



2664 Riva Road, P.O. Box 6675  
Annapolis, MD 21401  
410-222-7450

**Steve Kait-Ziegler, AICP**  
**Planning and Zoning Officer**

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December 5, 2022

Daniel Haney, P.E.  
Bohler Engineering VA, LLC  
901 Dulaney Valley Rd., Ste. 801  
Towson, MD 21204

Re: Chick-fil-A, Arnold  
Preliminary Plan # C2022-0013-00-PP  
Tax Map 39 Block 18 Parcel 292

Dear Mr. Haney:

The Preliminary Plan for the above referenced project has been reviewed by the agencies listed below and copies of their comments are attached.

- |  |  |
|--|--|
| A. OPZ/Planning, Environmental & Landscape | Withhold approval, November 1, 2022  |
| B. I&P/Engineering & Utilities             | Unavailable, contact Jeff Bugno<br>at <a href="mailto:ipbugn21@aacounty.org">ipbugn21@aacounty.org</a> |
| C. OPZ/Transportation                      | Approval w/comments, November 14, 2022   |
| D. Health Department                       | Withhold approval, November 16, 2022   |
| E. State Highway Administration            | Approval w/comments, November 10, 2022   |
| F. Fire Marshal                            | Approval, November 7, 2022   |

**I. Agency Comments to Be Addressed**

The agency comments listed below (copies attached) must be addressed with a resubmittal of the Preliminary Plan:

- |  |                                 |
|--|---------------------------------|
| A. OPZ/Planning, Environmental & Landscape | Comments, November 1, 2022      |
| B. I&P/Engineering & Utilities             | Comments, unavailable see above |
| C. Health Department                       | Comments, November 16, 2022     |

## **II. Issues**

None.

## **III. Adequacy of Public Facilities:**

Adequacy of Public Facilities for items E., below, must be resolved with Preliminary Plan Resubmittal. Items A., B., C. and D. are acceptable and will be approved with the Preliminary Plan subject to any noted conditions.

- A. Fire Suppression: Adequacy of Fire Suppression has been demonstrated. The final decision regarding adequacy of fire suppression is deferred to the Fire Marshal. Please see the enclosed Fire Marshal's comments dated November 7, 2022.
- B. Roads: Adequacy for Roads has been demonstrated. The Traffic Impact Study (TIS) dated March 2022 was prepared in an acceptable manner. The study considered the proposed development of a new 2,656-square foot Chick-fil-A fast food drive-thru (no indoor seating) only restaurant. No mitigation improvements are required because the surrounding road network will continue to operate at acceptable levels of service. Please see the enclosed OPZ/Transportation comments dated November 14, 2022.
- C. Schools: Adequacy for Schools has been demonstrated. Residential uses are not proposed. School adequacy is not required for this project.
- D. Utilities: Adequacy of Water and Sewerage has not been demonstrated. Adequacy of facilities for sewer utilities will be deferred to the Health Department. The number of EDU's was determined to be less than five (2), therefore a SWAMP analysis of public water services was not required. Adequacy of facilities for water utilities has been adequately addressed for this development. The consultant/developer is being advised that the availability of capacity is not guaranteed until an Allocation Request has been processed and approved by the Department of Public Works. Please see I&P/Engineering comments dated May 3, 2022.
- E. Storm Drains: Adequacy of facilities for storm drainage has not been addressed. It has not been adequately demonstrated that the onsite drainage system and stormwater management system installed by the developer includes environmental site design to the maximum extent practicable, complies with the stormwater requirements of the Anne Arundel County Code, and is capable of conveying through and from the property, the design flow of stormwater runoff originating on the site to an adequate outfall; and offsite downstream drainage systems are capable of conveying the design flow of stormwater runoff to an adequate outfall between the site outfall(s) to the Point(s) of Investigation (POI) located approximately 1,500 feet south of the site at a point in Mill Creek at an existing culvert. Please see I&P/Engineering comments dated May 3, 2022.

#### IV. Decision

- A. This Office must withhold approval of the Preliminary Plan until the issues set forth in Sections I, II and III, if applicable, have been resolved.
- B. The resubmittal must be made within sixty (60) days of the date of this letter and must include separate packages labeled with the name of the required review agency. Each package is to include a point-by-point response letter addressing the items in Sections I, II and III, if applicable, above and any other supplemental information necessary for review. Resubmittal in accordance with the attached Resubmittal Cover Sheet must be sent directly to Judy Motta, Permit Center, by **February 3, 2023**.

