

**MINUTES
PLANNING COMMISSION
JANUARY 8, 2026**

The meeting of the Planning Commission was called to order at 6:00 PM on Thursday, January 8, 2026, at Town Hall, 39 N. Hickory Avenue, Bel Air, MD 21014.

MEMBERS PRESENT: Peter Schlehr, Chair
James C. Hynes, Jr., Vice Chair
Jeffrey Stamm
Don Coates
Phil Raub

IN ATTENDANCE: Kevin Small, Director of Planning
Waqar Shah, Deputy Director of Planning
Steve Chizmar, Town Commissioner
Elizabeth Thompson, Town Counsel
Heather Walls, Recording Secretary
Ann Lavoie, Transcriptionist

I. ADMINISTRATIVE MATTER

A. Approval of Meeting Minutes – December 4, 2025

Mr. Schlehr called the meeting to order at 6:00 PM. He asked for changes or corrections to the minutes from December 4, 2025.

- Mr. Coates said on page 15, the 3rd line down, the word “sue” should be “use”.
- Mr. Hynes said on page 6, second full paragraph, “north southwest corner” should be “southwest”.
- Mr. Hynes said on page 8, eight lines up from the bottom of the first long paragraph, “DBW” should be “DPW”.

Mr. Raub moved to approve the December 4, 2025 meeting minutes **as amended** and Mr. Coates seconded. All in favor with one abstention (Stamm). Motion carried.

Mr. Small introduced the newest member of the Planning Commission, Jeffrey Stamm, who was appointed by the Board of Town Commissioners to replace Lois Kissinger-Kelly.

B. Election of Officers

Mr. Schlehr relinquished the Chair and handed the meeting over to the Town Attorney, Ms. Thompson. Ms. Thompson said as Town Counsel for the Town of Bel Air and Chair Pro Tem of the Planning Commission, she would like to call for nominations for the position of Chair of the Bel Air Planning Commission.

Mr. Raub nominated Mr. Hynes; Mr. Coates seconded.

Ms. Thompson called for comments. There were no comments. She called for a vote. There being 4 votes in the affirmative (Stamm, Schlehr, Coates and Raub) and 1 vote in the negative (Hynes); the nomination of Mr. Hynes as Chair to the Bel Air Planning Commission is approved.

Mr. Schlehr relinquished the Chair to Mr. Hynes, who then called for nominations for Vice Chair. Mr. Raub nominated Mr. Schlehr; Mr. Coates seconded. All in favor; motion carried. The nomination of Mr. Schlehr as Vice Chair to the Bel Air Planning Commission was approved.

II. NEW BUSINESS

A. **Review a Site Plan and Landscape Plan approval to construct an 1,246 sf two story addition to the current building and related improvements to the property located at 604 Moores Mill Road**

Mr. Shah presented the J & S Medical Billing addition at 604 Mores Mill Road.

The project involves constructing a two-story 1,246 square-foot addition to expand the existing Business Support Service use along with related site improvements to 604 Moores Mill Road for the J&S Medical Billing business.

The new addition will result in a maximum height of 23 feet and is set outside of all required setbacks with the exception of the existing use and building encroachment into the side-yard setback. Additionally, the proposed addition will remove 6 off-street parking spaces and the existing parking area on site is to be restriped as they don't meet current code.

The subject property is located in the B-1 limited business zoning district and is approximately 150 feet northeast from the Moores Mill Road and North Hickory Avenue intersection.

The area is characterized by a mix of a commercial and residential development pattern comprised of one to three story commercial and residential buildings. The lot is currently developed with 1,840 square foot commercial building formerly occupied by Kellys Hair Design and has been occupied by J&S Medical Billing since 2022.

Site Plan

The proposed principal building is positioned toward the southeastern portion of the site, maintaining all required setbacks apart from the existing use and building encroachment into the side-yard setback as discussed earlier. The site plan identifies the required 11 parking spaces based on the total 3,086 square-foot gross floor area and the standard in Town of Bel Air Code Section 165-51H, requiring 1 space per 300 square feet. The addition will reduce the existing car park from 23 to now 17 spaces with one handicapped space removed.

At this time after reviewing the site plan, it is recommended that the applicant address the following:

1. The two sheds encroaching onto 604 Moores Mill Road from adjacent properties must be addressed by:
 - a. Providing an easement or license allowing the encroachments; or
 - b. Providing a timeline for the relocation of the shed structures if removal is planned.
2. The impervious area added onto the northeastern rear parking area encroaching into the 20-foot residential setback must be resolved by:
 - a. Specifying its current use or removing the impervious area outside of the 20-foot residential side setback; and or
 - b. Explaining the intended use for the proposed impervious area
3. The 12 proposed western parking spaces must be revised to:
 - a. Meet the 9' × 18' size requirement to comply with Town of Bel Air Code §165-51D;
 - b. Maintain at minimum - 11 compliant spaces to satisfy §165-51H; and
 - c. Provide a 22-foot-wide drive aisle directly northwest of the proposed addition and a 24-foot-wide drive aisle along the northern rear.
4. Clarify on-site refuse and recycling facility details on the site plan.
5. Revise architectural elevations per Town consultant and staff comments and submit for approval.
6. Complete all site work, including landscaping, before final Use and Occupancy permit issuance.

Landscape Plan

At this time, after reviewing the landscape plan, it is recommended that the applicant address the following:

1. Prior to Building Permit Application, submission of a Final Landscape Plan for signature incorporating comments from this staff report, and the following:
 - a. Provide either three major deciduous trees (40-ft spacing) or four minor deciduous trees (30-ft spacing) along the 132-foot plantable frontage along Moores Mill Road.
 - b. Provides screening plants along the multifamily residential boundary to the east, per Town of Bel Air Code § 165-59A (2).
 - c. Provide the expected timeframe for the arborist's evaluation of the existing 18" DBH tree and specify the size of the replacement Red Maple to be planted if the tree is found to be non-viable, in accordance with the tree replacement ratio outlined in Town of Bel Air Code § 165-45B(2)(a). +
2. Confirm if new area lighting is proposed for the commercial addition.

If so, provide a Photometric Lighting Plan that addresses impacts on nearby residences and a plan that evaluates possible lightning glare and correction of that glare.

