

**Planning Commission Meeting Minutes
October 21, 2009**

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, and Schlottman

MEMBERS ABSENT: Commissioners Craig, and Braerman

OTHERS PRESENT: Ms. Phyllis Grover, Director of Planning and Community Development
Mr. Matthew Lapinsky, Director of Public Works
Mr. Michael Hiob, City Council Liaison
Ms. Doris Manner, Recording Secretary

APPROVAL OF MINUTES:

The Minutes of the September 9, 2009, meeting were approved as amended. The Minutes of the August 12, 2009, meeting were not available for review.

1. Review Preliminary Site Plan – Aberdeen Corporate Park

Mr. Paul Muddiman, with Morris Ritchie Associates introduced Ms. Amy DiPietro, Mr. Dan Powers, and Mr. Lou Boheri. He said a meeting was held in September with 40 Residents at the Senior Center for their feedback. This parcel was rezoned and is currently zoned B-3.

Ms. DiPietro stated that this property is south of Rt. 22, north of W. Bel Air Avenue, and east of Graceford Drive. Currently, it is split zoned B-3 with a small area zoned R-2. There will be 5 office buildings, and restaurant pads. The office buildings will be 2 and 3 stories with a plaza and courtyard area. Restaurant pads are also included. Access will be via a service road, the sewer service will tie in with an 8 inch pipe by Bouzarth Lane. The developer is currently working with DPW to determine the necessary and available capacity. Water will be off a line on Rt. 22. The storm water drain will have a guaranteed 100 year management time frame and ground water recharge will be provided. A 50 ft. buffer will be created next to the residential area along with complete landscaping of the entire project. The renderings which were shown have LEED Certification.

Ms. Grover noted that at the September meeting, a double entrance was required at Bouzarth Lane. Ms. DiPietro said no access was possible from the Sam's Paving property to W. Bel Air Avenue. Ms. Grover indicated that there was potential to hook into the access road at Target.

Mr. Boheri's group has been working for one year with Target for access. However, it appears that this action is not a priority for Target at this time. Ms. Grover asked that he keep pursuing this issue for a second access. She additionally asked that the 50 ft. residential buffer be shown.

Ms. Megan Matheo with Morris Ritchie is working on landscaping to enhance the current buffer with evergreens, shade trees, etc. The medians will also be landscaped.

Ms. Grover asked that the Preliminary Site Plan have additions to meet City requirements for lighting and landscaping. Twenty-eight handicapped parking spaces are required and should be added to the proposed handicapped parking requirements. She repeated the request for a second access point and the addition of building heights.

Mr. Lapinsky said most of the City comments have been addressed. He thanked Morris Ritchie for their prompt compliance with these issues.

Commissioner Kosko also asked that the second access be pursued.

Commissioner Schlottman asked if there were any tenants yet and if the restaurants would be built at the same time as the office buildings. Mr. Boheri said the first office building would be speculative and the restaurants would be built concurrently with the first office building.

Councilman Hiob asked the definition of Class A office space. Mr. Boheri said Class A and B have different guidelines to be LEED Certified. Councilman Hiob asked if the area zoned R-2 would be a building lot. Ms. Grover said it would have to be subdivided and a separate parcel. Mr. Boheri said this issue would be addressed in the future. Councilman Hiob considers this project great for the City's tax base.

Commissioner Swisher asked what TR-3 and TR-13 were. Ms. DiPietro indicated that they were traverse survey points. Commissioner Swisher asked if the Target road was public or private. Mr. Lapinsky noted that it was a private road. Mr. Muddiman said the property is owned by Stancil who has an agreement with Target and Aberdeen Corporate Park for both to use.

Commissioner Swisher repeated his request for two entrances. He indicated that Bouzarth Lane is a possible entrance and Colane Drive could be used if it became available. Commissioner Swisher asked how the wetlands buffer would be handled. Mr. Muddiman said they are waiting from information from the Army Corps of Engineers on how this issue should be handled. Additionally, the Graceford community may not want the additional traffic.