If you have any questions regarding this letter, please email me at [pzauld02@aacounty.org](mailto:pzauld02@aacounty.org) or call 410-222-7485/3282.

Sincerely,



Donna Aulds  
Planner, Regional Team

Cc: Courtney Wilson, OPZ  
Raghu Badami, I&P  
Sarah Fowler, OPZ  
Judy Motta, PC  
Jeff Bugno, I&P  
Sarah Fowler, OPZ  
Margaret Kaii-Ziegler, OPZ  
Kevin Holland, Soil Conservation  
Christopher Owens, Health Department  
Jonathan Makhoulf, SHA  
Scott Schuler, Public Schools  
Robert Flynn, Fire Marshal Office  
Pat Slayton, Recreation and Parks  
Jane Cox, OPZ  
Darian Beverungen, OPZ  
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File

**ANNE ARUNDEL COUNTY**

**Annapolis, Maryland**

**RESUBMITTAL COVER SHEET**

TO: Office of Planning and Zoning/Development Division

FROM: \_\_\_\_\_

RE: Project Name – Chick-fil-A, Arnold  
Preliminary Plan # C2022-0013-00-PP

PLEASE FIND ATTACHED RESPONSE LETTER/REVISED PLAN (AND ANY AGENCY-MARKED PRINTS) PACKAGES FOR:

X OPZ/Subdivision Review Planner                      X I&P/Engineering & Utilities Review  
X Health Department

The engineer/developer certifies that all of the above-mentioned agencies are being responded to with their own completed package. Each package shall contain the necessary response letter/plans/plats/studies, computations (if applicable) and agency marked-up plans (if provided) addressing all of the items required to be addressed in the prior review comments from each agency. All correspondence, plans, plats, studies, comps, etc. must list both the correct subdivision and project numbers.

Submit the completed resubmittal package to Judy Motta on the 1<sup>st</sup> floor of PAC prior to acceptance by OPZ/Development Division.

This marked form highlighting the specific agency must accompany your resubmittal otherwise it can not be accepted by P&Z/Development Division.

Developer/Engineer (SEAL)

Attachments



M A R Y L A N D

Office of Planning and Zoning

Steve Kaii-Ziegler, AICP  
Planning and Zoning Officer

## MEMORANDUM

TO: Courney Wilson, Planning Administrator, Regional Team

FROM: Donna Aulds, Planner, Regional Team

SUBJECT: Chick-fil-A, Arnold  
Preliminary Plan #C2022-0013-00-PP

DATE: November 1, 2022

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A review of the above referenced project has generated the following comments for the proposed new 2,656-square foot Chick-fil-A fast food, drive-thru only, restaurant and associated infrastructure:

**A. Environmental Requirements:** The application for final approval of the preliminary plan for the above project was submitted after December 15, 2019 and, therefore, shall be governed by the law as it exists today.

1. Per the submitted Forest Conservation worksheet, the Developer is required to provide 66,517 square feet for forest mitigation for forest clearing, per Forest Conservation criteria, Art. 17-6-306, Reforestation. The Applicant proposes 66, 517 s.f. of off-site reforestation mitigation through a Mitigation Bank.

Per Article 17-6-304(a), reforestation shall be undertaken in accordance with one or more of the following methods, listed, **in preferred sequence**, as determined by the Office of Planning and Zoning, based on site conditions or forestry practices that will enhance wildlife or water quality values. It is unclear at this time if an alternative proposal is feasible which would allow for additional reforestation on site. Specifically, the current stormdrain design does not appear to meet the state mandated environmental site design criteria for minimization of impact and clearing. Please work directly with the I&P Engineering department to ensure that appropriate minimization has been achieved with the next resubmittal. The stormdrain design should allow for areas of reforestation adjacent to the proposed Forest Conservation Easement (FCE) and expansion of the Forest Conservation Easement. Revise the plans to exhaust all onsite planting opportunities before this office may consider any off site planting or banking methods of reforestation.

Again, per Article 18-3-104, Parking required is 10 spaces for the proposed Restaurant, and the Applicant proposes 42 parking spaces. This Office finds that a reduction of proposed impervious coverage, by way of reducing proposed excessive parking, is required in order to achieve the State's Environmental Site Design criteria. Clearing below the conservation threshold and specimen tree removal may not be considered until reduction in the proposed excessive parking coverage has been completed.