Service Uses

The proposed addition generally meets the Town of Bel Air's service use standards but does not fully comply with the required 10-foot planting buffer between the commercial site and the adjacent residential property required by Article VIII of this chapter. Although the applicant claims existing and proposed landscaping provide adequate screening, staff finds that the required buffer—one planting unit per 10 linear feet—is not met per Town of Bel Air Code § 165-59A(2).

Architectural

The elevations were forwarded for review by the Town architectural consultant, and comments are attached. At this time, staff have no additional comments.

Closing

At minimum, the approval of the Site Plan and Landscape Plan should be conditioned on the recommendations outlined in your application package. This concludes Staff's discussion of the project.

Mr. Hynes invited the applicant to come forward to present.

- 1. David Taylor, Civil Engineer, 163 Spruce Woods Court, Abingdon, MD** – Mr. Taylor is presenting the site plan for the owner of the project, John Kogan, J&S Medical Billing Services for Moores Mill Road, LLC. He said he has discussed the review comments with Mr. Shah and will go through them now. The two sheds that are encroaching on the property will be pulled off the property since they don't have any formal foundation. The impervious surface that is crosshatched on the plan is not a proposal, it actually currently exists and it provides access to a stairway and provides informal parking. At this time, they weren't proposing to remove it but it can be discussed. Mr. Raub asked if it was in compliance. Mr. Taylor said it is not in compliance. Ms. Thompson asked if he was requesting the non-compliance to continue. Mr. Taylor said there may be an issue because if there is a non-conforming use and the request is to continue that conformance, notwithstanding a change in the current use or an expansion of the non-conforming, the applicant would have to go to the Board of Appeal under the Town Code before the Planning Commission could review. She said she wasn't aware there was a non-conformity and that is an issue unless it is brought current to code. Mr. Taylor said if it is an issue for site plan approval, they will remove it. He said that area is an informal yard use for the apartment complex, which is two or three feet off the property line, but they are willing to remove it if they deem it necessary. Ms. Thompson said she will leave it to the Planning Commission, but she advised that under the code, if they are a non-conforming use and they are changing something on

the property, the code and State law requires that non-conforming uses be brought into compliance with the code. If an applicant asks to continue a non-conformity, the Planning Commission does not have the power to grant that request. The applicant has to go before the Board of Appeals under the non-conforming statute for approval by the board to continue the use.

Mr. Raub asked Mr. Taylor what his choice would be – Board of Appeals or to remove the non-conforming item as a condition of site approval. Mr. Taylor said he will remove it. Mr. Raub said it will be placed as a condition of approval.

Mr. Taylor addressed the current pavement markings. To make it up to code, they just need to re-stripe the parking lot. When they do that, so it will have a 24-foot-wide drive by aisle with double parking on both sides or a 22-foot drive by with parking on one side, which is code.

He clarified onsite refuse service. They have little refuse and do not have a refuse service. They employees take refuse home and use their personal refuse service. Mr. Small said given the nature of its use and its medical records, the applicant probably has a custodial obligation. Mr. Taylor said, yes, it is medical billing. He invited the owner, John Kogan, to come forward.

2. **John Kogan, Owner, 3206 Peverly Run Road, Abingdon, MD** – Mr. Kogan said because of HIPAA compliance requirements, they do not use paper and whatever small amount of paper is generated is usually shredded and everything is electronic. Ms. Thompson thanked him for the explanation.

Mr. Raub asked if this condition can be removed; Ms. Thompson said yes, if they were satisfied with the explanation from Mr. Kogan.

3. **Paul Thompson, President of Architectural Design Works, 22 West Allegany Avenue, Towson, MD** – Mr. Thompson came forward to go over the Architectural Plan. He said that Mr. Edmeades, Town Architect, suggested the design define the existing building as a separate section from the addition and incorporate two vertical boards to separate the existing building from the addition, since the front wall exceeds the 40-foot dimension for modulation. Mr. Thompson displayed the rendering and pointed out that they strategically located the gutter system, which is white, so it will differentiate between the existing structure and the proposed addition, which are all beige.

Mr. Stamm asked if the entire building would be resided or at the breakpoint will they match the siding to what is existing. Mr. Thompson said they are on a tight budget and their intent is to match the siding directly. They do believe

they can do that, color wise. They will pressure wash and clean the existing siding and the corner boards and gutters and downspouts. If there is money in the budget, they do plan to reside and retrim the entire building. Mr. Stamm asked if they were going to reroof the building. Mr. Thompson said they are going to try to do a vertical connection between the two and try to match the shingles as well as they can. If they have money in the budget, then they will reroof the entire structure.

Mr. Raub said he is always satisfied when Mr. Edmeades says the design complies and only offers considerations for the Planning Commission. He said this is not a condition of approval.

Mr. Taylor came forward to review the Landscape Plan. He said they will provide the additional required public frontage tree plantings to meet the requirement. He jumped to condition C that states they need to provide the time frame for arborist evaluation of the existing 18-inch diameter breast height tree; he said that will be done prior to the building permit. They will add a note to the plan to that effect. He said more than likely, that tree will be replaced because it did look diseased this past fall. They are proposing to replace it with two red maples at a ratio of 2:1.

He pointed out an issue the 10-foot landscape strip. He said they want to comply with all the requirements and not have to go to the Board of Appeals. The reason they did not landscape this 10-feet is because it is residential use by the adjacent apartment building and is 2-3 feet off the property line. If they were to comply with a landscape buffer, they would be planting into the apartment complex and would block access between the buildings for maintenance. An additional issue is that the residents informally use the yard.

Mr. Schlehr said they way he's proposing it sounds like it is ok between the medical building and the residents, but things change through the years. Mr. Small said the Planning Commission can waive the buffer, if they so desire, but they can't waive the setback. Mr. Hynes said he has been by the property and he realizes the apartments are very close. He doesn't know why they don't have a buffer.

Mr. Taylor continued to the Lighting. He said they were not proposing any street lights. There are existing small wall packs on the existing side away from the residential building. He said when they expand away from the residential building, they will place new wall packs on the new addition. For that reason, he didn't think it was necessary to prepare a photometric, but they can if the Planning Commission requires it. He said it would cause the lighting to be less than there is currently.