Commissioner Swisher asked why the Target Road narrows. Mr. Muddiman said the road is for tractor trailer use and only 24 ft. is needed for office occupancy.

Commissioner Swisher asked who would maintain the road and provide snow removal. Mr. Muddiman indicated that the roads are private and will be maintained by Aberdeen Corporate Park.

Ms. Grover said Graceford Drive is zoned R-2 not R-3.

Commissioner Kosko noted that Target has a 25 year lease with Stancil. Ms. Grover said there is a separate agreement for the road.

Mr. Paulis stated that Parcel A is separate and owned by Stancil and leased by Target. There will be shared maintenance and access with Target and Corporate Office Park. Parcel A will stay shared access with Target.

Mr. Boheri indicated that the road would be deeded to Aberdeen Corporate Park for maintenance. Mr. Lapinsky stated that it was advantageous to the City for the road to remain private. Mr. Boheri noted that many developments recently built by this company have only one ingress and egress.

Commissioner Swisher asked if the parking requirements have been met for the restaurants. Mr. Muddiman said the requirements are accurate.

A motion was made by Commissioner Kosko and seconded by Commissioner Landbeck to approve the Preliminary Site Plan for Aberdeen Corporate Park with the inclusion of Staff Comments.

The motion was passed with a vote of 5 – yes and 2 – absent.

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

Absent: Commissioners Craig and Braerman

2. Review Preliminary Site Plan – The Village at Carsins Run

Ms. Megan Matheo with Morris Ritchie Associates introduced Ms. Sue Shea, President and CEO of Presbyterian Homes; Mr. Joseph Snee, Board Member of Presbyterian Homes; and Mr. Mark Keeley with the Traffic Group.

Ms. Matheo said this property is in the IBD Overlay Zone. The request is for a Continuous Care Retirement Community. The project consists of 680 units containing individual living cottages, apartments, assisted living and nursing facilities. There will be approximately 1,000 people occupying the units in 15

years. The area is 138 acres and will have approximately 250 employees at build-out. There will be 80 – 85 employees with the completion of Phase 1. There will be no subdivision similar to the R-3 zoning. The main entrance will be from Long Drive. The parking will be dispersed for the residents' convenience; some covered parking will be available. The City parking requirements have been met. Water and Sewer will be at Long Drive with a pumping station. Two water meters are proposed and a water storage tank will be installed. Architectural Elevations are shown and a meeting with residents was held for their input. The Planning Commission approved the Concept Plan at their July 2009 meeting.

Mr. Mark Keeley has worked with Harford County DPW, used growth rates, studied intersections, and given projections for future growth. There will be an 8 year buildout. It was determined that Rt. 22 at Carsins Run Road and Rt. 22 at Aldino Stepney had some deficiencies. Total buildout will take approximately 15 – 20 years. Signals and roundabouts are not considered to be problem solving. Rt. 22 and Long Drive will create traffic gaps for traffic to enter Rt. 22. Mr. Keeley noted that age restricted community traffic is not usually a problem.

Ms. Grover asked if Mr. Keeley has received an answer from SHA. Mr. Keeley said he has not gotten a reply. Ms. Grover noted that Eagles Rest will need some road improvements.

Mr. Lapinsky said this area has not been annexed so there will be no City services for these 7 houses. Ms. Matheo said in a future phase annexation will be requested or approval by Harford County.

Mr. Lapinsky asked if the water tower, which is part of the project would be paid for by the developer. Ms. Matheo said it would. He asked for components to be added to this plan. Ms. Matheo said there was a note with the site data. Mr. Muddiman said both issues can be addressed on a Site Plan Note. Mr. Lapinsky asked to be shown the water meter locations. Ms. Matheo complied and said they will be easily accessible.

Commissioner Swisher asked what a Level D rating was for the traffic report. Mr. Keeley said it was an acceptable level of service by Harford County and SHA which included some intersection delay during peak hours. Commissioner Swisher asked how the State could be forced to install traffic signals. Mr. Keeley said it must comply with peak hours requirements and follow SHA protocol.

