



**PLANNING COMMISSION
STAFF REPORT**

Prepared by: Kevin Small, Director
Dept. of Planning & Community Development
Date: February 22, 2024
Meeting Date: March 7, 2024

General Information

Applicant: Stoker Associates

Owner/Operator: 201 S. Main Street LLC

Status of Applicant: Architect

Location: 201 S. Main Street

Lot/Building Size: 18,687 square feet (4,874 square foot two-story structure)

Requested Action: Request for Special Development approval for an Outdoor Dining/Bar service use and for a Drive-Thru service use.
Request for Site Plan and Landscape Plan approval.

Zoning: B-2, Central Business District

Existing Land Use: Restaurant

Surrounding Land Use & Zoning: The adjoining Town properties are zoned B2 to the west and B2A to the east. These properties are developed as mix of retail uses and service uses.

Comprehensive Plan: The Bel Air Land Use Plan shows the property as *Commercial*.

Zoning History: An Outdoor Dining/Bar use and Drive-Thru service use is permitted as a Special Development in the B2 (Central Business) district. The Site was approved through building permit for a restaurant in 2018. The Drive-Thru appears to be operating without a permit. The Outdoor Dining/Bar use is operating as a temporary use permitted through Resolution 1211-23.

Applicable Regulations: Applicable sections of Chapter 165 Development Regulations:

- Article III (Sect. 165-32. B2 District)
- Article VII (Sect. 165-53 Performance Standards and Development Guidelines)
- Article XI Permits and Procedures (Sect. 165-82 Building Permit)
- Article XII Appeals; Variances; Special Exceptions; Special developments (Sect. 165-94 Special Developments)

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

Transportation: South Main Street (MD Route 924) and Churchville Road (MD Route 22) are classified as Principal Urban Arterials.

Environmental Assessment/Physical Characteristics: There are no mapped environmentally sensitive areas in proximity to the proposed development. The site is comprised of a generally level area. There is no forest on the site. The perimeter of the site has some street trees, and most of the access aisles have trees and shrubs.

Landscaping, Lighting & Amenities: There are commercial properties bordering two sides of the property and these are well landscaped and buffered.

Performance Standards: The general performance standards in Section 165-53.B apply. The performance standards apply specifically for Drive-Thru service use, Section 165-53.I(2)(c) and Outdoor Dining/Bar service use, Section 165-53.I(2)(i).

Architectural Review: Not applicable.

Analysis:

The Applicant is requesting approval to permanently construct an Outdoor Dining/Bar service use at the same location as it has operated a similar temporary use for the past several years. In addition, the applicant wishes to have a Drive-Thru service use approved. Both are considered Special Developments. Due to the need for upgrades to the site based on the outdoor dining request, a Site Plan and Landscape Plan are also required.

SPECIAL DEVELOPMENT

The Drive-Thru service associated with the Restaurant is currently operating without a permit. The use is not a true drive-thru use as typically developed in the past. There is no ordering board or associated intercom. Patrons view an ordering board and order/pick-up at the window that was previously developed as a bank drive-thru. The capacity of the queuing lane is a maximum of three cars which does not meet the minimum of seven/nine required for a typical drive-thru use. It is recommended the drive-thru service area provide pavement markings and signs to indicate its use and the appropriate traffic direction and operation. A designated space may be appropriate for patrons to use while their order is being filled. A sign at the entrance from Main Street indicates 'ENTER HERE' is confusing since it is located near the exit lane for the drive along the proposed dining area.