**Revise the plans to expand retention to the maximum extent practicable and exhaust all onsite planting opportunities before this office may consider any off site planting or banking methods of reforestation.** If some banking is found to be acceptable, credit purchase must be completed and verified by the County Forester's Office.

2. Forestation and/or Forest Conservation Easement Agreements must be executed and/or recorded.
3. The existing conditions map delineates areas of "highly erodible soils" which are proposed for disturbance with the submitted Concept Plan. The Applicant should note these areas would benefit from reforestation to assist in restabilization and offer additional areas for planting onsite.
4. An updated Modification letter dated October 21, 2022 was received regarding the Modification requests, below. Per Article 17-2-108(c), note that the requested Modifications may be denied if based on the convenience of the developer. As summarized above, the current proposal includes excessive impervious coverage and no onsite reforestation while requesting Modifications to environmental impacts that include clearing below the conservation threshold and specimen tree removal.

This Office finds that the following items regarding the below Modification requests will be held in abeyance until addressed along with the above Environmental comments in accordance with Article 17-6-303:

- a. \*M16821 Specimen Tree. Existing ST - 4 (39" tulip poplar) and ST-6 (39" tulip poplar), which abuts existing residential open space and are in good and poor condition, respectively, should be retained. Excessive proposed imperviousness with drive aisles and drive-thru should be reduced.
- b. \*M16820 Forest clearing.—A portion of the site lies within the State Sensitive Species Project Review Areas or SSPRA, per County records. Therefore, a letter from the State DNR regarding the possible presence of any RTE species is required.
- c. M16819 Steep slopes. The Applicant proposes 21,180 SF of steep slopes and 26,538 S.F. of steep slope buffers disturbance. This Modification is pending the above Modification decisions by this Office. Note that according to Article 17-1-101 (90 and 92) steep slopes are defined as natural and not man-made, outside the

Critical Area. Verify whether the steep slopes delineated are man-made (due to road and land development) and, therefore, the above Modification is not required.

\*The Applicant must show that all onsite plantings have been exhausted before offsite mitigation is proposed.

5. Roadside Tree Permit for clearing within the SHA MD RT. 2 right-of-way must be obtained, per State Code Title 08 Department of Natural Resources, Subtitle 07 Forests and Parks, prior to permit approval.

**B. Planning Requirements:**

1. The floor area ratio (FAR) still notes the entire site area and must be corrected to address only the C3 (Commercial Office) Zoning District portion of the property. FAR is not applicable for Residential zones.
2. Label the parcels and the property owners' names and addresses where the LOD encroaches onto their property due to Ritchie Highway right-of-way widening and improvements required by SHA. Authorization from these property owners' must be obtained for the proposed grading and access shown on their property (P. 186, 188, 375, 369).

**C. Landscaping Requirements:**

1. No comments with this Preliminary Plan. It is noted that interior landscape requirements per Section V.B.1. and D.1. are required and must be shown.
2. Submit the Final Landscape Plan and a Cost Estimate for review and approval with the Site Development Plan application.
3. Per Section III. E. 6. Landscape Buffers can be increased to 35' width and may be counted toward FCE criteria onsite.

**D. Recommendations:**

1. None.

**E. Decision:**

OPZ/Planning/Environmental/Landscape Withholds approval. Items A1-4 and B1-2 must be addressed prior to Preliminary Plan approval.



ANNE  
ARUNDEL  
COUNTY

M A R Y L A N D

Office of Planning and Zoning

Steve Kati-Ziegler, AICP  
Planning and Zoning Officer

## MEMORANDUM

TO: Donna Aulds, OPZ Development Division

FROM: Sarah E. Fowler, P.E., Transportation Development Review Team, Office of Planning and Zoning

SUBJECT: Chick-fil-A, Arnold  
C22-0013-00PP  
Preliminary Plan Review

DATE: November 14, 2022

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**Project Scope/Description** – This development seeks to construct a 2,656sf Chick-fil-A drive-thru only restaurant with associated canopies and parking, located at 1500 Ritchie Highway. The site will have a right-in, right-out entrance on Ritchie Highway and will connect to the existing adjacent CVS parking lot for access to Arnold Road.

