



**PLANNING COMMISSION
STAFF REPORT**

Prepared by: Kevin Small, Director
Date: October 25, 2023
Meeting Date: November 2, 2023

General Information

Applicant: CDP North, LLC

Owner/Operator: Harford Mall Business Trust (c/o CBL Associates)
Shops at Harford Mall LLC

Status of Applicant: Equitable Interest in Property Ownership

Location: 600 Belair Road (Baltimore Pike/US Route 1 – Business)
111 N Tollgate Road

Lot/Building Size: The development site consists of two parcels:

600 Belair Road, Parcel 1946 (Lot A1)	29.38 acres
111 N Tollgate Road, Parcel 1946 (Lot A2)	4.43 acres

Requested Action: The Applicant requests:

1. A Site Plan and Landscape Plan approval for the development of the 249-dwelling unit, four-story multi-family building with an associated parking garage within a mixed-use development.
2. A Special Development approval for conversion of the existing Shopping Center to a Mixed-Use Center
3. A Subdivision approval of a 3.93 ± acre lot

Zoning: B-3, General Business

Existing Land Use: Shopping Center

Surrounding Land Use & Zoning:

The development site is part of the Harford Mall Redevelopment project. The adjoining Town properties are zoned B-3 to the north, east, west and south of the site. The adjoining Harford County properties to the south, across N. Tollgate Road, are zoned B-3, General Business in Harford County.

The properties to the north across Boulton Street are developed and commonly referred to as the Harford Mall Annex. The properties to the east and across MD Route 24 are developed as a shopping center (Bel Air Town Center) and a small townhome residential community. The properties to the south are developed as a shopping center (Tollgate Marketplace). The properties to the west are a mix of retail and service uses.

Comprehensive Plan:

The 2022 Bel Air Land Use Plan shows the development site and the surrounding land designated as *Commercial*. The land in Harford County to the south is designated as *Medium Intensity* on the current Harford County Land Use Plan.

Zoning History:

A Mixed-Use Center is permitted as a Special Development in the B-3 General Business district. The Harford Mall has been modified several times since its initial construction with the last modification was done in 2022 as the Shops at Harford Mall.

Applicable Regulations:

Applicable sections of Chapter 165 Development Regulations are as follows:

- Article III (Sect. 165-32. B-3 District);
 - Article VII (Sect. 165-51. Parking and Loading; and, Sect. 165-53 Performance Standards and Development Guidelines);
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- Article VIII Landscaping Standards (Sect. 165-54 through Section 165-61);
- Article XI Permits and Procedures (Sect. 165-82 Building Permit);
- Article XII Appeals; Variances; Special Exceptions; Special Developments (Sect. 165-94 Special Developments);
- Article XVI Subdivision and Site Development (Sect. 165-117 through 165-118);
- Permitted Use Tables, Table 3-5, Residential Uses; and,
- Lot Requirement Tables, Table 165-32, B-3 General Business

Public Utilities & Services: Public utilities are currently provided to site.

Transportation:

The Harford County Transit Link runs the Bel Air Circulator (Orange Line), which has a stop at the Harford Mall near the northeast corner of the existing mall. This stop is also a transfer stop for the Blue Line and Green Line.

Tollgate Road is classified as a Major Collector on the Harford County Road Classification Map. Boulton Street is a Town street and an Urban Collector. MD Route 24 is an Expressway. Belair Road (U.S. Rte. 1 Business or Baltimore Pike) is a Principal Urban Arterial. There are two existing signalized entrances to the site along Boulton Street. One opposite the Mall Annex and one opposite the intersection with Gateway Drive.

The applicant submitted a Traffic Impact Analysis (TIA) and received conditional approval attached to this report.