Mr. Hynes asked about parking areas and how well they are illuminated. Mr. Taylor said because of the lighting in other areas, it doesn't seem to need any kind of a parking light or street light. Mr. Thompson came forward and said that the electrical engineer will make sure that it complies with all standards for safety.

Mr. Coates asked Mr. Small about waiving the buffer but not the setback. He said without any plantings, they're not really waiving the setback because they exist so if someone comes in at a later point, they would still have to comply with it if the usage changed. Mr. Small said the Commission has control over the landscaping. He said the building is being expanded on the other side of the existing structure, so there's nothing really changing on the existing structure side. The applicant did offer some landscape there, especially where it's located near the parking lot that is very appropriate. But he didn't know if the Commission would want additional landscaping.

Mr. Hynes said the setback, then, shouldn't be an issue, anyway. Ms. Thompson clarified that the setback is the setback and it doesn't change. Mr. Hynes asked if there were comments from the staff on the lighting. Mr. Shah said no, they met the other day and the impact from the additional light is minimal.

Ms. Thompson said something that she would recommend is that encroachment should not be tolerated by the Town. It appears there is some confusion as to whose responsibility it is to deal with the encroachments. She has advocated multiple times, both at the Board and the Planning Commission that encroachment should not be tolerated by the Town. She said if an applicant doesn't have a building permit or a structure is not where it should be, it needs to be moved. If it's not moved, then there needs to be some sort of legal agreement because she doesn't want the Planning Commission getting into trouble with an adjoining property owner. If it stays, there has to be a written agreement between property owners.

She said the owner spoke with the department at Del Haven. They are saying that there is some confusion as to who is supposed to tell them what they're supposed to do. Ms. Thompson asked the Planning Commission to put on some sort of a reasonable time restriction, because doesn't want to see the project get approved and then the applicant doesn't complete any of the conditions or they tell the department they did, but they did not. She suggested that the work be completed prior to occupancy or something similar. They should have to show evidence that the sheds are moved off their property or the agreement, if they decide to do that.

Mr. Raub said they have agreed to move the sheds, so they can make it a condition of approval. Ms. Thompson said to add 'prior to use and occupancy' or something similar.

Mr. Stamm asked about the concrete curb and the impervious parking spot, since that is noted as an encroachment, as well. Ms. Thompson asked if that is also an encroachment. Mr. Taylor said yes, he believes they would need an agreement granting that use. Ms. Thompson said that agreement will need to be presented through her. Mr. Hynes asked if they should include that as a condition; Ms. Thompson said yes.

Mr. Thompson came forward to clarify that the Health Department had issued a letter and, in their letter, they incorrectly wrote that the plan proposed to construct an 831-sf, two story addition. This is incorrect – the square footage in the staff report is the correct number.

Mr. Coates asked when they make their motion, should they say to get rid of the impervious parking area, when they are just replacing it with another impervious sidewalk. Mr. Raub said the motion should specify the impervious parking area. Mr. Hynes noticed that the report has not come back from the Bel Air Fire Department. Mr. Small said they typically don't comment when it's not residential.

The public was invited to come forward with questions or comments. There were no speakers.

Mr. Raub moved that the Planning Commission agrees that the proposed use meets the provisions of the 2022 Comprehensive Plan, as required by Town Code, section 165-19. Mr. Coates seconded. All in favor; motion carried.

Mr. Raub moved that the Site Plan be approved, contingent on the following:

- 1) prior to building permit application, submission of a final plan site plan for signature incorporating comments from the Staff Report and Harford County Health Department, Harford County Soil Conservation District, Bel Air Public Works comments dated December 4, 2025, Harford County Planning and Zoning comments dated December 5, 2025, and Town of Bel Air architectural consultant comments dated December 29, 2025;
- 2) the two shed structures encroaching on 604 Moores Mill Road from 801 Conowingo Road and 608-610 Moores Mill Road will be removed prior to issuance of a use and occupancy permit, or the applicant will provide an easement or license granting access rights to the adjacent property or an agreement permitting the encroachments to remain;
- 3) the impervious area labeled 'existing land use nonconformity' encroaches into the 20-foot required set back; the applicant shall remove the impervious parking area surface encroaching onto the 20-foot residential use setback behind the existing building and revise the noted existing land use conformity 270-SF to reflect the corrected

- square footage and provide an updated description of the use of the northeastern rear parking area;
- 4) the 12 proposed parking spaces on the western side do not meet the required 9 x 18 dimensions under 165-51D. The applicant shall
 - a) revise and restripe the parking area so all off-street spaces comply with 165-51D;
 - b) will ensure a minimum of 11 compliance spaces is maintained to satisfy 165-51H; and
 - c) create a 22-foot aisle northwest of the proposed addition and a 24-foot aisle along the northern rear; and
 - 5) prior to issuance of the final use and occupancy permit, all site work on the final site plan including landscape installation should be completed.

Mr. Coates seconded. All in favor; no opposition; motion carried.

Mr. Coates motioned on landscape plan as submitted 1a through c and eliminating 2; Mr. Raub seconded. All in favor; none in opposition; motion carried.

Mr. Hynes asked for clarity on item two. Ms. Thompson said the question is whether the Planning Commission is going to accept the department's suggestions. She said she understood that the applicant was going to provide a photometric plan. Mr. Taylor said if they want it, they can do that, but they don't see it necessary. Ms. Thompson said Planning Commission has to decide if the applicant needs to provide the photometric plan. Mr. Coates clarified that his motion excluded that.

B. Review of a Special Development, Site Plan, and Landscape Plan application for two buildings totaling 11,663 sf associated with the existing mixed-use redevelopment at Harford Mall located at 600 Baltimore Pike.

Mr. Hynes recognized Mr. Small from the Planning Commission for his presentation.

The project area is part of the Harford Mall Redevelopment project, phase 4.

The Applicant is requesting Site Plan and Landscape Plan approval to construct two buildings totaling 11,663 square feet of commercial space within the project area of the Harford Mall. This will be the fourth Phase of re-development for the mall which revises phase II and phase III previously approved by the Town. Final Site and Landscape Plans have been submitted and approved by the Town, so this phase is considered apart from the previous phases and supersedes the improvements shown on those plans where applicable. This submission is an alteration to the existing Mixed-Use Center and requires modification of the existing Special Development approval.

