

<b>IN RE: PETITIONS FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>AND VARIANCE</b>		
N side of McDonogh Road; 530 feet E	*	DEPUTY ZONING
of Bachelors Hall Lane; corner of E side		
of Painters Mill Road and N side of Lyons	*	COMMISSIONER
Mill Road (cul-de-sac)		
2 <sup>nd</sup> Election District	*	FOR BALTIMORE COUNTY
4 <sup>th</sup> Councilmanic District		
(8870 McDonogh Road and	*	
4515 Paints Mill Road NW)		
	*	<b>Case No. 2010-0102-SPHA</b>
<b>TRP Suburban Second, Inc.</b>		
<i>Petitioner</i>	*	

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal property owner, TRP Suburban Second, Inc. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for an amendment to the site plan approved in Case No. 08-279-A. Petitioner is also requesting Variance relief as follows:

Painters Mill Frontage:

- From Section 450.4.5(k) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 2 ground-mounted enterprise signs in lieu of the permitted 1 sign; and
- To allow a maximum sign face area of 53 square feet per sign in lieu of the permitted 25 square feet; and
- To allow a maximum height for each sign of 9 feet in lieu of the permitted 6 feet (sign A); and

McDonogh Road Frontage:

- From B.C.Z.R. Section 450.4.5(k) to allow 2 ground-mounted enterprise signs in lieu of the permitted 1 sign; and
- To allow a maximum sign face area of 53 square feet per sign in lieu of the permitted 25 square feet; and

- To allow a maximum height for each sign of 9 feet in lieu of the permitted 25 square feet (sign A).

Signage on Interior of Campus:

- From B.C.Z.R. Section 450.4.3 to allow 4 freestanding directional signs with a maximum sign face area of 18 square feet per sign in lieu of the permitted 8 square feet (sign C);
- From B.C.Z.R. Section 450.4.3 to allow 4 freestanding directional signs with a maximum sign face area of 9 square feet per sign in lieu 8 square feet and to allow a maximum height for each sign of 8 feet in lieu of the permitted 6 feet (sign D).

The subject property and requested relief are more particularly described on a six-sheet, redlined site plan that was marked and accepted into evidence as Petitioner's Exhibits 1A through 1F.

Appearing at the requisite public hearing in support of the relief were Brian Dean, Vice President with T. Rowe Price Associates, Inc., on behalf of Petitioner TRP Suburban Second, Inc., and David H. Karceski, Esquire, attorney for Petitioner. Also appearing in support of the requested relief were Jim Flannery with Continental Realty Corporation and Charlie Nugent with Jones Lang LaSalle, consultants to Petitioner, and Michael Pieranunzi with Century Engineering, the firm that prepared the site plan in the instant matter. Mr. Pieranunzi's resume was marked and accepted into evidence as Petitioner's Exhibit 2, which indicated Mr. Pieranunzi's expertise as a professional engineer. Also appearing as an interested citizen was Kacey Macomber with the McDonogh School. There were no Protestants or other interested persons in attendance.

Testimony and evidence was presented by way of a proffer from Mr. Karceski and revealed that the subject property is located northeast of the intersection of McDonogh Road and Painters Mill Road, in the Owings Mills area of Baltimore County, and is within T. Rowe Price's Financial Center (the "Financial Center"). Petitioner's Financial Center is comprised of multiple irregular-shaped lots within Baltimore County's larger "Owings Mills Corporate Campus" and is improved with six multi-story office buildings, structured parking facilities to serve these

buildings and their occupants, and additional off-street surface parking areas. The Financial Center is zoned O.T. (Office and Technology) in its entirety with extensive frontage on both Painters Mill Road and McDonogh Road. Vehicular access to all of the Financial Center's office buildings is possible from the site's two vehicular access points: one on Painters Mill Road and the newly constructed one on McDonogh Road.

Further evidence revealed that the Financial Center has been utilized by T. Rowe Price since approximately 1996, and completion of the latest campus improvements are expected by the end of this year. Specifically, Petitioner's current project includes the two new office buildings, labeled "OFFICE BUILDING 5" and "OFFICE BUILDING 6," on the site plan, as well as two structured parking facilities, labeled "PARKING BUILDING 5" and "PARKING BUILDING 6," on the site plan. These improvements are on Lot 3B of the Owings Mills Corporate Campus, which is the southernmost lot of the Corporate Campus and which has frontage on McDonogh Road. To serve these new buildings, Petitioner installed the Financial Center's second vehicular access point, which connects the property directly to McDonogh Road.

While the buildings and parking facilities on Lot 3B are located in close proximity to McDonogh Road and the new vehicular entrance on this roadway, this portion of the Financial Center is also accessible from the site's access point on Painters Mill Road. Petitioner submitted an aerial photograph of the Financial Center's existing improvements as well as photographs and a color rendering for the newly constructed office buildings, structured parking facilities, and other related improvements on Lot 3B, which were marked and accepted into evidence as Petitioner's Exhibits 3, 6 and 7, respectively. It is important to note that Petitioner's campus has a suburban-style layout, which can be confusing to individuals who are not familiar with the

Financial Center and are attempting to navigate it order to reach one of the many on-site office buildings.

