

MINUTES

PLANNING COMMISSION

February 7, 2019

The regular meeting of the Planning Commission was called to order on Thursday, February 7, 2019 at 7:00 p.m. at Town Hall, 39 N. Hickory Avenue, Bel Air, Maryland.

MEMBERS PRESENT: Lois Kissinger-Kelly, Chair
Donald Coates
Keith Powell
Phillip Raub
Peter Schlehr

IN ATTENDANCE: Kevin Small, Director of Planning
Charles Keenan, Town Council
Philip L. Einhorn, Town Commissioner
Joan Suitt, Recording Secretary

ADMINISTRATIVE MATTERS:

Approval of Minutes

Mr. Raub moved and Mr. Coates seconded the motion to approve the minutes of January 3, 2019 as submitted.

Ayes: Mr. Coates, Mr. Raub and Chair Kissinger-Kelly

Abstained: Mr. Powell and Mr. Schlehr

The motion carried.

NEW BUSINESS:

Review of Subdivision Plan to create a five lot commercial subdivision with a Reciprocal Parking and Access Easements located at 502 Baltimore Pike

Mr. Small, Director of Planning advised this request is for Subdivision Plan approval for Bel Air Town Shopping Center to divide into five (5) lots. The property is identified as parcel 7 on map 304, zoned B-3 and located at the intersection of Baltimore Pike and MD Route 24. The subdivision would create individual lots for each building along Baltimore Pike. The use for all the lots would remain as a Shopping Center. Mr. Small informed any future review would be considered as a Shopping Center and does not matter if on separate lots. Parking does not have to meet individual requirements.

Mr. Schlehr inquired if each lot could be sold. Mr. Small advised each lot can be sold and notified as part of the staff recommendation there must be blanket easements related to access, parking and stormwater management. This will require, if a parcel is sold, to have obligation to provide reciprocal arrangements for the rest of the Shopping Center. Also, freestanding signs will not be considered for each lot and must meet regulations for Shopping Center use.

Mr. Lou Schaffer, Frederick Ward & Associates, advised Mr. Kurz's attorney is working on documents requested by Mr. Small and will submit them to the Town for approval. Mr. Schaffer advised these will handle common drives, cross parking agreement, stormwater management maintenance agreement and beneficial users map showing who has the ability to share plus the responsibility. Each lot will be served by public water and sewer and nothing will change on-site except Popeyes.

Mr. Chris Kurz, owner, explained this was precipitated by the franchise of Taco Bell who wanted to buy the store. The franchise owner was advised of the reciprocal agreement and agrees with all aspects. Mr. Kurz stated after the franchise request, the decision was made to divide the buildings. Mr. Kurz informed there will be no visible change and no change of the way things operate. Any subsequent owners will have to abide with the reciprocal agreement.

Mr. Keenan, Town Council, advised the Town will have to approve the agreement and needs to be in place before the Taco Bell settlement. Mr. Kurz agreed. Mr. Schaffer notified the plat will not be submitted until having the Town's blessing. Mr. Kurz informed settlement will not occur until the end of this year.

Mr. Raub wanted clarification if this Taco Bell is a corporation or franchise. Mr. Kurz advised it is the franchise operation buying the building.

Mr. Schlehr inquired if there has been any talk of buying from other businesses. Mr. Kurz informed Chili's and Federal Express are not being sold but if a deal with Popeye's is right it would be sold. Mr. Kurz notified the entire shopping center was looked at and the decision was to subdivide at the same time.

Chair Kissinger-Kelly questioned who will oversee the entire shopping center, i.e. when the parking lot needs redone or striped. Mr. Kurz stated they would have that responsibility. Chair Kissinger-Kelly wanted to know what happens if a business has financial hardship. Mr. Kurz stated they would be sued for the money.

Chair Kissinger-Kelly asked for clarification on Aref Oriental Rugs. Mr. Kurz stated in their opinion, if giving access to our parking lot, it would add value to Aref's piece. When Aref asked for access, they were not interested when given the price.

Mr. Powell is concerned with the shopping center getting in trouble or sold since the pad site owners are dependent on the existing parking. Mr. Kurz noted any changes would have to come before the Planning Commission and the agreement puts the burden on the owners of the shopping center.

Mr. Small feels with the easements recorded in land records it is stronger.

Mr. Powell suggested adding to recommendation #2 : Submission and approval of the Easement Documents

Mr. Schaffer advised the plat will not be recorded before having Planning Department approval.

Chair Kissinger-Kelly called for the motion on the Subdivision Plan.

Mr. Powell moved and Mr. Raub seconded the motion to approve the Subdivision Plan for 502 Baltimore Pike subject to the Staff Report dated January 31, 2019, amending #2 Submission "and approval" of Easement Documents and based on the following findings of fact.

1. Submission of a Final Record Plat for signature and recordation incorporating comments from this Staff Report and include:
 - a. Department of Public Works memo dated January 30, 2019
 - b. Harford County Health Department letter dated January 30, 2019
2. Submission and approval of Easement Documents addressing the requirements for shared access, parking and stormwater management between all lots.
3. Freestanding signs for the Shopping Center must adhere to Section 165-106.B(2)b[3]c.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub, Mr. Schlehr, Chair Kissinger-Kelly

Nays: None

The motion carried.

MISCELLANEOUS:

Project Status Update

Mr. Small reviewed the following:

- Chick-fil-A - progressing.

- Popeyes - to begin soon.
- Towns of Bynum Run - will begin work on Phase II at Churchville Road. Moores Mill area should close out in 6-8 months.
- Chavis - basically complete. Stormwater management facilities need to be built, to begin in the Spring.
- Bel Air Academy - apartments in old building have been submitted.
- Looney's Pub - to begin work after St. Patrick's Day.
- 400 S. Main Street - nothing has been submitted.
- Upper Chesapeake Hospital - work is continuing.

ADJOURNMENT:

The meeting adjourned at 7:15 p.m.