The Outdoor Dining/Bar service use is currently operated as a temporary use through Resolution 1211-23 (extending the use of tent permits and temporary use permits past the maximum thirty

days). This proposal will make the use permanent and no longer subject to temporary use permit requirements. The proposed improvement will establish a deck on the existing asphalt pavement including a perimeter barrier on the drive lane side. The deck also includes handicapped access. Five parking spaces will be permanently lost with the addition of the outdoor dining. However, parking is no longer required for commercial use in the B-2 (central Business) zoning district. The temporary use has operated without problem for several years and there are 17 spaces which remain for patrons. Based upon the submitted plans, staff as has the following comments:

1. All existing jersey barriers must be removed.
2. The proposed use is limited to 30 seats based on the submitted site plan.
3. There will no alcohol service.
4. The materials of the posts, railing, deck and pickets should be provided at the hearing and indicated on the final plan.
5. The material of the handicapped ramp must be provided at the hearing along with the proposed slope.
6. The posts for the deck must be anchored in concrete a minimum of three feet below grade.
7. Details regarding lighting must be provided (if additional lighting is anticipated).
8. No overhead canopy is permitted and only umbrellas may be proposed.
9. Concrete curb is provided on the north side of the access from Main Street (south end of the dining area) to protect the diners from entering vehicles. This should be labeled on the plan as concrete curb and gutter.

SITE

The site must be brought up to code regarding some of the site elements and their materials. All existing asphalt curb located near the Main Street entrance must be upgraded to concrete curb and gutter. The submitted plans must be revised to address the following comments:

1. All plans submitted must have appropriate titles indicating the information contained therein.
2. Sheet C21
 - a. Remove or reduce the number of note references on the plan graphic to reduce the visual clutter.
 - b. Add the number of parking spaces on the plan and indicate spaces lost and the number that remain in the notes.
 - c. Indicate the number of seats provided in the interior of the restaurant in the notes.
 - d. Indicate the area of the enlargement shown on Sheet A2 and reference the plan.
 - e. Add road names

- f. Add the vehicle queuing graphic similar to the Landscape Plan. This should be adjusted to be consistent with the location of the pick-up window which reduces the total stacking of vehicles to three.
3. Sheet A2
 - a. Label the handicapped space, width of the drive lane, and material of the proposed curb (this must be concrete).
 - b. Provide a scale to the plan (1/4" = 1'-0")
 - c. Provide signature blocks matching Sheet C21

The Landscape Plan planting schedule must be revised to indicate size (caliper or container), spacing and height as shown on Exhibit A and revise the proposed plants as indicated below. It is recommended that shrubs be provided along the Churchville Road frontage to meet Section 165-59, buffering of parking to right-of-way. This regulation adds 12 additional shrubs (recommend *Pyracantha coccinea*) along the northern boundary of the property. In addition, two additional shrubs (total of seven) are recommended to extend the existing shrubs along Main Street near the entrance. Barberry is considered appropriate to match existing. Some plan revisions are also required:

1. Revise the scale of the plan to 1" = 10'-0"
2. Revise the signature blocks to reference landscape plan instead of site plan.

Recommendations:

The Planning Commission must provide a 2022 Comprehensive Plan consistency determination for the proposed development as required by Town Code § 165-19.

SPECIAL DEVELOPMENT

The Special Development for a Drive-Thru service use for the existing restaurant is based upon the following findings of fact that the applicant has adequately demonstrated the proposed drive-thru meets the performance standards as provided in Section 165-53.I(2)(c):

1. The use is designed so that pedestrian and vehicular circulation is coordinated with adjacent properties. There is no change to the lane configuration requiring a traffic study.
2. Drive-thru lanes are marked with distinctive pavement markings and/or special striping and do not block exit or entry to parking spaces otherwise required on the site.
3. Adequate spaces for stacking of three in the drive-thru lane are adequate given the proposed use functions as pick-up only.
4. Noise from speaker systems meets State of Maryland standards for control of noise

pollution.

5. Drive-thru windows and vehicle queuing lanes are located along the side and rear facades and not between the building and primary public right-of-way.

Approval of the drive-thru service use is conditioned on the following:

1. A parking space is designated (and signed) for vehicles waiting to pick-up their order.
2. The drive-thru lane is improved with pavement markings to indicate use and traffic flow.
3. Traffic direction markings and signs be provided for the overall site.
4. The sign at the Main Street entry is relocated to properly indicate the entrance to the site.
5. The service will not include an ordering kiosk.

The Special Development for An Outdoor Dining/Bar service use for the existing restaurant is based upon the following findings of fact that the applicant has demonstrated the proposed dining area meets the following performance standards as provided in Section 165-53.I(2)(i):

1. Amplified music or public address are not permitted between 9pm and 9am
2. Live entertainment and recreational games are not permitted between 9pm and 9am
3. Outdoor dining/bar will adhere to the requirements of Chapter 345 of the Town Code
4. Because parking is not required, the exterior area is not limited to 75% of the capacity of the principal permitted use. Any temporary enclosure must meet the provisions of Section 165-71.C
5. No outdoor bar for the service of alcohol is proposed. Alcohol consumption or service in the outdoor area must be approved by the Harford County Liquor Board.

Approval of the Outdoor Dining/Bar is conditioned on the following:

1. All existing jersey barriers are removed.
2. The proposed use is limited to 30 seats.
3. The materials of the posts, railing, deck and pickets have been provided and are satisfactory
4. The material of the ramp and slope have been provided and are satisfactory.
5. Posts for the deck are anchored in concrete a minimum of three feet below grade.
6. Details regarding lighting have been provided and are satisfactory.
7. No overhead canopy is permitted.
8. Concrete curb & gutter is provided on the north side of the access from Main Street to protect the diners from entering vehicles.

SITE

At a minimum, approval of the 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 the following:
 - a. Bel Air Department of Public Works memo dated February 20, 2024.
 - b. Provide appropriate titles for all plans submitted indicating the information contained therein.
 - c. Remove or reduce the number of notes on the plan graphic to reduce clutter.
 - d. Add the existing and modified number of parking spaces on the plan.
 - e. Indicate the number of seats provided in the outdoor dining area, and in the interior of the restaurant.
 - f. Show the area of the enlargement shown on Sheet A2 and reference the plan.
 - g. Add road names
 - h. Add the vehicle queuing graphic similar to the Landscape Plan and adjusted to be consistent with the location of the existing pick-up window which reduces the total stacking of vehicles to three.
 - i. Label the handicapped space, width of the drive lane, and material of the proposed curb as concrete.
 - j. Provide a scale to the plan on Sheet A2 (1/4" = 1'-0")
 - k. Provide signature blocks on Sheet A2

LANDSCAPE

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

2. 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 Department of Public Works memo dated February 20, 2024.
 - b. Two additional barberry shrubs are provided along Main Street
 - c. Twelve additional pyracantha shrubs are provided along Churchville Road
 - d. Revise the scale of the plan to 1" = 10'-0"
 - e. Revise the signature blocks to reference landscape.
 - f. Revise the planting schedule as noted on Exhibit A.



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

Attachments: Application with description of Proposed Use
Performance Standards Checklist (annotated)
Site Plan & Details
Landscape Plan
Plant Schedule mark-up (Exhibit A)

EXHIBIT A

SIZE

AT TIME OF DELIVERY

MATURE (10 YEAR) ZIZE

CONSTRUCTION WORK DESCRIPTION	BOTANICAL, COMMON NAME, VARIETY	AT TIME OF DELIVERY			MATURE (10 YEAR) ZIZE		
		HORIZONTAL DRIP-LINE DIAMETER (feet)	TRUNK DIAMETER 4 FT. ABOVE GROUND (inches)	HEIGHT (feet)	HORIZONTAL DRIP-LINE DIAMETER (feet)	TRUNK DIAMETER 4 FT. ABOVE GROUND (inches)	HEIGHT (feet)
1 existing to remain	cedar	***	***	***	6	3	10
2 existing to remain	burning bush	***	***	***	4	4	4
3 existing to remain	boxwood	***	***	***	3	2	3
4 existing to remain	golden euonymus	***	***	***	4	4	4
5 existing to remain	Zelkova serrata green vase	***	***	***	40	10	50
6 existing to remain	Zelkova serrata green vase	***	***	***	40	10	50
7 existing to remain	illex japonica Barberry	***	***	***	4	4	2
8 existing to remain	illex japonica	***	***	***	2	1	2
9 existing to remain		***	***	***	4	4	4
10 existing to remain		***	***	***	4	4	4
11 provide new	golden euonymus Barberry	3.5'	3 gal	3.5'	4	4	4
12 provide new	Zelkova serrata green vase	As Shown	2.5' cal.	12'	40	10	50
13 provide new	green Lariope muscari	12" x 1 qt.	0.5	6" x	1	<0.5	1