Ms. Grover referred to Note 23 for the 2 lots of Record. Ms. Matheo said they need 2 water meters and the 2 Parcel numbers. Ms. Grover requested the following: required parking to comply with the current Code for age restricted, a note showing the required number of handicapped parking spaces

and the proposed number, Note 23 to show Parcel numbers, and Note 6 to show building dimensions and setbacks.

Commissioner Kosko asked what R-3 clarification was. Ms. Grover said it showed the standards applied. Ms. Matheo indicated that it meets R-3 for rear and sides, and the front is close to 15 ft to 20 ft. without subdividing.

Commissioner Landbeck asked if all comments were needed. Mr. Lapinsky said the requirements must be specified.

Commissioner Tout questioned whether the water would be using the Loop system. Ms. Matheo said it would use the existing line. Commissioner Tout reiterated that traffic is still an issue.

Councilman Hiob would like Mr. Snee's comments on the water tower recoument to be included in the motion.

Commissioner Swisher asked how high the main building would be. Ms. Matheo said it would be 100 ft in the IBD.

Commissioner Swisher questioned the location of only one dumpster. Ms. Matheo said there would be private trash collection and she showed the locations of the dumpsters.

Mr. Muddiman noted that mostly all of the residential traffic would use Long Drive.

Commissioner Kosko asked why all of the verbiage on comments when this is only a recommendation. Mr. Lapinsky indicated that there are two situations, the lawyers went to the Planning Commission for specifics and want these issues included in the motions by the Planning Commission and City Council in their votes. Additionally, money issues are in the best interest of the tax payers.

Commissioner Landbeck noted that the City Council does not always listen to the Planning Commission.

A motion was made by Commissioner Schlottman and seconded by Commissioner Landbeck to approve the Preliminary Site Plan for the Village at Carsins Run with the following Staff Comments: 1. "A water tower and all necessary utility extensions with adequate capacity to service the area outlined on the Morris Ritchie Associates exhibit will be designed and constructed by the developer with City approval. All costs associated with this design and construction will be bourn by the developer. Not withstanding this note, the Village of Carsins Run reserves the right to developer agreements with adjacent property owners to share in the cost of construction and related

utilities on the water tower.” 2. “Properties outside the Aberdeen City limits will not be serviced by water or sewer unless annexed into the City limits.”

The motion was passed with a vote of 5 – yes and 2 – absent.

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

Absent: Commissioners Braerman, and Craig

A motion was made by Commissioner Kosko and seconded by Commissioner Schlottman to approve the Preliminary Site Plan for Carsins Run with the previously approved motion and additional comments regarding the required and planned disability parking spaces.

The motion was passed with a vote of 5 – yes and 2 – absent.

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

Absent: Commissioners Braerman, and Craig

3. Review Final Subdivision Plat – 1001 Beards Hill Road, Lot 7

Mr. Dudley Campbell with Bay State Land Services introduced Mr. Joseph Snee, Attorney and Mr. Mitch Ensor, the developer. He stated that this request was before the Planning Commission at their August 2009, meeting. The property, Parcel 625, consists of 1.1 acres and is currently subdivided. Easements are contained in the southeast corner, and storm water management is on the property.

4. Review Preliminary Site Plan – Holiday Inn Express

Mr. Campbell stated that no variances are required for this property. A gas station was originally located on this parcel, which is located off of Beards Hill Road. The impervious area is being reduced, water and sewer connectors are on site, and landscaping is planned with 1,500 sq. ft. of plantings. The property consists of 1.1 acres, 80 rooms are planned, the building height will be under 60 ft., and 84 parking spaces are required and 86 are being provided.

Commissioner Swisher asked if the additional parking came from the Holiday Inn which are also used by the Olive Tree. Mr. Snee noted that in 1994, the Board of Appeals granted a variance and waived the parking requirements if all employees parked off site. A variance request was denied in 1996, later that same year, 10 spaces at the Holiday Inn were designated for employees and spaces at the Olive Tree were restriped. With these actions the parking

requirements met the Board of Appeals requirements and a variance was granted.

Mr. Snee stated that 3 additions and additional drawings for that site were made and designated for the Olive Tree. There are 40 off site spaces which are unspecified. The conditions are a matter of public record. Lot 1 requires on site parking. Commissioner Swisher noted that the parking requirements are confusing.

Ms. Grover said KCE Engineering submitted plans that showed the Olive Tree parking. Subdivision took place July 2008. This contains only a portion of the subdivision action.

Mr. Campbell noted that he can revise the subdivision plat to include the Holiday Inn Plat. Additionally, the Holiday Inn Plat can also be revised. Ms. Grover said this action was taken to make the Holiday Inn area larger. Mr. Campbell stated that Parcel 3 does not meet the subdivision Code, and this action will bring the lot into compliance.

Ms. Grover noted that the Plan was 2 parking spaces short with the new Lot lines. Additionally, other notes regarding curb elevation, etc. have been omitted. Mr. Campbell stated that these items are not needed for Preliminary Plans.

Ms. Grover indicated that there are particular landscaping requirements for every 10 parking spaces. See Liber 1689, Folio 280. She asked if the property has changed hands.

Mr. Lapinsky has met with Mr. Hapsis regarding extending utilities up Beards Hill Road. The following are notes from Mr. Lapinsky:

“1. As shown on Harford County Tax Map 200, City of Aberdeen, the following properties are owned by the following entities:

Lot 1A, 1007 Beards Hill Road shown on Plat No. 94, Folio 19 –
Chesapeake Hotel Corporation

Lot 1B, 1113 Brady Way shown on Plat Book No. 94, Folio 19 –
Blacksmith Associates, Inc.

Lot 1C, 1111 Brady Way shown on Plat Book No. 94, Folio 19 – Tristomo
Properties, LLC

Map Parcel 625, 1001 Beards Hill Road shown on Plat Book No. 27, Folio
48, The Blacksmith Corporation (proposed Lot 7)

Parcel 2, Parcel 526, 1005 Beards Hill Road shown on Plat Book No. 27, Folio 48, Nicholas E. Hapsis and Popi Hapsis

The collectively above named entities are hereinafter referred to as 'Owners'.

2. The Blacksmith Corporation, at its expense, shall provide to the City a Capacity Analysis Study of the existing water and sewer utilities located on the Owner's properties to be prepared by a registered professional engineer selected by The Blacksmith Corporation, subject to the prior approval of the City. The report of the study shall be provided to the City showing engineering data that demonstrates adequate water and sewer capacity exists for all existing uses on the Owner's properties as well as the new use proposed on Map Parcel 25 (proposed Lot 7).

3. All water and sewer service for the Owner's properties shall be owned by the Owner's individually or collectively, and operated and maintained by The Blacksmith Corporation unless otherwise agreed in writing by the Owners. In such an event, a copy of the Owners' Agreement, copy shall be provided to the City.

4. The Blacksmith Corporation shall install a transition manhole and master meter vault in Brady Way adjacent to the Olive Tree Plaza II. They will be designed and constructed by The Blacksmith Corporation and approved by the City of Aberdeen's Department of Public Works. Upon completion of the construction and approval of the transition manhole and master meter vault, the City will convey to the appropriate Owner, that portion of the water and sewer utilities. Thereafter, the utilities located on the Owner's properties shall be owned by the respective Owners.

5. Prior to Final Subdivision Plat approval of the City Council, The Blacksmith Corporation will have satisfactorily completed the Capacity Analysis Study of the Water and Sewer Utilities, installed the transition manhole and master meter vault and accepted the conveyance of the existing City-owned utilities.

6. After completion of the items set forth in Paragraph 5 above, the Owner of Parcel 2 shall connect the water service to the private system referred to above. Once completed, the existing water services shall be abandoned by the Owner pursuant to the requirements of the Harford County Code. The existing sewer line also located on Parcel 2 extending to a termination point at a manhole located on Beale Drive shall be conveyed by the City to the Owner of Parcel 2.