Environmental Assessment/Physical Characteristics:

There are no mapped environmentally sensitive areas in proximity to the proposed development. The site has been developed for many years. The site is generally level, while gently sloping down from the center of the Harford Mall toward each outer boundary line. There is no forest on the site. The perimeter of the site has some street trees, and some of the access aisles have trees and

shrubs. There are few if any landscape islands with within the parking area. The site was developed in the 1970's, prior to enactment of the first Bel Air Storm Water Management guidelines in 1984. SWM "redevelopment" requirements apply. The Concept SWM plan was submitted and received approval with comments.

Landscaping, Lighting & Amenities:

The plan has proposed replacement site lighting. There is no residential use proximate to the development site so no photometric plan is required. Landscaping is required in accordance with Section 165-55.A. The applicant has submitted a landscape plan for the proposed development and the parking along Boulton Street.

With the inclusion of residential and conversion to Mixed-Use, the proposed development is required to provide open space adhering to Town code Section 165-52.

Performance Standards:

The general performance standards in Section 165-53.B apply. Other specific performance standards also apply:
Residential use – Section 165-53.G(1)
Multi-Family Use – Section 165-53.G(2)(h)
Mixed-Use Center – Section 165-53.I(2)(g)

Architectural Review:

Architectural elevation renderings in color of all sides of the proposed building has been submitted for review. A copy of the Town architectural consultant comments is attached.

Analysis:

The Applicant is requesting Site Plan and Landscape Plan approval to construct a 249 dwelling unit Multi-Family use within the project area of the Harford Mall. The proposed residential development requires conversion of the defined use of the Harford Mall to a Mixed-Use Center which requires Special Development approval. The applicant also desires Subdivision Plan approval to create a separate lot from the current Harford Mall lot.

The proposed project is reviewed in aggregate so all parcels and buildings within the Harford Mall property must meet the criteria for a Mixed-Use Center. The performance standards for Mixed-Use are attached to this report. The existing area of the Harford Mall is 447,449 square feet of commercial space excluding common area within the mall. The proposed residential development is proposed within the existing parking lot between the mall and Boulton Street.

SITE

The existing Harford Mall project area as described above encompasses several buildings including the recently approved grocery store and shops near Tollgate Road, the furniture store and the Mall. Proposed parking is located throughout the site which must total 3.5 parking spaces for the commercial area. Because the construction of the multi-family development will remove several existing parking spaces, the applicant is proposing to shutter 34,307 square feet of commercial space within the mall. The resulting decrease in space allows the project to meet the parking ratio for Mixed-Use development with 1,446 spaces. A percentage of the proposed 566 residential parking spaces would typically be shared with the commercial use, however, all residential spaces (except twelve) are secured within a parking structure and not available to the public.

A Traffic Impact Study (Analysis) was submitted several months ago, and a copy of the conditional approval letter is attached. Some of the conditions include the following:

- Coordination with MD-SHA on signal timing for State controlled intersections.
- Coordination with Shops at Harford Mall regarding improvements they are responsible for including pedestrian upgrades to Gateway/Boulton intersection and extension of the Tollgate eastbound turning lane.
- Extension of the westbound turning lane at Tollgate Road and US Route 1 Business.
- A review of left turn phasing of the traffic signal at Boulton Street and Gateway Drive.
- Revision of the existing signal at Harford Mall and the Mall Annex to be a flashing yellow and flashing red since the mall access has been removed and this intersection no longer meets signal warrants.
- Development Agreement between Harford Mall and the Town for maintenance and energy supply of the flashing signal.
- Provision of a new right-in/right-out/left-in to the mall property across from the easternmost access to the Mall Annex.
- Installation of landscaped medians along Boulton Street between MD Route 24 and Gateway Drive. This improvement will include the adjustment of lanes to provide for a

single through lane and accommodation of left turn lanes. At a point in the future, bicycle lanes will be added to this traffic pattern.

Pedestrian access from the Gateway Drive communities is considered a priority. The operation of all signalized intersections must account for pedestrian crossings. The applicant has proposed pedestrian connections along Boulton Street and within the center to address safe and accessible pedestrian amenities. However, staff is concerned with the lack of an urban ‘streetscape’ along any frontage of the proposed multi-family building. It is recommended more attention be paid to the south façade and how the residential development can provide a more pedestrian friendly environment. Depending on what type of amenities are provided, this area may meet requirements for active open space.

The applicant has provided both active and passive open space as part of their development. Open space is required at 15% of the total acreage (5.07 acres). A minimum of 40% of this requirement must be usable or Active open space (2.03 acres). The applicant has proposed to provide these areas via the following:

- Active Open Space – West Courtyard 6,803 square feet
- Active Open Space – East Courtyard 8,604 square feet
- Passive Open Space throughout the site 51,371 square feet

The remaining Passive and Active open space required is 3.53 acres and is proposed to be provided through a letter of credit or bond at \$50,000/acre. The Planning Commission may allow fee-in-lieu to be provided at the same rate, however, the potential for additional future development phases may increase the amount of open space provided on-site and lower any provided fee-in-lieu amount.

LANDSCAPE

Street trees are required along a portion of Tollgate Road and MD Route 24 along with the entirety of Boulton Street. There are some locations along these frontages which utilities may create limitations to planting. It is recommended that major deciduous trees be planted at 40-foot spacing and minor deciduous trees be provided at 30-foot spacing and the proposed street trees be installed based on the potential limit of root zone to avoid utility impact.

Section 165-59.A(2) requires a three-foot setback from a right-of-way and a planting buffer equaling one planting unit per twenty-five feet of parking abutting a public road. The applicant has provided buffer in all parking locations as per code. The applicant has provided 40 trees within the parking lot based on a ratio of one tree per 10 spaces based on Section 165-59.B(3).

Rows of parking are broken up with landscape islands, which are used to accommodate interior trees. Interior green space is provided equal or exceeding 8% of the interior area of the parking lot as required in Section 165-59.B.(2).

FOREST CONSERVATION

A Declaration of Intent regarding existing forest and potential clearing has been provided to the Town and approved.

ARCHITECTURE

The applicant has provided color elevations and renderings of the proposed architecture for the multi-Family complex. Comments from the Town architectural consultant are attached. The appearance of the proposed architecture and how the building relates to the public side of the development should be addressed by the applicant at the hearing. Staff is concerned that the proposed development is providing a suburban design when a more urban character may be appropriate. The applicant should also provide larger colored elevation sheets (last two sheets of the submitted exhibits) at the hearing to allow a more detailed review by the Planning Commission. The proposed brick appears to be dark red and when combined with the dark fiber cement, the overall color of the building may become overwhelming. In addition, it is recommended that the parking garage match the rest of the architecture in facade color and design to conceal its use.

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. The applicant should explain how this is accomplished at the hearing. Internal vehicular and pedestrian traffic appears to be designed to minimize conflicts and to mitigate potential impact to patrons or residents. Provision of signs will be reviewed in aggregate for the center although it appears the project is well below the sign area limitations. No freestanding sign is permitted. A traffic study was submitted, reviewed and conditionally approved prior to acceptance for review by the Planning Commission. Security, loading, unloading, and recycling/refuse must be organized between owners and coordinated with the Town.

A Development Agreement between the owners of all three lots must be executed prior to Building Permit issuance. This agreement must address shared elements such as access, parking,

signage, utilities, and stormwater management. Any violations of code or introduction of new development is shared between all owners.

SUBDIVISION

The Preliminary Subdivision Plan must be revised to address comments from reviewing agencies and provide for new and revised reciprocal easements or agreements when submitting the Final Record Plat.

Drafts of easement documents must be provided to the Department of Public Works for review and approval prior to the Town signature on the Final Record Plat. The Final Record Plat must be recorded in the land records of Harford County, along with all applicable easement and agreement documents prior to issuance of the building permit.

COMMENTS FROM REVIEWING AGENCIES

Bel Air Volunteer Fire Company comments
Harford County Health Department comments
Harford County Soil Conservation District comments
Maryland American Water Company comments
Town architectural consultant comments
Traffic Impact Analysis conditional approval
Town Department of Public Works comments

Recommendations:

Site Plan

At a minimum, approval of the preliminary Site Plan is conditioned on the following:

1. Prior to Building Permit Application, submission of a Final Site Plan for signature incorporating comments from this staff report, and comments from:
 - a. Bel Air Volunteer Fire Company dated October 25, 2023
 - b. Harford County Health Department dated October 18, 2023
 - c. Harford County Soil Conservation District dated October 23, 2023
 - d. Harford County and MD-SHA pending comments on any intersection or road improvements.
 - e. Bel Air Public Works comments dated October 13, 2023

2. Prior to approval of utility construction drawings address comments from Maryland American Water Company.
3. Prior to signature of Final Site Plan, submission of revised architectural design based on comments from this staff report and from the Town architectural consultant dated October 24, 2023, for review and approval by the Planning Commission.
4. Prior to signature of Final Site Plan, revision of the streetscape to provide expanded pedestrian amenities along the south building edge for review and approval by the Planning Commission.
5. Execution of an agreement between the Town and the applicant to shutter a minimum of 34,307 square feet of commercial space within the project to compensate for reduced parking prior to issuance of Building Permit.
6. Allowance of Open Space fee-in-lieu to be provided through an executed letter of credit or bond not to exceed five years prior to Building Permit issuance.
7. Prior to issuance of the final Use and Occupancy permit:
 - a. Complete all site work on the Final Site Plan to include:
 - a) Construction of required improvements outlined in the Town Traffic Impact Analysis conditional approval letter dated September 11, 2023.
 - b) Landscape installation.

Landscape Plan

At a minimum, approval of the Landscape Plan is conditioned on the following:

1. Prior to Building Permit issuance, submission and approval of the Final Landscape Plan incorporating comments from this staff report and the following:
 - a. Adjustment of street trees to provide a consistent planting edge along Tollgate Road, Boulton Street and MD Route 24.

Special Development for the Mixed-Use Center

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):

- [a] The applicant has provided a unified arrangement of buildings, service areas, parking, signage and landscaping.
- [b] The architecture, site design, lighting and signage incorporate consistent design and theme elements and materials, massing and facade design for the project that is in harmony with the character of the neighborhood.
- [c] The internal circulation system is be designed to minimize through traffic and traffic conflicts within the project.

- [d] Safe pedestrian movement and the provision of pedestrian walks within the parking lot and surrounding the building perimeter is considered in the design.
- [e] 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.
- [f] 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.
- [g] Directional and informational signs will be adequately provided, and design coordinated.
- [h] Center management is responsible for providing on-site security service.
- [i] A traffic and/or parking study was submitted and approved prior to application.
- [j] The owners of all lots will execute a recorded 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.

Subdivision Plan

At a minimum, approval of the preliminary Subdivision Plan is conditioned on the following:

1. Prior to Building Permit Application, submission of a Final Subdivision Plat for signature incorporating comments from this staff report, and comments from:
 - a. Harford Health Department comments dated October 18, 2023
 - b. Bel Air Public Works comments dated October 25, 2023
 - c. Bel Air Dept. Planning & Community Development comments:
 - 1) Revise the Subdivision Plat to depict all existing and proposed easements.
2. Prior to Building Permit issuance, recordation of the Final Subdivision Plat along with any easement documents, and any other required documents to be recorded, amongst the Land Records of Harford County.



Kevin L. Small, AICP, RLA
Director of Planning & Community Development

- Attachments:** Application with description of use
TIA approval letter
Architectural Elevations & Renderings
Site Plan – proposed residential development
Overall Site Plan – Mixed-Use Center
Subdivision Plan
List of Equitable Owners in the Land and Contract Purchaser
Agency Comments
Photos

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