14 New **12 Pyracantha**

3.5' | 3 gall | 3'

minimum of 2.5 inch caliper;
 ** Medium street trees shall measure a minimum of 1½ inch caliper;
 ** Trees in the buffer yard shall be a minimum of 4½ to 6 feet in height.
 ** Streetscape shrubs shall be container grown in not less than 3 gallon containers, and shall not be pruned to less than 30 inches in height.
 ** Shrubs shall be container grown in not less than 3 gallon containers.

These drawings are schematic & dimensions are approximate. Contractor shall verify actual dimensions to fit field conditions. Contractor shall architect of any change from drawings. These drawings and the design shown are protected copyright laws from unauthorized use of any part.

I, F. David Stoker, certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of Maryland, license number 7767.



TOWN OF BEL AIR

DEPARTMENTS OF PLANNING AND PUBLIC WORKS

705 E. CHURCHVILLE ROAD
BEL AIR, MARYLAND 21014
www.belairmd.org

PLANNING [410] 879-9500
PUBLIC WORKS [410] 879-9507
FAX: [410] 838-0775

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MEMORANDUM

To: Kevin Small, Director of Planning

From: Stephen Kline, Director of Public Works *S.D.K.*

Date: February 20, 2024

Subject: Site Plan Review – Z Vault (201 South Main)

A review has been made of the Site Plan provided by Stoker Associates dated 2/05/2024 for the above referenced project. The following comments are provided as a guide for revisions:

1. Enclosed please find a site plan checklist to help guide you thru what is required to be shown. Please make the appropriate corrections and resubmit.

Should you have any questions regarding this matter, please feel free to contact me directly.