Preliminarily, Petitioner's counsel addressed the Petition for Variance as it relates to the enterprise signs for the Financial Center's vehicular entrances on Painters Mill Road and McDonogh Road. Prior to the filing of the Petition, the Sign Regulations -- contained in Section 450 of the B.C.Z.R. -- permitted one freestanding enterprise sign by right for each road frontage of a property in the O.T. Zone. Recently, however, the County Council, by Council Bill No. 72-09, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 4, amended the Sign Regulations to allow for two freestanding enterprise signs for each vehicular entrance to an office park in the O.T. Zone under certain conditions. As explained by Petitioner's counsel, the enterprise signs, as shown and indicated on the site plan, comply with the additional allowances of Bill No. 72-09. Hence, these signs are permitted by right, without any variance relief from the Sign Regulations. Petitioner, therefore, withdrew the portion of the Petition for Variance related to enterprise signage.

As outlined above, the remaining variance requests pertain to new signage for directional purposes to be located along the Financial Center's access driveways that lead to Painters Mill Road and McDonogh Road. In connection with the recent campus improvements on Lot 3B, Petitioner is, more or less, proposing a complete overhaul of almost all of its signage that is directional in nature. The site plan (particularly Petitioner's Exhibits 1A and 1B) identifies the approximate location for each freestanding directional sign in close proximity to the Financial Center's vehicular entrances that requires variance relief, and provides sign details for these signs (Petitioners Exhibit 1F) for illustrative purposes only.

The proffered testimony and evidence provided a detailed explanation of the purpose for the proposed directional signage. The Financial Center includes multiple office buildings and multiple structured parking facilities, which may be accessed from either McDonogh Road or Painters Mill Road. On a daily basis, Petitioner's employees, along with many other visitors, enter and exit the Financial Center. For example, one of Petitioner's office buildings located to the northeast of the Painters Mill Road access point contains Petitioner's investment center where investment counselors meet clients and prospective clients on a daily basis. Additionally, one of the newly constructed buildings in close proximity to the McDonogh Road entrance will contain Petitioner's institutional retirement plan services for existing and prospective clients, which will be relocated from another one of Petitioner's buildings also located northeast of the Painters Mill Road access point. These services provide more than adequate justification for the proposed directional signage, which is essential for Petitioner's daily operations and its clientele. The testimony offered also confirmed that Petitioner intends to install its directional signage in locations that will ensure efficient navigation throughout the Financial Center.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. They indicate no opposition or other recommendations concerning the requested relief.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that the signage, as shown and indicated on Petitioner's Exhibits 1A through 1F, is appropriate in the locations proposed and, having met the standards set forth in Section 307 of the Zoning Regulations, should be granted. The subject property is unique by virtue of its overall size, irregular shape, topographic conditions, and suburban-style campus layout. As discussed above, this property is part of an integrated Financial Center setting. The

entire Financial Center and all office buildings presently located on it, including the newly completed buildings, are intended to function as one cohesive office complex. The ability to have easy access between all buildings is essential and can only be made possible by providing adequate directional signage. The unique features of the site, along with the relationship of the Financial Center to the two public roadways on which it has frontage and the curvature of these roadways, drive the need for the amount of directional signage requested in order to provide adequate guidance for visitors entering and navigating the subject property. It has also been established that strict compliance with the Zoning Regulations would result in a practical difficulty for Petitioner. Requiring Petitioner to adhere to the sign face area and height limitations for directional signage contained in the Sign Regulations of the B.C.Z.R. would make it difficult for Petitioner's visitors and clientele to locate their destination on the Financial Center campus.

Finally, there is no evidence that the grant of the relief in this case would be detrimental to the surrounding area. The directional signage for the Financial Center will not be installed on either of the subject property's two road frontages, and is reasonable given the size of the Financial Center and the multiple office buildings and structured parking facilities on site. Additionally, a review of the site plan and sign renderings that were marked and accepted into evidence as Petitioner's Exhibits 7A through 7I indicates that the proposed signs are tastefully designed and the character of the signs are appropriate in the context of the existing campus improvements.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of November, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amendment to the site plan approved in Case No. 08-279-A be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance requests as follows:

Signage on Interior of Campus:

- From Section 450.4.3 of the B.C.Z.R. to allow 4 freestanding directional signs with a maximum sign face area of 18 square feet per sign in lieu of the permitted 8 square feet (sign C); and
- From Section 450.4.3 of the B.C.Z.R. to allow 4 freestanding directional signs with a maximum sign face area of 9 square feet per sign in lieu 8 square feet and to allow a maximum height for each sign of 8 feet in lieu of the permitted 6 feet (sign D),

in accordance with the site plan accepted into evidence as Petitioner's Exhibits 1A through 1F, be and are hereby **GRANTED**.

IT IS FURTHER ORDERED that Petitioner's Variance requests as follows:

Painters Mill Frontage:

- From Section 450.4.5(k) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 2 ground-mounted enterprise signs in lieu of the permitted 1 sign; and
- To allow a maximum sign face area of 53 square feet per sign in lieu of the permitted 25 square feet; and
- To allow a maximum height for each sign of 9 feet in lieu of the permitted 6 feet (sign A); and

McDonogh Road Frontage:

- From Section 450.4.5(k) of the B.C.Z.R. to allow 2 ground-mounted enterprise signs in lieu of the permitted 1 sign; and
- To allow a maximum sign face area of 53 square feet per sign in lieu of the permitted 25 square feet; and

- To allow a maximum height for each sign of 9 feet in lieu of the permitted 25 square feet (sign A),

be and are hereby **DISMISSED AS MOOT**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz