

**Aberdeen Planning Commission Meeting
July 9, 2008**

The meeting of the Aberdeen Planning Commission was called to order at 7:00p.m. in the Council Chambers by Commissioner Swisher.

MEMBERS PRESENT: Commissioners Swisher, Kosko, Landbeck, Tout, Braerman, and Schlottman

MEMBERS ABSENT: Commissioner Craig

OTHERS PRESENT: Ms. Phyllis Grover, Director of Planning & Community Development
Mr. Steve Wallis, Assistant Engineer, Department of Public Works
Chief Eric Reith, Aberdeen Fire Department
Mr. Michael Hiob, Aberdeen City Council Liaison
Ms. Doris Manner, Recording Secretary

APPROVAL OF MINUTES:

The Minutes of the June 11, 2008, meeting were approved as amended.

1. Review Rezoning Request for B. Michael and Sons, Inc., 329 W. Bel Air Avenue from R-3 to B-2

Mr. Dudley Campbell with Bay State Land Services introduced Mr. John Karas. The property is shown on Tax Map 200, Parcel 2664 and consists of 0.35 acres. The property contains an abandoned gas station and the zoning request is for a change from R-3 to B-2 to permit the construction of a 3,900 sq. ft. office building. This change will result in less intensive use than in the past. Commissioner Braerman noted that the address is incorrect as submitted. Mr. Campbell said 329 W. Bel Air Avenue was shown on the SDAT sheets. The surrounding property consists of apartments, a 7-11 Store, and other property which is zoned B-3. The parcel is 80% impervious area which will be reduced to comply with the 2000 guidelines. Existing current access will be used and a dumpster pad will be provided in the rear of the building. Offices will use less water than the previous business did. There is storm water management on site.

Mr. Karas said the address should be 729 W. Bel Air Avenue. The property was purchased in 1975 by Baldwin Manor Inc. The following letter from The Commissioners of Aberdeen dated September 24, 1971, was read into the record and signed by Alphonse B. DeMarco, President:

“This is to certify that the property owned by Adams Investment Corporation, Which consist of land and a service station, formerly Texaco, has been zoned by

the Commissioners of Aberdeen a B-3 District.”

The following letter from Stanley Getz, dated January 10, 1975, was also read into the record:

“This office represents Baldwin Manor, Inc. of Aberdeen, Maryland. On or about October 6, 1971 Baldwin Manor, Inc. purchased real estate in the Town of Aberdeen from Adams Investment Corporation, located on Bel Air Avenue, and containing 0.35 acre of land, more or less. At the time of purchase the subject property was improved by a Texaco station; and, in the subject sale was predicated on the fact that there existed a Zoning Classification of “B-3.” I might add that a substantial purchase price was paid for this improved lot due to its commercial adaptation; and, I enclose herewith a copy of letter of the Commissioners of Aberdeen, dated September 24, 1971 confirming the business Zoning Classification.

I am now advised by my client that a new Zoning Map was apparently adopted by the Commissioners of Aberdeen; and, that the subject property has not been downgraded in Zoning to a Residential classification. Upon learning of the proposed change of Zoning Classification, my client voiced an opposition to Messrs. Alphonse B. DeMarco and William Cooper, Jr., then duly constituted Commissioners; and, it was understood orally that a correction would be made on the proposed Zoning Map to protect the business classification of this property. Apparently, this correction was never accomplished, notwithstanding the fact that there were apparently other properties which were corrected on said Map.

Based on the history of this property, its location and improvements, and the purchase price associated therewith, it is respectfully suggested that a down zoning to Residential classification is tantamount to a confiscation of substantial property rights. For these reasons, I am respectfully requesting that the Zoning Map be appropriately amended or corrected to classify the subject property as it was previously classified, “B-3.” I am hopeful that Messrs. Cooper and DeMarco may have sufficient recollection so that this matter may be corrected by formal Motion by your body. In any respect, I would appreciate your earliest acknowledgment and comments. May I thank you in advance for your consideration and cooperation in this matter.”

Mr. Karas noted that adjacent to this property there are 40 apartments, and commercial next door and across the street.

Ms. Grover has gone through files and reviewed zoning maps she found a map from 1971 which was not signed. There are signed maps after 1986, which showed a Comprehensive Rezoning. This property has been zoned R-3 for a long time. There is evidence to show that a “mistake” was made and the requested change was not made. The parcel has always been used for commercial use. Ms. Grover recommends B-3 zoning be approved.

Commissioner Kosko asked why B-2 was not requested. Mr. Campbell said B-2 has less intense use. Commissioner Kosko noted that there was no explanation in the package which the Commission received prior to the meeting.

Commissioner Landbeck asked if R-3 zoning was granted to accommodate the apartments. Mr. Campbell replied that the apartment zoning is R-3.

Commissioner Braerman said the application for rezoning should show the address as 729. Mr. Campbell said it must be identified as Parcel 2664, Tax Map 200 until the address is defined.

Ms. Grover mentioned that letters are needed from the Post Office and Department of Taxation for clarification before the address can be corrected.

Commissioner Schlottman asked if there were any environmental concerns as a result of the gas station being on the property. Mr. Campbell replied that this would be part of the demolition process. Commissioner Schlottman noted that this would be an opportunity to correct the zoning issue and improve the site. Mr. Campbell said the office building would blend into the area and there will be heavy landscaping.

Mr. Hiob favors the proposal because the area has been an eyesore for a long time.

Commissioner Swisher thinks B-2 zoning would be appropriate. The road which runs parallel to West Bel Air Avenue and provides an exit which is not shown. Mr. Campbell stated that SHA wants to keep the road channelized in that area. This statement is not in writing. Mr. Campbell was asked to check into this issue.

A motion was made by Commissioner Schlottman and seconded by Commissioner Landbeck to approve the Rezoning Request for B. Michael and Sons, Inc., 329 W. Bel Air Avenue, from R-3 to B-2.

Commissioner Kosko commented that she agrees there was a “mistake” in the Comprehensive Zoning and wants all information documented in writing and sent to the Council. Mr. Karas is to follow-up on this issue.

The motion was amended to include the above request.

The motion was passed with a vote of 6 – yes and 1 – absent.

Ayes: Commissioners Swisher, Kosko, Landbeck, Tout, Braerman, and Schlottman

Absent: Commissioner Craig

2. Review Preliminary Site Plan for Train Station Plaza

Mr. Dudley Campbell with Bay State Land Services introduced Mr. Art Helton, the developer and owner. This site has been the subject of Appeals Case 584 which granted a reduction in the side yard setback on the north side of this property. This parcel is currently zoned M-1 and consists of 3.95 acres. The CSX Railroad is to the south side of the lot and Bel Air Avenue. The entrance to the property is opposite Baker Avenue. The proposal is for a 3 story office building which will contain 69,000 sq. ft. of office space. The parking requirement is being met. This project will contribute to the revitalization of the area. The lot is in a 100 year flood plain and underground storm water management is proposed. The design will keep traffic and parking away from residences. Some train station components will be used. Comments from SHA will be taken into consideration. The site will have City water and sewer, a good landscaping package, and environmental issues will be addressed if they occur.

Ms. Grover said SHA comments have just been received by the City and is requiring an access permit for the development of the site. A traffic impact study is required. Comments from SHA will be forwarded to the Planning Commission when they are received. A variance for the west side buffer area has been granted from the Board of Appeals. Mr. Campbell indicated that the woods on the west side would be removed to keep storm water on the site.

Ms. Grover asked for a landscaping and lighting plans to be submitted to the Planning Commission and the Architectural Review Committee. The proposal meets parking requirements. Contingent on approval by the Planning Commission will be approval of the Architectural Review Committee and State Highway Administration. The property is in the Overlay District. Ms. Grover read the following letter from Ms. Robin S. Wales, Division of Emergency Operations into the record:

“Emergency Operations is requesting 8” – 10” address numbers and letters displayed on the building and if the business is not operational 24 hrs. a day Emergency Operations must have a list of 3 (three) emergency contacts for notification, response, and securing purposes.

“Public safety wireless radio communications inside a building is essential to the safety of those occupying the structure as well as fire, law enforcement and emergency medical providers responding to a call for help. Buildings that are greater than 5,000 square feet, higher than 50 feet, contain underground storage or parking and are constructed of materials that impede wireless radio signals may adversely affect the response of public safety providers. Please consider including wiring, electrical connections and other infrastructure that may be needed for an in-building 800 MHz amplifier. Emergency Operations will test coverage in your facility once construction is finished. Call 410-638-4900 for this assistance.”

Commissioner Swisher asked what changes were approved by the Board of Appeals. Ms. Grover said the buffer requirement was reduced from 75 ft. to 0 ft.

The 25 ft. side yard setback requirement must be observed. Landscaping and lighting were also included in their decision.

Commissioner Swisher asked if the tree line by the Osborne property would still exist or become a berm. Mr. Campbell said it would be a berm with landscaping.

Mr. Helton noted that an alternative was to request rezoning. This proposal is a B use in an M-1 classification.

Commissioner Swisher is concerned with the privacy of adjoining residences. Mr. Helton assured him that there will be no noise from the rear of the building.

Mr. Wallis noted that the plans are missing a water and sewer note, and a fire hydrant is not shown. Mr. Campbell said no first floor classification is needed due to the flood plain. Mr. Wallis has given copies of his notes to Mr. Campbell.

Chief Reith said the north side of the building requires fire access of at least 10 ft. A fire pipe connection must be shown as well as the proposed building height. Mr. Campbell indicated that sprinklers and a turning radius will be provided as required.

Commissioner Landbeck has been distressed by the M-1 zoning for years. Mr. Helton constructs buildings to improve the town and this one will be an asset to the area.

Mr. Helton commented that the City wanted B zoning with CSX.

Commissioner Tout said this proposal will be an asset to the City.

Commissioner Braerman noted that this intersection is busy when school is in session. He asked if a light would be needed. Mr. Campbell indicated that in discussions with SHA the fact that this is a professional office there would be a 1 – 1 ½ hr. variance. This will require a traffic study.

Commissioner Schlottman said the size of the building may block some of the train sounds for some residents. It may also eliminate vagrants in the area and bring jobs and additional people to the City.

Mr. Campbell stated that parking would be separated from the building and lights will not impact residences.

Mr. Hiob asked that the underground storm water management facility show where the water will drain. Mr. Campbell said it would drain underground by the trees and go under West Bel Air Avenue into a culvert.

Mr. Hiob remarked that Custis Street was 50 ft. wide. Mr. Campbell noted that is was not part of this property. Mr. Hiob favors this proposal to remove another eyesore from the City.

Commissioner Swisher asked that Cedar Alley be clarified on the plans.

Commissioner Swisher stated that fences may be needed because school children may walk through the parking lots.

Commissioner Kosko asked the location of the Osborne Property. Mr. Helton said it is now the Pierce Property.

A. Ms. Karen Heavey, 634 W. Bel Air Avenue

Ms. Heavey agrees that the property needs improvement; however, the proposed plan seems too large for the area. She asked that residents be considered because this area is considered to be historic. The area should be toned down due to the fact that much is being proposed for this area.

B. Mr. Steve Johnson, Economic Development Director for Aberdeen

Mr. Johnson is excited about the project. There will be 200 plus offices, approximately 300 additional people, and many new jobs. This will have a great economic impact on the downtown area. He feels the developer is considering the neighbors with the design. Hopefully, this project will create a domino effect to bring jobs to the City to help the tax base. The Economic Development Committed is giving this proposal its stamp of approval.

Commissioner Swisher said the area was previously a rail yard which serviced a cannery. In his opinion this is an upgrade.

Commissioner Kosko is interested in the Architectural Review Committee for the Downtown Overlay District scale. Their review can “make it fit” and become part of the downtown district. Mr. Campbell stated that the site is 3.95 acres and the building covers less than 30% of the land area. Commissioner Kosko said the design must fit the area.

A motion was made by Commissioner Landbeck and seconded by Commissioner Schlottman to approve the Preliminary Site Plan for Train Station Plaza contingent upon approval of the Architectural Review Committee, the State Highway requirements being met, and incorporation of the Fire Department, and Staff comments.

The motion was passed with a vote of 6 – yes and 1 – absent.

Ayes: Commissioners Swisher, Kosko, Landbeck, Tout, Braerman, and Schlottman

Absent: Commissioner Craig

3. Review Preliminary Subdivision and Preliminary Site Plan for Royal Farm Store

Preliminary Subdivision Plan for Royal Farm Store

Mr. Eric McWilliams with Boller Engineering noted that a Subdivision Plan was submitted last month to combine 2 parcels of land. Several exhibits were available for the Commission's use. He explained the color designations on his exhibit to show the property which Two Farms, LLC has under contract. The property to the north of that is the Warfield Property. The goal is to combine these two parcels to create a new Lot 1 which will be owned by Two Farms, LLC. Right of way dedication for Old Philadelphia Road has been received. It appears the 50 ft. right of way which is needed is, or will be available.