The proposed project is reviewed in aggregate so all parcels and buildings within the Harford Mall project area and must meet the criteria for a Mixed-Use Center. The performance standards for Mixed-Use Centers are attached to the application along with criteria for applicable new uses. The first three Phases are approved and are not subject to any amendment or revision by the Planning Commission, unless 2 or 3 are done by phase 4.

OVERALL SITE

The existing Harford Mall project area as described above encompasses several buildings, including the Shops at Harford Mall near Tollgate Road, the former Macy's furniture store and the Mall itself. The current building area of the Harford Mall is 496,337 square feet of commercial space. Phase II of development will add 249 multi-family dwelling units. Phase III development proposes demolition of the Macy's building/mall (172,228 sf) and adds 82,924 square feet of new development resulting in 407,033 commercial square feet.

The proposed Phase IV development of two (2) buildings adds the following:

- Building 400 (restaurant/retail) 5,256 square feet
 - Building 500 (restaurant/retail)
- Subtotal
Total
6,407 square feet
11,663 square feet

Town code requires that a minimum of fifty (50) percent of the total development area must be commercial space (based on the Comprehensive Plan designation). The space utilized by the previously approved multi-family use is 264,120 square feet. When interior mall corridor spaces are removed (39,485 sf), the proposed development will result in 379,211 square feet of commercial space which provides for a minimum of 59 percent commercial space. Interior mall corridor space is also removed from the total commercial space required for parking resulting in the following:

- Commercial space remaining after Phase II & III
- Corridor space remaining in mall subtracted
- Additional commercial space added as part of phase IV
- Space applied to parking calculation@ 3.5sp/1000sf
407,033 square feet
(39,485 square feet)
11,663 square feet
379,211 square feet

Parking is located throughout the project area which must total a minimum of 3.5 parking spaces per 1000 square feet for the commercial area equaling 1,327 spaces required for 379,211 square feet. 1,368 parking spaces are provided which exceeds the code requirement by 41 spaces. The Phase II (residential) approval required the abandonment of 34,307 square feet of commercial space within the mall to meet the minimum parking requirement. More than this amount of space is proposed for removal as part of Phase III

rendering this requirement unnecessary. However, this condition must remain in effect until the demolition of Macy's construction of the Phase III occurs. Handicapped spaces meet ADA requirements, however, the spaces shown within Phase IV do not have any van accessible spaces. The applicant is encouraged to address this at the hearing.

SITE

The applicant appears to have addressed internal pedestrian connections required by the special development criteria by adjusting the proposed internal parking lot sidewalks shown on the east/west link from building 600 to 300. One minor adjustment I recommended to improve pedestrian connectivity as shown on Exhibit A by adjusting handicapped striped area to coordinate with a more direct pathway from building 600 to 500. The configuration of the service area was a concern to staff given its overwhelming size and awkward design. However, the placement of numerous refuse/recycling for several buildings within the development will require more room for maneuverability that is provided by the proposed layout. However, additional screening is needed to visually separate the service area from the public portion of the development. Staff is recommending 6'-0" screen walls matching others in material and design flank the access to provide the needed barrier for the service area.

Since buildings 500 and 600 must use the refuse/recycling bins located within the service area, pedestrian access is recommended as shown on Exhibit A. The submitted Site Plan shows exterior patios adjacent to each proposed commercial building. However, more detail is needed if the applicant intends to acquire special development approvals for outdoor dining in the future. No Outdoor Dining & Bar service uses are considered part of the current request. It is likely they will get individual applications for outdoor dining.

PREVIOUS APPROVALS

Shops at Harford Mall has basically adhered to all the requirements that they need to adhere to. The Residences at Harford Mall:

- A Final Site Plan and Final Landscape Plan have been approved. Revised architectural exhibits are required prior to submission for building permit.
- Substantial construction must be initiated prior to January 4, 2027, in order to vest the approved plans. No extension of approvals is available.
- Off-site road improvements along Boulton Street between Tollgate & MD Route 24 and intersection upgrades at Tollgate/Baltimore Pike are required prior to Final Use & Occupancy permit have to be started before residences are constructed. Mr. Small emphasized that this has got to start happening as the residences are being constructed.

Commercial at Harford Mall:

- a Final Site Plan and Final Landscape Plan have been approved. Revised architectural exhibits are required prior to submission for building permit.
- Substantial construction must be initiated prior to July 17, 2027, unless extended by the Planning Commission.
- Off-site road improvements must be completed prior to Use & Occupancy permit.

LANDSCAPE

The applicant has submitted a Landscape Plan for review and comments are graphically provided on Exhibit A, including addition of interior shrubs and street trees along with trees along the access drive and within the parking area. The proposed landscape is consistent with the design of the overall center. Final Landscape Plan should include all proposed area lighting.

FOREST CONSERVATION

A Declaration of Intent regarding existing forest and potential clearing for the entire development was previously provided to the Town and approved.

ARCHITECTURE

The applicant has provided color elevations and renderings of the architecture for the proposed buildings. Comments from the Town architectural consultant are attached. The proposed buildings appear to be consistent with the Phase III renderings, however, a few of the descriptors do not match and need to be consistent between Phase III and IV. The proposed Phase IV indicates smooth stucco in places where the previous phase describes EIFS, the current submission proposes decorative block where the previous phase smooth face architectural block. These inconsistencies must be addressed by the applicant at the hearing. The center must be in harmony in material, design, color and massing. Be advised that as users are identified for each building, any significant change in site design or architecture will require a new review by the Planning Commission.

A comprehensive signage plan is attached to the review package. This proposal appears to be in harmony with the architecture and within the limits of the code. It is suggested the applicant consider coordinating with the Town to identify interior drive aisles so patrons can easily navigate the development and emergency services can respond without possible confusion. Mr. Schlehr asked if they've come up with a name for the roads within the center. Mr. Small said he would want to get emergency services involved in that decision. Mr. Schlehr suggested naming them and putting it on the blue signs to indicate they are private. Mr. Small said they were calling it 'Derby Place' as an identifier, but he doesn't know if it was anything more than a placeholder.

