:

***PLAN TO
ACCOMPANY
VARIANCE
REQUEST***

SHEET NUMBER:

6

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 J. 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,

A handwritten signature in blue ink, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure
C: *See Next Page*

DEVELOPMENT PLAN OPINION AND ORDER

Page Two-

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