Ms. Grover asked that the Preliminary Subdivision Plan be labeled, remove General Note 8, and indicate use for the parcel. She asked if Newton Road would be improved and dedicated to the City. Mr. McWilliams stated that Newton Road will be improved. Why will the right of way dedication for Old Philadelphia Road not be shown? Mr. McWilliams noted that, currently, the deed does not extend into Old Philadelphia Road.

Commissioner Swisher repeated that the only action at this time is to combine two lots into one. It is currently undecided who will repave Newton Road. Mr. McWilliams said it will be up to the City to determine whether Newton Road is public or private.

Commissioner Swisher stated that this road should be a good road and well maintained.

Mr. Wallis indicated that the City wants the road improved before the City will consider "taking it over". There should be a 50 ft. right of way and a 30 ft. road, a 50 ft. side drainage easement, and the standard water note.

Ms. Grover read the following letter from the Division of Emergency Operations into the record:

"On the preliminary plan the property should utilize the present address of #838 Old Philadelphia Rd, with the approval of the City of Aberdeen. On the site plan, Emergency Operations is requesting 8" – 10" address numbers and letters displayed on the building and if the business is not operational 24 hrs a day Emergency Operations must have a list of 3 (three) emergency contacts for notification, response, and securing purposes.

‘Public safety wireless radio communications inside a building is essential to the safety of those occupying the structure as well as fire, law enforcement and emergency medical providers responding to a call for help. Buildings that are greater than 5,000 square feet, higher than 50 feet, contain underground storage or parking and are constructed of materials that impede wireless radio signals may adversely affect the response of public safety providers. Please consider including wiring, electrical connections and other infrastructures that may be needed for an in-building 800 MHz amplifier. Emergency Operations will test coverage in your facility once construction is finished. Call 410-638-4900 for this assistance.’

If the facility maintains in inventory a hazardous material in amounts over 10,000 lbs. or the Threshold Planning Quantity of 500 lbs. of an extremely hazardous substance, they must submit reports as required by the Emergency Planning and Community Right to Know Act (EPCRA). Reports are due by March 1st and cover the inventory for the previous year. Federal requirements for retail service stations are 75,000 gallons of gasoline and 100,000 gallons of diesel fuel. If the retail service stations exceed that amount then they must report to the State, LEPC and the Local Volunteer Fire Department. Reports for the Local Emergency Planning Committee should be sent to Harford County Local Emergency Planning Committee attn: Mary K. Moses (SARA Title III Coordinator), 2220 Ady Road, Forest Hill, MD 21050.”

A motion was made by Commissioner Landbeck and seconded by Commissioner Schlottman to approve the Preliminary Subdivision Plan for Royal Farms Store with the inclusion of Staff comments.

The motion was approved with a vote of 6 – yes and 1 – absent.

Ayes: Commissioners Swisher, Kosko, Landbeck, Tout, Braerman, and Schlottman

Absent: Commissioner Craig

Preliminary Site Plan for Royal Farms Store

Mr. Eric McWilliams with Boller Engineering said the plan was for a 5,600 sq. ft. “S” type Royal Farms Store containing a car wash, a canopy facing Rt. 715, and one facing Old Philadelphia Road. There will be an entrance onto Newton Road and a few onto Old Philadelphia Road. There will be a community system storm water management facility and an oil grit separator will be provided. The lights will be shielded.

Captain Reith asked that the fire hydrant on Newton Road and Old Philadelphia Road be relocated. He also said the MFPA Code for self-service must have an emergency shut off.

Ms. Grover said that the stacking spaces for the car wash and gasoline pumps be increased. She asked where a comparable station could be seen; Mr. McWilliams said there was one in Owings Mills. Ms. Grover is concerned with the uses in the corner because it is not in the Overlay District. She requested a landscaping and a lighting plan. It was also suggested that SHA comments be included in the Commission decision.

Mr. Wallis asked that a water main be moved; Mr. McWilliams agreed to this request.

Commissioner Kosko asked if there were any other Royal Farms designs. Mr. McWilliams said the design is based on size and looks and the location.

Commissioner Tout stated that cars are stacked on Rt. 715 in the morning. He asked how far the entrance would be from Rt. 715. Mr. McWilliams said distance is 100 ft. and may be a right in only.