In addition, staff questions the use of 'Derby Place' as an identifier. Because there are interior roads. Schlehr asked if the interior roads should be named. Small said he doesn't want to get outside his "lane" but they think its complicated enough to create confusion. Mr. Coates said there will be seven buildings back there; Mr. Small said, or even more. Mr. Raub said they would be wise to have road names for GPS. Mr. Small said some of these things aren't applicable to the application being considered but are something to think about in the future.

TRAFFIC

Mr. Small said the traffic study has been submitted and approved. It did not necessitate too many changes. They are still waiting on State Highway's comments. Mr. Raub asked if Mr. Small could walk them through the traffic access and egress, specifically regarding truck deliveries. Mr. Small said he would defer to the applicant for those questions.

MIXED-USE

Mixed-Use Centers are a special development and must meet performance standards as outlined in Section 165-53.I(2)(g). The architecture must be in harmony with the rest of the development and with the neighborhood as much as is practicable. Internal vehicular and pedestrian traffic must be designed to minimize conflicts and to mitigate potential impact to patrons or residents. Security, loading, unloading, and recycling/refuse must be organized between owners and coordinate with the Town. A Development Agreement was executed between the property owners as part of the Phase II (residential) approval. All previous conditions of approval for Phase I, II and III still apply.

MASTER PLAN

The Master Plan was provided basically the same way as they saw with Phase III. The Applicant has taken comments from the Planning Commission and provided a sketch. This concept is illustrative in nature and does not obligate the applicant to any future design.

Mr. Small received a couple comments but not all because of the holiday. The Planning Commission should have Bel Air Volunteer Fire Company, Harford County Health Department, and Harford County Soil Conservation still pending.

- 1. Christopher Mudd, attorney with Venable LLP, 210 W Pennsylvania Avenue, Towson, MD** – Mr. Mudd is presenting on behalf of the contract purchaser of Phase III and IV, SJC Ventures. These two phases comprise about 10 acres of mall property. He introduced Matt Robinson and Adrea Smith, who are joining him this evening from SJC. There are also folks from Frederick Ward and Associates present, Tory Pierce, Caitlyn Pierce and Scott Forsythe. John Michelle, CBL Properties, is also present. CBL owns the mall property. SJC is an experienced retail and mix use contractor located in Atlanta and have projects in the mid-Atlantic, southeast and mid-west. SJC was also the purchaser and developer of Phase I. They previously obtained approvals for Phase III; and tonight, they are here for Phase IV. Mr. Mudd covered the history of each phase that have already been approved.

Mr. Mudd said Phase IV has for all intent and purposes has already been before the Planning Commission, as each phase contained a bit of Phase IV. He said they are not really seeing anything new. They have previously demonstrated compliance before and are really nailing it home tonight. He said Phase IV contains two pad sites, buildings 400 at the top and 500 towards the bottom. Building 400 is about 5,256-sf and building 500 is 6,047-sf. They do not have any tenants for this site yet; however, it is envisioned that building 400 would be a restaurant and 500 would be retail. From a parking perspective, Phase IV requires 41 spaces but technically there are 122 spaces that lie within the boundaries of Phase IV. This may seem like more spaces than needed, but they need all the additional spaces to meet the overall requirement for the mixed-use center. By Mr. Mudd's count when looking at the plan, there is a requirement of 1,748 spaces for the overall mixed-use center and they are providing 1,836 spaces.

Site Access and Connectivity

Mr. Mudd oriented everyone to the map being shown. The main connectivity is to have a spine road that cuts through the site and vehicles have access from both ways. Phase IV can be accessed just as Phase III could be from a vehicular standpoint. They took care to make sure they were creating good pedestrian connectivity into the site. On the map, everything in blue is pedestrian connectivity points. He indicated a blue line on the screen that was placed there in direct response from Staff comments about ensuring better connectivity between buildings 600 and 500. The insets on the map 1, 2, and 3 show what it may look like at street level. There is intentionality in keeping pedestrians away from cars and keeping it treelined.

Greenspace

The next screen indicates the greenspace planned. They tried to increase the green/shrub count on the corners at route 24 and Boulton Street and then again at Boulton and the spine road to be more welcoming. Internally, they have tried to increase the tree and shrub count to make it as green as possible in areas where those opportunities were available. On the next slide, they have carried forward a similar pattern from Phase 3. On the right-hand side of the screen, when they got into the planning of Phase 4, they found opportunities for shrubs and trees. They were intentional about how to tree the area so those who are shopping and those looking at the back of shop area, so there was proper screening. He noted that Staff had mentioned and requested certain landscaping enhancements and their team at Frederick Ward and Associates is already working towards addressing those revisions.

Screening

Most of these images presented were taken from Phase III. The red arrows are meant to depict what you are seeing from street view when you are looking into the site from Route 24 (A), and the blue arrow is meant to depict another angle. The inset E shows treatment of screen walls that they are incorporating.

There are also numbers listed that correspond to the numbers on the architectural materials. This demonstrates that the screening and screening walls also mimic the materials that are on the building. It was noted that the rooftop parapets will be screening the rooftop equipment and the materials will be the same or will match what was used in Phase III. The truck turning area and back of house area is where they have dumpsters that will serve many of the different users. Last time, Mr. Small was very interested in ensuring that adequate screening was in this location, which they provided. He said there was a comment made about placing a screen wall in this area and they have no issue doing that. Their proposal was to buffer with landscaping, but staff has requested a 5-6' screen wall and they are comfortable with that. He noted that there are four spaces here, but those would only be for employees.

Architecture and Building Materials

Mr. Mudd showed a slide that shows the building finishes throughout Phases 1, 2, 3 and now 4, each indicated by number. Storefront glass with metal finish,

decorative block, smooth wall system, and linear wall system all have identifying numbers and appear throughout the images he was displaying. He addressed Mr. Small's concern regarding the changing terms in materials; he said there was a mistake in the language when creating the Phase IV images; he said it will be smooth stucco and smooth architectural block consistent with Phase III.

He indicated that building 400 presents more like a restaurant with a single entrance and building 500 presents more like a soft goods or retail or it could be used as a 'fast casual' food store. He believes that they have adequately demonstrated compliance with all the performance standards and the Staff has indicated as such in their report, as well.

