

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, November 18, 2009

A meeting of the Aberdeen Planning Commission was called to order at 7:07 p.m., August 12, 2009, in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Braerman, Kosko, Schlottman, and Tout.

OTHERS PRESENT: Phyllis Grover, Director of Planning & Community Development
Matt Lapinsky, Director of Public Works
Sgt. Fred Budnick, Aberdeen Police Department
Gil Jones, Acting Recording Secretary

The minutes for the October 21, 2009, meeting were approved.

AGENDA ITEMS:

1. **Review Final Subdivision Plat One for Land of Clark Properties LLC at Third Street**
Location: 612 & 614 Third Street.

Representatives: Jerry Clark, Clark Properties LLC, and Scott Dallas, J.S. Dallas, Inc.

Mr. Dallas gave a review of the plan. He indicated a drainage and utility easement around the perimeter of the property is to be added to the plan. The property meets all bulk regulations for the zoning. The plan is being brought before the Commission since water is now available.

Mrs. Grover asked if the house on this property is to be demolished. Mr. Dallas said it would be. Mrs. Grover indicated a duplex is to be built here and that the property meets the lot width requirements. Two and one-half off-street parking spaces are also required per dwelling unit.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Dallas, to wit: Water and sewer note needs to be added (“The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development”); Owner needs to sign the water and sewer note; Provide drainage and utility easements around the lot line; Provide 15-foot road widening on Third Street; Letter certifying water usage is needed; and corrections per additional notes on check print.

Motion by Mr. Schlottman, seconded by Mrs. Kosko, that the plan be approved, with the incorporation of staff comments and the plat change. Motion carried unanimously.

2. **Review Preliminary Subdivision Plan for Royal Farms Aberdeen (Aberdeen Xchange, Lot 1 and Warfield Property)**

Location: Old Philadelphia Road and Maryland Route 715.

Representative: Eric McWilliams, project manager, Bohler Engineering.

Mr. McWilliams indicated this plan is for the subdivision, combining the Warfield property and Aberdeen Xchange in order to move forward with the site plan.

Mr. Swisher asked if Royal Farms had engaged in discussions with the Warfields about obtaining their property. Mr. McWilliams said the parties had come to a verbal agreement this evening.

Mrs. Grover felt any approval should be conditioned on the land transfer. In addition, Mrs. Grover indicated that Note 2 shows the lot size as being larger than what is shown in the Maryland Department of Assessments and Taxation (SDAT) records. Mr. McWilliams indicated his figures were arrived at by a survey. Mrs. Grover asked if Mr. McWilliams were saying that SDAT was wrong. Mr. McWilliams responded in the affirmative. Mrs. Grover asked that she be provided a letter stating such. She indicated a signature block is also needed on the plan.

Mr. Lapinsky read into the record the comments that had been sent to Mr. McWilliams, to wit: Addition of the following note: "Condition of Approval: No building permits shall be issued for any lot whereby that lot's anticipated flow at the time of building permit application would cause the City's systems (water and/or sewer) to exceed its rated capacity;" Owners and developer need to sign the plan; Show and label all curb radii; Show and label the storm water management (SWM) easement, including oil grit separator; Revise name of Newton Square Plaza to Aberdeen Xchange Lot 1; and add a note/label that the car wash does or does not recycle wastewater.

Mr. Lapinsky indicated that when City Attorney Elwood Stark's office did a title search in relation to the previous subdivision, questions emerged as to the ownership of Newton Lane. Mr. Lapinsky indicated rights-of-way would need to be obtained to resolve the road ownership issue.

Mrs. Kosko asked if the lots and parcels are to be annotated. Mrs. Grover said these would be on the final plan. Mrs. Kosko said we have seen these annotations on other such plans. Mr. McWilliams said these could be provided.

Mr. Swisher echoed Mr. Lapinsky's questions on the road ownership. Mr. McWilliams said these issues are being worked out by the developer.

Mr. Swisher asked for a motion to approve combination of the two lots. Motion by Mrs. Kosko, seconded by Mr. Schlottman, that the plan be approved, contingent on the acquisition of the Warfield property and the incorporation of staff comments. Mr. Swisher pointed out there a lot of items on this particular plan that refer to the site plan. He felt those items didn't need to be on this plan. **Motion carried unanimously.**

3. Review Preliminary Site Plan for Royal Farms Aberdeen
Location: Old Philadelphia Road and Maryland Route 715.

Representative: Eric McWilliams, project manager, Bohler Engineering.

Mr. McWilliams indicated this is a copy of last year's plan, which has expired. A right-of-way per the State Highway Administration (SHA) will be dedicated. Entrances will be off Newton Lane and Old Philadelphia Road. There will be cross access easements to Aberdeen Xchange. The Royal Farm Store will be 5,700 square feet, with 8 gas pumps and a car wash that recycles its wastewater.

Mrs. Grover asked if there was to be only one entrance off Old Philadelphia Road. Mr. McWilliams said yes. Mrs. Grover indicated the need on the plan for the correct acreage and signatures. All other aspects meet B-3 zoning requirements.

Mr. Lapinsky read into the record the comments that had been sent to Mr. McWilliams, to wit: Revise name of Newton Square Plaza to Aberdeen Xchange Lot 1; Owners and developer need to sign the plan; Addition of the following note: "Condition of Approval: No building permits shall be issued for any lot whereby that lot's anticipated flow at the time of building permit application would cause the City's systems (water and/or sewer) to exceed its rated capacity;" Prior to use and occupancy, a grease hauling agreement will be provided to the City of Aberdeen; Provide the most current SHA comments; Show and label 5-foot concrete sidewalks; Show and label all curb radii; Show and label the SWM easement, including the oil grit separator that drains to the SWM pond; Identify the structure opposite the car wash; Relocate the proposed water meter inside the Newton Road right-of-way; and add a note/label that the car wash does or does not recycle wastewater. Also see the check print for any additional notes and/or corrections.