Commissioner Schlottman noted that improvements are needed on Rt. 7 from Rt. 40 to Rt. 715. This will be a busy area with cars and commercial trucks. SHA must do something with Old Philadelphia Road. Ms. Grover said this is a City owned road.

Mr. Hiob stated that this store will be like the new one at Rt. 22 and Rt. 543. It is a very nice store.

Commissioner Swisher said he has no problem with the site plan but with the configuration. He asked that the issue of who would work on the road be settled.

A motion was made by Commissioner Kosko and seconded by Commissioner Tout to table the Preliminary Site Plan for Royal Farms Store pending additional information from SHA.

The motion was passed with a vote of 5 – yes, 1 – no, and 1 – absent.

Ayes: Commissioners Swisher, Kosko, Landbeck, Schlottman, and Tout

Nays: Commissioner Braerman

Absent: Commissioner Craig

4. Review Petition for Annexation for Scotten Property

Mr. Bradley Stover, attorney for the petitioners, said this request is to annex .434 acres into the City of Aberdeen. The address is 946 Gilbert Road and identified on Tax Map 51, Parcel 926 as Lots 3 and 4. The property is contiguous to the City of Aberdeen Corporate Limits and was described in the petition filed October 10, 2007. A correction was made on May 27, 2008, to correct a 001 discrepancy in the acreage.

A Community Informational meeting was held on June 12, 2008. This petition was filed prior to Ordinance 736-08. The property is currently zoned AG and is located in the MO District within the Harford County Master Land Use Plan. The requested zoning is IBD which is consistent with Planning Area 11 in the City of Aberdeen. The parcel is part of the Stadium Town Center Project.

Mr. Dudley Campbell with Bay State Land Services noted that this property is one piece of the puzzle. This property is “sandwiched” between Long Drive and Gilbert Road, known by the City Staff as the “island people”.

Commissioner Swisher asked how many pieces were owned by the petitioner. Mr. Conits said this is the only piece left to be annexed in.

Ms. Grover said there was no reference to the existing County zoning in the packet which was received by the City. This should be added as AG in the petition for annexation. She noted that the Certification was received in June and Ms. Grover attended the Community Informational meeting. A copy of all pertinent materials will be sent to the Commissioners.

Mr. Hiob asked if Center Field Drive is part of the City. Mr. Campbell said it was not.

Commissioner Swisher noted the request is for annexation as an IBD for the lot which is .434 acres.

A motion was made by Commissioner Landbeck and seconded by Commissioner Schlottman to approve the Petition for Annexation for the Scotten Property to be annexed IBD zoning.

The motion was passed with a vote of 6 – yes and 1 – absent.

Ayes: Commissioners Swisher, Kosko, Landbeck, Tout, Braerman, and Schlottman

Absent: Commissioner Craig

5. Review Final Subdivision Plat for Chapel Crossing Addition

Ms. Megan Virts with Morris Ritchie stated that this is a 6 lot subdivision and right of way dedication along Bush Chapel Road. The total right of way dedication is 0.066 with the remaining acreage of 1+ acreage to be subdivided into 6 lots. Access to each of the lots will be from William Powell Court. The property is zoned R-3 and all lots will meet setback requirements for that zoning. The comments received from have been added to the plan being submitted tonight.

Ms. Grover asked if there is a sidewalk down William Powell Court. Mr. Wallis said there was.

Mr. Hiob noted that Bush Chapel Road is currently being improved. He said these lots already have water dedicated for use.

Commissioner Swisher noted that William Powell Court will go into the subdivision. Ms. Virts stated that these would be single family homes.

Ms. Grover asked that the Division of Emergency Operations letter be read into the record as follows:

“Emergency Operations is requesting lot 18 should be addressed #133 William Powell Ct, lot 19 #135, lot 20 #137, lot 21 #139, lot 22 #141, and lot 23 #143. These address numbers will work if available and agreeable with the City of Aberdeen.”

A motion was made to approve the Final Subdivision Plat for Chapel Crossing Addition to include the installation of sidewalks by Commissioner Braerman and seconded by Commissioner Kosko.

The motion was passed with a vote of 6 – yes and 1 – absent.

Ayes: Commissioners Swisher, Kosko, Landbeck, Tout, Braerman, and Schlottman

Absent: Commissioner Craig

The meeting was adjourned at 9:00p.m.

Planning Commission Chairman

Date