7. The Owner of Parcel 2 is not relieved of any responsibility in regard to

Issues associated with any sewer usage and discharge quality issues relating to the uses located on Parcel 2.

8. Any new uses located on the Owners properties are required to pay all area connection charges and any fees provided for in relation to connection to the City of Aberdeen water and sewer utilities.”

Mr. Campbell said there may be one change prior to obtaining a building permit on Lot 7. Mr. Lapinsky said any changes would need approval of the City Council.

Mr. Mitch Ensor with Bay State Land Services referred to Item 6 noting the parcel by KFC not being owned by the Olive Tree. Mr. Lapinsky said that change would also be a City Council decision.

Mr. Snee will work with Mr. Stark and Mr. Lapinsky because the owner has no problem with the comments.

Ms. Grover stated that the proposed parking on Lot 7 is 9 spaces with a 24 ft. drive isle.

Commissioner Swisher is concerned with the parking and the location of the parking. He suggested holding the decision in abeyance and have a working meeting next week with the Staff and the City attorney because some issues cannot be resolved tonight.

Mr. Snee said the current development plans were a result of the August meeting regarding the subdivision and site plan decision. The subdivision moved land to another lot. Tonight there are only two actions before the Commission, other issues are not relevant. The developer is requesting a vote tonight to move on in the business world. Later Planning & Zoning can determine if the requests are being met. The request is for Subdivision and Preliminary Site Plan approval so the bank can review the documents.

Commissioner Swisher wishes to table the request to seek legal counsel. Now is the time to “clean up this issue”.

Commissioner Schlottman asked if land is taken from the Holiday Inn for parking, how would their parking be impacted. Mr. Campbell said there would not be an impact because 555 spaces are required for the whole site and 589 are provided.

Ms. Grover stated that there is a 25 ft. building restriction line needed for the setback even if the area is not used for parking.

Mr. Campbell indicated that Mr. Hapsis is willing to work out problems.

Mr. Cornelius Scott from Aberdeen stated that he feels that some issues are not being understood, i.e., good will issues. He supports local programs and helps with hardships and there is enough information for a good will decision. There should have been group work before today. Everyone wants a reasonable outcome. The Commission should take an interim step.

Commissioner Kosko noted that the July Plan said Lot 9. Mr. Campbell said that was because of the order of progression in numbering. She noted that if the parking is adequate, etc. – the Planning Commission does not have to make a recommendation to approve the request if there would be negative impact on the neighborhood.

Commissioner Landbeck stated that there are always empty spaces in the area except for the Olive Tree. She stated that no parking problem exists whether or not it meets Code. Mr. Campbell said the developer must come back for a Final Site Plan at a later date.

Commissioner Tout would like to hold the request in abeyance and meet later.

Commissioner Schlottman parked at the Olive Tree last night. He asked if the area is subdivided would each property be able to stand alone with regard to parking. Signs for the Olive Tree parking are posted. Any action taken should be by the law and be good for the neighbors. Mr. Campbell noted that a decision tonight is preliminary.

Commissioner Swisher can call a special meeting before the next Planning Commission meeting or vote tonight to approve, disapprove or hold in abeyance. He submitted the following concerns to be part of these minutes:

1. The proposed motel is to be an 80 room unit, six stories high, on a 1.1 acre lot. The facility would be next to the very successful Olive Tree Restaurant.
2. The current Olive Tree Restaurant is on an approximate 160 x 180 ft. lot, and has seating accommodations for approximately 266 patrons, with an estimate of at least 15 employees at peak operations. Per the Aberdeen Code, this requires 87 customer and 10 employee parking spaces. The restaurant lot currently has 2 handicap and 44 regular parking; and therefore requires – 53 parking spaces on other properties. The original restaurant facility has been expanded 3 times, requiring extra parking spaces that were not available on the Restaurant lot, but on adjacent land owned by the same individuals. As buildings increased on the lot adjacent to the restaurant lot, these

required parking spaces and access points appeared to continuously move and became less well defined. Over time the restaurant became more successful. With the tight parking on the restaurant lot, the adjacent Kentucky Fried Chicken lot became an option for the Olive Tree patrons. Also the old gas station lot appears to be a parking option for the restaurant.