### **Traffic Review**

The above-referenced project has been reviewed for Traffic issues and the following comments apply:

The developer has opted to address adequacy of public facilities at this stage of the development process. Adequacy of Public Facilities is being addressed as follows:

#### **Adequate Public Facilities for Roads:**

Adequacy of Public Facilities for Roads has been addressed for this development. The Traffic Impact Study (TIS) dated March 10, 2022 was prepared in an acceptable manner. The study considered a 2,656sf Chick-fil-A restaurant (ITE 935 – Fast-Food Restaurant with Drive-Thru Windows and No Indoor Seating). No mitigation improvements are required because the surrounding road network will continue to operate at acceptable levels of service.

The following are comments regarding the plans as submitted; only the comments indicated in the closing paragraph will require a point by point response upon resubmittal:

#### **A. Plans**

1. SHA approval is required for any work in the MD 2 (Ritchie Highway) right-of-way.
2. SHA approval of the TIS will be required prior to Final Plan approval.
3. As noted previously, per Anne Arundel County Code 17-6-603, two-way drive aisles shall be 24' in width. One-way drive aisles shall be no less than 15' for angled parking and 20' for perpendicular parking. The drive aisle connection to the CVS property is labeled as 23.5'.
4. The Traffic Impact Study recommends restriping Arnold Road to provide a two-way left turn lane as a part of



entrance improvements for this development. This office will coordinate with the Department of Public Works, Traffic Engineering Division to determine if this is acceptable.

**B. Bicycle, Pedestrian, and Transit Assessment (BPTA):**

Per Article 17, Section 6-113, all development is required to provide public on- or off-site bicycle, pedestrian, or transit infrastructure in addition to any other site design requirements of the Code.

Per §17-4-201(e), developments of less than 5,000 square feet are not required to perform a BPTA, or provide a BPTA related improvement, and may opt instead to pay a fee-in-lieu equal to \$.40/sf, which for this project amounts to \$1062.40. The payment is due prior to the issuance of a grading permit or building permit when a grading permit is not required.

If the applicant wishes to provide the improvements required under §17-6-113(b), please provide a Bicycle, Pedestrian, and Transit Assessment to this Office for review.

**C. Determination**

We recommend Preliminary Plan approval with all remaining comments being addressed at the Site Development Plan stage.

## Chick-Fil-A, Arnold 22-0013 00 PP



Christopher Owens

Nov 16, 2022,

to SUBCOMMENTS

The Anne Arundel County Health Dept. has reviewed the above referenced Preliminary Site Development Plan and has the following comments:

1. Add a note stating compaction suitable for a building foundation will be required in the area of the septic system and replacements.
2. Change the san A detail to say 1500 gallon grease trap.
3. Add the flow for the existing CVS.
4. Show the details for the drywells with 2' of bentonite clay.

--

Chris Owens  
Commercial Review Specialist  
Bureau of Environmental Health  
Phone: 410-222-7218  
Fax: 410-222-7479  
hdowen00@aacounty.org

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## **Chick - Fil - A, Arnold (C22-0013-00 PP): SHA Review**

Pradip Patel (D5 SHA)  
Nov 10, 2022,

Hello Ms. Wilson,

Thank you for the opportunity to review a preliminary plan submission on the above referenced project. Upon review of it offers the followings:

- Applicant has submitted a TIS under MDOT SHA Tracking # 18APAA023XX and was approved in August 2022.
- He proposed restaurant will have impact to MDOT SHA MD 2 right-of-way. The Access permit is required.

Please advise applicant/engineer to submit the plan and supporting documentation by accessing [www.roads.maryland.gov](http://www.roads.maryland.gov) Business Center drop down menu and Permits and Miss Utility Information and click on link stating, "Click here for Electronic Plans Submittal". If you have any questions, feel free to contact Jonathan Makhoulf at [jmakhoulf2@mdot.maryland.gov](mailto:jmakhoulf2@mdot.maryland.gov).

If you have any questions, feel free to contact Jonathan Makhoulf at 410-841-1084 or email [Jmakhoulf2@mdot.maryland.gov](mailto:Jmakhoulf2@mdot.maryland.gov).

Thank you,

Pradip Patel

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Chick-fil-A, Arnold  
Preliminary Plan # C2022-0013-00-PP  
December 5, 2022



## Office of the Fire Marshal

Subdivision & Development Review

TO: Planning & Zoning  
Inspections & Permits

CC: [SUBCOMMENTS@aacounty.org](mailto:SUBCOMMENTS@aacounty.org)

FROM: Lt. Robert Flynn, Fire Marshal Division

DATE: November 7, 2022

SUBJECT: C-22-0013-00-PP Chick Fil A Arnold

**Approval is granted** for the above referenced project.