Cc: DPW file

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Town of Bel Air

Appendix A

Checklist for Site Plan & Subdivision Plan Review

Project: _____

Site	Subdivision	Identification and Description
<input type="checkbox"/>	<input type="checkbox"/>	Proposed development name
<input type="checkbox"/>	<input type="checkbox"/>	Property owner name and address with phone number
<input type="checkbox"/>	<input type="checkbox"/>	Subdivider or developer name and address
<input type="checkbox"/>	<input type="checkbox"/>	Land planner and/or architect name and address with phone number
<input type="checkbox"/>	<input type="checkbox"/>	Surveyor and/or engineer name and address with phone number
<input type="checkbox"/>	<input type="checkbox"/>	Location and ownership of adjoining land
<input type="checkbox"/>	<input type="checkbox"/>	Location map, including sketch of nearby subdivisions
<input type="checkbox"/>	<input type="checkbox"/>	Tax Map number and parcel number
<input type="checkbox"/>	<input type="checkbox"/>	Deed reference
<input type="checkbox"/>	<input type="checkbox"/>	Scale of not less than one inch to 100 feet
<input type="checkbox"/>	<input type="checkbox"/>	North arrow and date of drawing
<input type="checkbox"/>	<input type="checkbox"/>	Acreage of tract, total and net
<input type="checkbox"/>	<input type="checkbox"/>	Bench mark
<input type="checkbox"/>	<input type="checkbox"/>	Metes and bounds
<input type="checkbox"/>	<input type="checkbox"/>	Signature blocks
<input type="checkbox"/>	<input type="checkbox"/>	Certifications
<input type="checkbox"/>	<input type="checkbox"/>	Sheet size (24" x 36")
<input type="checkbox"/>	<input type="checkbox"/>	Sheet size (20" x 24")
<input type="checkbox"/>	<input type="checkbox"/>	Election district
<input type="checkbox"/>	<input type="checkbox"/>	Easement (existing & proposed)
<input type="checkbox"/>	<input type="checkbox"/>	Note regarding any requested waiver, special development, variance or special exception.
Physical and Environmental Conditions		
<input type="checkbox"/>	<input type="checkbox"/>	Boundary lines of subdivision indicated in heavy outline
<input type="checkbox"/>	<input type="checkbox"/>	Present zoning of tract and adjoining properties
<input type="checkbox"/>	<input type="checkbox"/>	Corporation lines
<input type="checkbox"/>	<input type="checkbox"/>	Adjacent subdivisions labeled
<input type="checkbox"/>	<input type="checkbox"/>	Contour lines at two-foot intervals
<input type="checkbox"/>	<input type="checkbox"/>	Watercourses
<input type="checkbox"/>	<input type="checkbox"/>	Existing structures
<input type="checkbox"/>	<input type="checkbox"/>	Proposed structures
<input type="checkbox"/>	<input type="checkbox"/>	Boundary of forest area
<input type="checkbox"/>	<input type="checkbox"/>	Bridges and existing drainage systems (culverts, inlets, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Floodplain
<input type="checkbox"/>	<input type="checkbox"/>	Soil Types
Characteristics of Proposed Development		
<input type="checkbox"/>	<input type="checkbox"/>	Layout, number of blocks, lots, typical dimensions and areas of proposed lots
<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed building setback lines (all sides)
<input type="checkbox"/>	<input type="checkbox"/>	Proposed uses of property
<input type="checkbox"/>	<input type="checkbox"/>	The location and dimensions of all property proposed to be set aside for Public or private reservation, designating the purpose thereof
<input type="checkbox"/>	<input type="checkbox"/>	Location of all proposed monuments

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

- Location and shape of each multifamily residential structure
- Type of residential unit and number of each building
- Total number of residential units with subtotal of each type
- Gross and net residential acreage
- Proposed landscape design, lighting and signage
- Typical lot layout showing principle buildings and parking
- Phasing of development
- Signed copy of Homeowners Association documents

Utilities, Water, and Sewage Facilities

- Railroads and utility rights-of-way
- Public utilities (transmission towers, pipelines, water, storm drains, gas, power, and telephone lines)
- Tentative location of fire hydrants, valves, waterlines, sewer lines, and pump stations, etc.
- Note stating final location for fire hydrants, valves, waterlines, sewer lines, pump stations, etc. shall be determined during construction drawings
- Proposed S. D. system
- Location of stormwater management facility
- Stormwater management drainage area and flow areas to on-site stormwater management system

Streets, Roads and Parking

- Location, name, width of pavement and rights-of-way, of proposed roads and all existing streets adjoining subdivision or intersection street that bounds it
- Private roads so marked
- Radii shown on all horizontal curves
- Delineation of road improvement rights-of-way
- Layout widths and names of proposed streets, widths of alleys, cross walkways and easement reservations
- Tentative profiles of street center lines
- Length of any cul-de-sac or panhandle
- Vertical and horizontal sight distances recorded at intersection with Town and county roadways
- Proposed grades indicated on all roads and parking areas
- Modification to property entrance (roadway widening, acceleration and deceleration lanes)
- Number of parking spaces in each off-street parking area with total
- Sidewalk and handicap ramps
- Standard details to be shown:

NOTE: THE LACK OF INFORMATION UNDER ANY ITEM SPECIFIED HEREIN OR IMPROPER INFORMATION SUPPLIED BY THE APPLICANT MAY BE CAUSE OF DISAPPROVAL OF A PRELIMINARY PLAN.