3. An eighty room hotel, with no eating facilities, requires, per our Code, one parking space per room, plus at least 4 additional spaces for a manager and staff for a total of 84 parking spaces. With the foot print for the motel, plus 84 parking spaces and a dumpster area as a minimum, plus the anticipated overflow from the very popular, next door restaurant, it is felt that this hotel on this proposed lot is not in the best interest of Aberdeen. As an aside, this intersection will be improved soon and is currently one of the most accident prone intersections in Aberdeen.
4. The City of Aberdeen has at least nine major hotels and none have created any parking concerns. The attached table notes the motels, number of rooms and the size of the lots.
5. The Planning Commission has proposed an alternate location away from the proposed site, for the Holiday Express Inn, but the owner and his consultants turned down this suggestion without further discussion.
6. The owner of both properties is very successful in his endeavors. However, there has been a great deal of mis-communication between the owner, consultants and the city, which has frustrated all parties in their respective roles. This project has come before the Planning Commission many times.

Councilman Hiob asked if the Commission could approve the request if the Preliminary Site Plan meets Development Code requirements with Staff comments included.

Mr. Snee said this request was before the Commission 6 times before and approval for preliminary decisions.

A motion was made by Commissioner Landbeck and seconded by Commissioner Kosko to approve the Final Subdivision Plat – 1001 Beards Hill Road, Lot 7 and the Preliminary Site Plan – Holiday Inn Express with Staff Comments.

The motion failed with a vote of 2 – yes, 3 – no, and 2 – absent.

Ayes: Commissioners Landbeck and Schlottman

Nays: Commissioners Swisher, Kosko, and Tout

Absent: Commissioners Craig and Braerman

Commissioner Swisher stated that with the motion being defeated, he would like a working group meeting to solve the parking problems.

Mr. Snee asked that the Planning Commission have Mr. Stark present at any scheduled meetings. However, he will take this request to the City Council and meet with the Planning Commission in the interim.

Mr. Lapinsky suggested they start a legal agreement for utility work.

5. Review Proposed Amendment to the Development Code – Auction House Ordinance – 09

Ms. Grover has a request from Mr. Nelson Gilmer to hold auctions for merchandise which has been in storage. The 2006 Code has no provisions for auctions. She has the MML ordinances for definitions for auctions.

Mr. Snee stated that the Gilmer property is designated M-1. The owners want to conduct auctions in M-1. Additionally, the Harford County Zoning Code does not define auctions.

Ms. Grover sees no problem in B-3, M-1, or AG.

Commissioner Kosko asked Mr. Snee to clarify his statement. He noted that some auctions could be held outside with the merchandise being sold and/or disposed of. She asked if this would be similar to M-1 being a Special Exception and off street parking requirements being met. Mr. Snee stated that auctions are allowed in M-1 and B-3, and off street parking would be addressed at a later date.

Commissioner Kosko would like livestock, motor vehicles, etc. excluded. Mr. Snee said M-1 zoning is for intense commercial uses. The Sale of livestock may not even take place.

Councilman Hiob is impressed with the area.

Ms. Grover said the decision must exclude livestock.

Commissioner Swisher said it can include cars, plants, pets, etc. but not livestock.

A motion was made by Commissioner Schlottman and seconded by Commissioner Landbeck to approve the Proposed Amendment to the Development Code – Auction Houses, Ordinance No.09. The auctioning of livestock will be excluded and adjustments for off street parking in B-3 and M-1 will be made.

The motion was passed with a vote of 4 – yes, 1 – no, and 2 – absent.

Ayes: Commissioners Swisher, Tout, Landbeck, and Schlottman

Nays: Commissioner Kosko

Absent: Commissioners Braerman, and Craig

The meeting was adjourned at 11:00p.m.

Planning Commission Chairman

Date