Mr. Mudd said he feels privileged to be working on this project and is looking forward to when the mall looks better than it does. He humbly asks that they approve this tonight; he hopes they are comfortable enough to do so.

Mr. Mudd said the actual plans, landscape plan and the site plan are at the end of the book that was distributed to the Planning Commission and they are seeking approval of those, as well. He also addressed truck navigation. Mr. Coates clarified that the red line image on the page dated 12/30/25, is saying on the Boulton Street access there would be no truck access. Mr. Mudd said it is because of the geometry of the road and trucks can't make that turn in. Mr. Small said not allowing truck access was a condition of Phase III because one semi-truck could end up blocking traffic. The median islands will also keep people from crossing straight across or doing things they shouldn't. He said truck exiting is fine. Mr. Coates said he just wanted clarification.

Mr. Raub said everything will come in from U.S. 1. Mr. Mudd said yes, but he clarified that the only big trucks they'll see would be for Whole Foods, most others will be box trucks. Mr. Stamm asked if fire truck access would be limited to one entrance; Mr. Small said no, we will make sure they are satisfied with circulation before a building permit is issued. Mr. Hynes noticed that Whole Foods was indicated on the renderings this time.

Mr. Mudd brought up addressing, since it was mentioned. He said sometimes in certain jurisdictions, it is a battle between the 911, fire department and even the post office. He said there will be some measure of working with all of them, but from a practical standpoint, he wouldn't be surprised if there won't be a minimal amount of street addresses and more suite numbers. He said GPS is very technical now and shouldn't have an issue with locating a business.

2. **Matt Robinson, SJC Ventures, 777 Howell Mill Road, Atlanta, GA** – Mr. Robinson said they are 100% okay with internal streets, as they do that on a lot of their projects. Mr. Small said this is something the planners came up with, so they definitely want to make sure Bel Air Police and Bel Air Volunteer Fire Company communicate and come to an agreement on this. He said in his experience, this issue resolves rather quickly as business want to get set up for deliveries, etc. Mr. Small said they had trouble with Tollgate Marketplace

because the rear doors didn't have numbers and the first responders were confused as to which door is which.

3. Katelynn Pierce, Frederick Ward and Associates, 5 South Main Street, Bel Air, MD – Ms. Pierce said they will have two van accessible spaces provided on the site.

Mr. Coates said he feels a lot was said in Phase III so he really doesn't have any comments or questions. His only consideration is no truck access Mr. Schlehr said he is comfortable with how amenable they are in dealing with the Town Staff and we should proceed. Mr. Hynes said he didn't see a dumpster for building 500. Mr. Mudd said previously they had a dumpster on one side and they were showing connectivity through there. Mr. Small asked how the pedestrians were getting by the dumpster. The solution was to move building 600 and 500's dumpsters in the back. He said it isn't ideal; it does keep all the refuse away from the public realm. He said there was a lot of discussion about the screening of the facility in the middle of the parking lot. From their perspective, removing them becomes a bit of a hassle for the tenants, but as Matt mentioned, it is not the type of hassle that will keep a marquee tenant from coming here.

Mr. Hynes mentioned traffic/pedestrian crossing along on the main strip. He asked if they would use the flashing lights and raised walkways. Mr. Mudd said it would consistent from Phase III. Mr. Robinson said it was approved in Phase III and would be consistent through all phases. Mr. Schlehr said they were concerned about the raised walkways. Mr. Mudd said he didn't think they were raised and asked Mr. Robinson to speak to it. Mr. Robinson said as a reminder, they handled it by different colored walkways and flashing stop lights. They narrowed curbs in Phase III. Traffic calming measures were all approved in Phase III. Ms. Thompson asked if it was correct that the developer has sent the sewer work ups to get started on the sewer approved in Phase II to DPW. She was told it is almost done. Mr. Coates asked if there are any problems getting to the Phase II items on Boulton Street. Mr. Mudd said he understood from Mr. Small that they would need to be in place before occupancy for Phase II and that is their expectation. Mr. Small said when Phase I came in, there wasn't a lot of improvements done when they should have been done, so they bonded those improvements. He doesn't want to go through that again.

Mr. Hynes asked for public speakers. There were no speakers.

Mr. Raub moved that the Planning Commission agrees that the proposed use meets the provisions of the 2022 Comprehensive Plan as required by Town Code section 165-19; Mr. Coates seconded. All in favor, no opposition. Motion carried.

Mr. Raub moved that the Site Plan at a minimum approval of the preliminary site plan is conditioned on the following:

- 1) prior to building permit application, submissions of a final site plan for signature incorporating comments from this staff report and comments

- from the fire department, health department, soil conservation, Bel Air Public Works, and Town Architectural consultant;
- 2) prior to approval of utility construction drawings, applicant must address comments from the Maryland American Water Company;
 - 3) prior to signature of a final site plan, revision of the site plan based on exhibit A dated December 30, 2025;
 - 4) complete all site work on the final site plan prior to issuance of the final use and occupancy permit:
 - a) construction of required improvements outlined in the Town traffic impact analysis condition approval dated November 30, 2025;
 - b) landscape installation.
 - 5) coordination of utility placement easements and right away with the Department of Public Works prior to building permit issuance; and
 - 6) provide one or more van accessible parking spaces.

Mr. Coates seconded. All in favor; no opposition. Motion carried.

Mr. Coates made a motion that the landscape plan be approved on the following conditions:

- 1) Prior to the building permit issuance, submission and approval of the final landscape plan incorporating comments from the staff report and the following:
 - a) Adjustment of street trees, revision to interior parking lot planting and drive access based on Exhibit A, dated December 30, 2025, prior to signature of Final Landscape Plan.;
 - b) Addition of proposed area lighting.

Mr. Raub seconded. All in favor, no opposition. Motion carried

Mr. Schlehr moved that the Special Development for Mixed-Use Center is based upon the following findings of fact that the applicant has adequately demonstrated adherence to Section 165-53.I(2)(g):

- 1) The applicant has provided a unified arrangement of buildings, service areas, parking, signage and landscaping.
- 2) The architecture, site design, lighting and signage incorporate consistent design and theme elements and materials, massing and façade design for the project that is in harmony with the character of the neighborhood.
- 3) The internal circulation system is designed to minimize through traffic and traffic conflicts within the project.
- 4) Safe pedestrian movement and the provision of pedestrian walks within the parking lot and surrounding the building perimeter is considered in the design.
- 5) All proposed establishments have vehicular service access either from an individual service drive, space or from a common service yard. All loading, trash removal, compaction or similar activities are segregated from public areas and screened from public view.
- 6) Signs to identify the use of an occupant will be designed as part of the architectural design of the building. Proposed signage is conditioned for approval of the preliminary plan and is subject to review and approval by the Planning Commission.