Mr. Lapinsky indicated the Route 715/U.S.Route 40 interchange improvements are on a fast track. Most of these improvements are to be covered by the SHA. However, if this situation changes, the developer will be required to make any necessary improvements.

Mr. Schlottman asked if there were any changes from the old plan. Mr. McWilliams said the vestibules of the building were squared off to save energy.

Mr. Schlottman asked Mr. Lapinsky if the 4,500 gallons per day of water is an average use and if that is sufficient. Mr. Lapinsky said the engineer has certified this as the average daily use. Mr. McWilliams said this is an overestimate based on the use at an Eastern Shore property with a car wash.

Mr. Swisher asked about the lighting. Mr. McWilliams said there is no formal plan as yet.

Mr. Swisher asked where the dumpsters would be. Mr. McWilliams indicated they would be along Newton Lane.

Mr. Swisher asked about green space. Mrs. Grover indicated it would be 5%; a landscape and lighting plan would be provided.

Mr. Swisher asked if, in negotiating with the homeowner on the other side of Newton, the road improvements include the curve on her side. Mr. Lapinsky said if Royal Farm doesn't negotiate with her, the other group will. Mr. Swisher said he understood that, but wants to know who will do the curb. Kate Nolan, a representative from IDGAD, II, LLC, owner of several parcels along Newton Lane, came forward to respond. She indicated that all of the improvements to Newton Lane have been designed, and they are just waiting to obtain the rights-of-way.

Mr. Swisher asked where the load ramps would be. Mr. McWilliams indicated they would be behind the store.

Motion by Mr. Schlottman, seconded by Mr. Braerman, that the plan be approved, with the incorporation of staff comments. Motion carried unanimously.

**4. Review Preliminary Site Plan for North Gate Business Park, Land Bay D
Location: Route 22 at the Aberdeen Proving Ground (APG) gate**

Representatives: Kevin Small and Steve Gorski, Frederick Ward Associates (FWA); Jeffrey Brown, Powers Brown Architecture; and Max Ryan, Corporate Office Property Trust (COPT);

Mr. Small indicated this to be a preliminary site plan for Lot D, immediately adjacent to Lot C. The building will total 131,400 square feet, with 525 parking spaces. There will be a slight adjustment to the orientation of the building and also to the property lines – this is in an effort to create more “interest” inside the courtyard. The building will be 58 feet tall, with SWM provided in conjunction with that for Lot C. There will be 2 access points off the public road. A request has been made to put herbaceous plants in the easement in order to meet landscaping requirements.

Mr. Brown reviewed the drawings that showed changes from the architectural standpoint, including elevations, orientations, and materials to be used (glazing, masonry, metal, etc.). Mr. Swisher asked if the air conditioning (A/C) and HVAC systems would be roof mounted. Mr. Brown indicated they would be. He also indicated the rears and fronts of the building would have similar appearances.

Mrs. Grover asked Mr. Small to indicate the building square footage on the footprint, show the drive aisle widths, change the height note, and indicate the address off Research Boulevard, not Chesapeake Road.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Gorski, to wit: The owner needs to sign the plan; Provide 3 grid tics at multiples of 250 feet; Provide certified water usage letter; Engineer needs to sign, seal, and date plan; Engineer needs to complete the Professional Certification comment; Addition of the following note: “Condition of Approval: No building permits shall be issued for any lot whereby that lot’s anticipated flow at the time of building permit application would cause the City’s systems (water and/or sewer) to exceed its rated capacity;” Dimension the APG easement at the west property line; Complete the metes and bounds along Research Boulevard; Provide an easement around the proposed water meter vault; Show the SWM outfall; Provide an easement, connecting to the SWM easement, around the recharge trench; and provide a private easement from the sanitary manhole in Lot I to this lot. Also see the check print for any additional notes and/or corrections.

Mr. Lapinsky indicated he is still waiting for indemnification from COPT for the roadway that traverses the APG easement. Mr. Ryan said COPT’s attorneys would speak with Mr. Stark on this matter. Mr. Lapinsky said if Mr. Stark approves of the course of action, things can move forward.

Mr. Braerman asked about a target date for occupancy. Mr. Ryan said this building is not yet leased, but there is interest in several buildings similar to this. They intend to start construction in January, with occupancy late in 2010.

Mr. Swisher asked Mr. Small for a small sized plan for the surrounding area in order to aid with orientation of the various sites.

Mr. Swisher asked Mr. Brown how high the A/C and HVAC systems would be. Mr. Brown said they would be 6 to 8 feet tall, but screened. The roof will be slightly sloped to accommodate drainage. Mr. Small indicated the mechanical systems and parapets are not included in the compilation for building height requirements, per the City Code.

Mr. Swisher asked if there would be a stop light on Route 22. Mr. Gorski indicated discussions with SHA are still on going concerning a light for the second access.

Motion by Mrs. Kosko, seconded by Mr. Tout, that the plan be approved, with the incorporation of staff comments. Motion carried unanimously.

As a follow-up to Mr. Small's previous comment, Mrs. Grover read the City Code passage relating to exceptions to the height requirements.

There being no further business or public comment, the meeting was adjourned at 7:55 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval

For a verbatim record of this meeting, reference may be made to the audio recordings, which may be found in the Department of Planning and Community Development, Aberdeen, Maryland.