- 7) Directional and informational signs will be adequately provided, and design coordinated.
- 8) Center management is responsible for providing on-site security service.
- 9) A traffic and/or parking study was submitted and is under review.
- 10) The owners of all lots have executed and recorded a Development Agreement with the Town providing that all owners acknowledge and agree to be bound by performance standards as an overall scheme of development, outlining all shared elements, granting reciprocal easements to permit each owner to access any other owner's lot or parcel of land for the purposes of compliance with the Town Code and for either remediating any zoning violation or to comply with the Town Code for the purposes of any approvals sought by any of the owners of the lot and agreeing that the town shall permit enforcement of any portion of the Town Code upon one or more owners of any lot or parcel of land contained within the Mixed-Use Center scheme of development.

Mr. Coates seconded. All in favor, no opposition. Motion carried.

C. Review of Ordinance 851-25 amending the Development Regulations for Cannabis and related uses.

Mr. Small said the Town is making sure their regulations are consistent with the State's. The Town of Bel Air cannot be in conflict with the State and that has been enumerated to the Town Council and him from several different sources. The Town Board is now looking at what was given to the Planning Commission and introduced in mid-December. They have looked at other jurisdiction on how they are handling their regulations regarding cannabis. They have also relooked at the State law and tracked down a lot of various codes that would influence how Bel Air would handle this. They have spoken to the Liquor Board attorneys so their thoughts were heard. This has allowed them to develop an alternative that is a little less invasive. They did include a map that shows what parcels would be eligible for a cannabis business. He did indicate that the proposal was just finished two hours prior and they have no "ground truths".

Mr. Raub asked for clarification on the proposed ordinance for cannabis dispensaries, asking if it would be the same or different from liquor? Mr. Small said that is what they want to discuss this evening. Ms. Thompson said Senate Bill 215 was signed by the governor back in April of 2025 and it went into effect in July of the same year. She said Mr. Small and she had a list of things to do in regards to the Bill. Recently, this issue has come to a head and it required Mr. Small and her to take action and notify the Board to get the ordinance started. One of the key features that is problematic in the State law is that the State law says a political subdivision (which is the Town of Bel Air) may not adopt an ordinance establishing zoning requirements for licensed dispensaries (or what we refer to as cannabis businesses) that are more restrictive than zoning requirements for a retail dealer licensed under this article. The definition of 'retail dealer' means anything that has a liquor license, whether it's a restaurant, tavern or liquor store that allows patrons to come in, purchase liquor and

walk out the door (not on-site consumption). This is a brand-new law and has been a problem. It has not been tested yet and they are trying to react to it as best they can under the circumstances.

They first took the cannabis setbacks and applied them moving forward to taverns and liquor stores. They didn't want to create a lot of non-conforming uses. They grandfathered everyone who was currently operating under the old standard. After further evaluation by the Department, multiple conversations with the counsel for the Liquor Board, and as well as some other attorneys who do municipal law, they learned not everyone had learned of the new law. So then, they revised it to suggest to the Board of Town Commissions that the taverns, liquor stores, for the most part, be returned back to the original setbacks that it was under the Code (apart from some minor tweaking). Mr. Small and she wanted to put in the 100-foot setback from residential to show that they are requiring the same for both cannabis and taverns. She said it was not in reaction to public outcry. They are sending it on to the Board for revisions.

Mr. Coates asked if a liquor store have a dispensary; Mr. Thompson said she doesn't see anything in the Code restricting or allowing it. Mr. Small said currently we don't have any cannabis businesses but in talking with the Liquor Board representative, they indicated that you can't do it. There is still a lot of research that still needs to happen. Ms. Thompson said there will be more changes. She said whilst talking to the attorney for the Liquor Board, it was noted that the Code is missing a section concerning waiving setbacks on liquor stores and taverns and some clarity that will help the Town and Liquor Board regarding future businesses.

Mr. Hynes said no matter what we agree to, the State law will control it. Ms. Thompson said that is correct; we need to comply with State law. Mr. Chizmar said from a commissioner's standpoint, they put a letter out to the public because they saw the public outcry. They are only doing this because the State law says we need to; he feels, and a lot of the others Commissioner's feel, that they don't want to change anything regarding liquor. He said if you apply the 500-foot and 1000-foot setbacks for dispensaries to liquor, it would essentially lock up the Town. For instance, he said the Mall is essentially dead because Bonefish Grill had a liquor license, and another restaurant that serves alcohol isn't permitted within 1,000-feet. He said nothing would be permitted on Main Street; Bel Air is basically locked up. He said he can't believe that they meant that for all municipalities in the entire State and City of Baltimore. His feeling is that it only pertains to dispensaries; that is what the wording says, even though it is under alcoholic beverage section. Ms. Thompson that's why we're here because of the conflicting language. They are trying to incorporate very conflicting language into the Town's Code without causing multiple problems. She said you can't treat the cannabis retailer any different than a liquor store. She said this may be one of those things where they are going to have to stand up and say, "no, this is what we're going to do because we believe it's what we're supposed to be doing and if someone doesn't agree, they will have to get a judge to tell us that we're wrong". She wishes she had a better answer.

Mr. Coates asked if February 10 is the date the changes need to be made and if that was an arbitrary date. Mr. Small says it is an arbitrary date based on the original law. Mr. Coates asked if we pass this ordinance, are we grandfathering the existing ones in. Ms. Thompson said yes, it has an existing use. Mr. Chizmar said, but we might not even be putting that version forward. Mr. Small said that is something that the Planning Commission needs to look at. He said they should consider if the version they received in December is preferred or is the version they received tonight is better. Mr. Chizmar said the second version doesn't apply any of the setbacks to the alcoholic beverages but it does add the 100-foot from a residence for liquor stores, which is the same for cannabis. He added that they would then only be doing the 500-foot setback for cannabis. Ms. Thompson asked if the new version included houses of worship. Mr. Small said it added houses of worship, which we looked at to make sure that there were no issues that presented themselves. Ms. Thompson clarified that it is being included because the State law for alcoholic beverage side of Code says schools and houses of worship must be setback from. Our current Code without any amendments did not have any setback to houses of worship. Mr. Hynes asked setbacks for near a day care. Ms. Thompson for a liquor store, it doesn't matter; but it would for cannabis. She said the Town could choose to add a day care, if they so desired.

Mr. Schlehr asked what was the difference between liquor store and dispensary. Ms. Thompson said the dispensary is cannabis. Mr. Raub clarified that the State is asking for similar requirements for both liquor and cannabis and by this ordinance we want to make it more restrictive for a dispensary than an additional liquor store. Ms. Thompson said yes. Mr. Small said the reason why, is if we restrict liquor stores setbacks, we would be creating a lot of non-conforming uses. Mr. Raub asked why are we being more restrictive on cannabis dispensaries. Ms. Thompson said we aren't being more restrictive from the State law perspective on cannabis, but are following what the State is requiring us to do. She said she copied it word for word from the State law, "or a pre-existing playground, recreation center, library, public park, or place of worship, or a thousand feet from another dispensary under this title". It also states we have the "right to increase the distance between dispensaries under that section to no more than half a mile". The Town did adopt that by the deadline. She continued by saying that the Town of Bel Air is doing exactly for cannabis what the State is tell us that needs to be done. She said later on in the statute, it has generalized language saying that you can't treat cannabis any differently. She said part of the argument is that you can't, for instance, say you have to get five variances, two special exceptions and four planning commission approvals before you can have a cannabis dispensary, and that makes sense. She said basically, if our ordinance says 500-feet, we are fine with the State. Mr. Coates said if our ordinance says 500-feet we're good. Mr. Raub but we're not complying with the other part about being consistent between liquor and cannabis. Mr. Coates said that is inconsistent and cited liquor store requirements in Baltimore County. Ms. Thompson said that's because the liquor laws are very different from county to county. That is why she loves that they got the statute that the Liquor Board gave her for the Harford County setbacks. Now

she can say the State law for liquor says X, Y and Z and that is what they are going to do until they tell them what the generalized language trumps what has already been the law for God knows how long. Her argument would be to follow what the State says and let them come at you. Then you can say, then fix your law or tell me what your law means. Mr. Small says if you look at some of the other jurisdictions, they kind of punt it and say they will follow what the State does without looking into what that really means. He said right now they are going from property line to property line because cannabis has to stay away from a park, but parks don't have structures so you can't go from building to building. In contrast, liquor stores or taverns, they are building to building because they aren't trying to keep away from parks in their restrictions. State law conflicts within itself and it's very hard to follow. He thinks a lot of these other jurisdictions think they will just figure it out later.

Mr. Raub asked about the cannabis eligibility map that was distributed. He asked if the blocked-in areas would be available if someone came to us and said they wanted to open a cannabis dispensary; these would be zoning eligible. Mr. Small said yes, but what is in front of them is a draft and has not been vetted. Mr. Small said we treat the mall as one entity even though it is subdivided so property line to property line is open to interpretation. For the most part, we can't totally regulate out cannabis; that is illegal. Mr. Coates said they have probably 40 acres of property available; Mr. Raub said there is plenty of opportunity; they are not being blocked. Ms. Thompson there was never any intention to stop new taverns and liquor stores from coming into Bel Air. Mr. Small said they are finding out many other municipalities aren't aware of the law and are in the same boat. Mr. Stamm has anyone expressed a desire to open a dispensary. Mr. Small, yes, four or five over the last 8-10 months; most are people testing the waters. Mr. Hynes said he couldn't vote for it in a residential area. Mr. Small said it should not be in a residential area. Mr. Hynes said yes, on Hayes Street. Mr. Small says it's not residential within 100-feet.

Mr. Chizmar asked for feedback or recommendations. Mr. Coates doesn't see any problem with the version written today. Ms. Thompson said they could say the taverns should be tweaked to include other classifications such as parks, but that's pretty much it. Mr. Coates said based on what they hear tonight, if we went to 500-feet it would restrict a restaurant in the new mall that serves alcohol because of the park being close. Mr. Chizmar said the 1,000-feet between alcohol establishments means that you couldn't open up another restaurant in the mall complex because Bonefish has a liquor license. That eliminates 30 acres of space. Mr. Small said some of these requirements will go away once the apartments are built; once they are up, it's residential. Mr. Schlehr said since you can't drink inside a liquor store, you should not be permitted to go into a dispensary and start smoking. Mr. Small said you can't and on-site consumption is in the ordinance. Mr. Small said the State gives the municipality the choice and the Town made that choice to not allow for onsite consumption.

Mr. Small asked the Planning Commission to choose between option 1 and 2. Mr. Raub said he is going to abstain from the vote; no recommendation from him. Mr.

Coates has no problem with option 2. Mr. Hynes asked if there are challenges coming from other municipalities. Ms. Thompson said she wished; because if there was a mounting of municipal resources to challenge it, she wouldn't be surprised if the Town of Bel Air didn't sign on for it. Mr. Small said Maryland is one of the only states that he knows of that doesn't allow their counties to opt out. Mr. Coates said if we go with one of the options and we end up that you can't have a daycare near it, what happens. Ms. Thompson what happens is the laws are generally written where if the restricted use - cannabis, liquor store or tavern - is already in existence and a day care center wants to come in, they can. The burden is on the dispensary, liquor store or tavern not to locate within that preexisting use. Mr. Raub said the one of the best things going for the Town is that whatever is passed, there are areas available for someone to open a dispensary; otherwise, the Town would be challenged. Ms. Thompson said correct; we just can't make it more difficult.

Mr. Coates made a motion to go with option 2; Mr. Schlehr seconded. There were 4 ayes; 1 abstention (Raub); Motion carried.

III. ADJOURNMENT

Mr. Raub moved to adjourn the meeting and Mr. Schlehr seconded. All in favor; no opposition. Motion carried. The meeting was adjourned at 8:27 pm.