

1. ECDC Agenda 07 27 2021

Documents:

[2021-07-27 ECDC AGENDA.PDF](#)

2. ECDC Report 07 27 2021

Documents:

[2021-07-27 ECDC AGENDA ITEMS REPORT.PDF](#)



## **CITY OF WESTMINSTER**

### **ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE OF THE MAYOR AND COMMON COUNCIL**

#### **MEETING AGENDA**

**July 27, 2021 at 3:00 P.M.  
45 West Main Street  
(Main Conference Room 103)**

1. Call to Order – Chair Hoff
2. Discussion – Water and Sewer Allocation
  - a. New Water Study
  - b. Policy Revision – Water Transfers
3. Discussion – Downtown Parking Study
4. Discussion – Proposed Text Amendments
  - a. Special Exception Process – Planning Commission Review
  - b. Sign Ordinance Update
  - c. Honeybees
  - d. Satellite Automobile Sales Storage
5. Other Business
6. Adjournment



To: Economic and Community Development Committee

From: Mark A. Depo, Director of Community Planning and Development

Date: July 27, 2021

Re: ECDC Agenda Items Report

The Department of Community Planning and Development (DCPD) is requesting that the Economic and Community Development Committee (ECDC) review and provide guidance on the following agenda items.

## **Item 2. WATER AND SEWER ALLOCATION**

### a. New Water Study

The Water and Sewer Allocation Policy is set to expire in 2024, which is significant as the City will no longer have water and sewer allocations available to provide for development beyond 2024. Therefore, DCPD staff believes it is prudent to begin to prepare for a new water study that will continue the water and sewer allocation process beyond 2024.

DCPD staff recommends that the ECDC consider directing staff to initiate a work plan for a new water study to be completed in coordination with the Wastewater Capacity Management Plan (WWCMP), which is a state requirement, proposed to be completed in 2021-2022 by the Department of Public Works. The new water study will provide clarity as to how water is being used throughout the City and provide accurate information to assist in conversations about the next iteration of the Water and Sewer Allocation Policy. If directed to initiate a work plan for a new water study, staff intends to return to the ECDC to discuss the work plan.

### b. Policy Revision – Water Transfers

The City has been in discussions with Carroll County Government regarding the relocation of the States Attorney's Office (approx. 62 employees) from its current location at the Court House to a proposed office building at the intersection of N. Ralph Street and Greenwood Avenue. In early discussions with Carroll County, over 4,000 gallon per day (gpd) was being requested, of which the City only has 500 gpd available in the "Public

Project (City)" Master Distribution List category. After further analysis, DCPD staff has determined that the project may only require approximately 3,283 gpd.

One possible solution to help decrease the amount of water required is to allow a transfer of only the portion of water used by the employees moving from the existing States Attorney's Office location to the proposed location. Transferring only this portion of water still allows for the Court House to function as it currently does minus the employees of the States Attorney's Office. However, the Water and Sewer Allocation Policy does not allow for the transfer of water and the City has not endorsed the transfer of water due to potential adverse effects. To allow for such a transfer of water will require a revision to the Water and Sewer Allocation Policy. Another option would be to move existing water from another Master Distribution List category, such as "Commercial and Industrial Inside City Only", to the "Public Project (City)" category.

DCPD staff recommends that the ECDC consider directing staff to draft text for both options referenced above to be brought back to the ECDC for further discussion.

### **Item 3. DOWNTOWN PARKING STUDY**

A primary issue with a change of use or establishing a new use in Downtown Westminster is meeting the off-street (on-site) parking space requirements of the Zoning Ordinance as many Downtown properties have little or no parking on-site. The Zoning Ordinance does allow for a 25% reduction in the required number of parking spaces if the property is located in the Downtown Parking Area, as established by the Mayor and Common Council. However, the reduction on parking spaces may not alleviate the need to provide parking spaces on-site. In cases where the property is unable to provide required parking spaces on-site, the user or business shall pay the City a one-time benefit assessment charge of \$2,500 and an annual maintenance fee of \$56.79, per required parking space. Another option may be to obtain a parking permit for each required parking space at a rate of \$20 - \$30 per month, however there is a limited number of available parking spaces allocated for permit parking.

The FY 2022 Budget allocated \$25,000 for a Downtown parking study. DCPD staff is currently working on an outline for the Downtown parking study in an effort to issue a Request for Proposal (RFP). At such time an outline is completed, staff intends to bring the outline to the ECDC for further discussion.

### **Item 4. PROPOSED TEXT AMENDMENTS**

#### **a. Special Exception Process – Planning Commission Review**

Pursuant to Zoning Ordinance Section 164-166.F., *"The Board shall refer all petitions for special exceptions to the [Planning and Zoning] Commission for its report and recommendation. Thereafter, the Commission may, in its discretion, issue a report and recommendation."* The requirement for a proposed special exception use to be forwarded

to the Commission essentially adds an unnecessary step in the process. In many cases, the Commission must review and approve a subsequent site plan for the special exception use. Furthermore, the Commission is not required to take any action, which was the case for three recent Special Exception applications presented to the Commission on July 15, 2021.

DCPD staff recommends that the ECDC consider directing staff to draft text to be introduced to the Mayor and Common Council (M&CC) amending Section 164-166.F. to: 1) remove Section 164-166.F. in its entirety or 2) amend Section 164-166.F. whereby the Board “may” refer special exception petitions to the Commission as opposed to “shall” refer special exception petitions to the Commission.

b. Sign Ordinance Update

Currently, Article XVII, Signs, may be viewed as unconstitutional under the 2015 Supreme Court case, *Reed v. Town of Gilbert*. Furthermore, there are several inconsistencies in the current text and certain zoning districts are not referenced in Article XVII, which technically can be viewed as not allowing signage in these districts.

DCPD staff recommends that the ECDC consider directing staff to draft text to be introduced to the M&CC amending Zoning Ordinance Article XVII, Signs, and other applicable articles, to repeal the current text and add new text in an effort to provide a constitutionally sound sign ordinance and address inconsistencies. Furthermore, staff respectfully requests the ECDC authorize staff to form a Sign Ordinance Work Group consisting of sign industry, business owner, developer, and public stakeholders.

c. Honeybees

Due to a recent concern regarding a residence locating an apiary or beehive for honeybees in the R-7,500, staff was asked to research whether a beehive is allowed within the City of Westminster. It appears that a beehive is allowed as an agricultural use. Currently, agriculture is listed as a permitted use in the C Conservation Zone; A Agricultural Residential Zone; and I-G General Industrial Zone, subject to being located 100 feet from a residential zoned lot or any other zone which contains a dwelling, school, place of worship or institution for human care and in the R-20,000 Residential Zone; R-10,000 Residential Zone; R-7,500 Residential Zone; PD-4 Planned Development-4 Zone; and PD-9 Planned Development-9 Zone, subject to the beehive being located 100 feet of any dwelling, 25 feet from side lot lines, and on property 2 acres or greater in area and in no case be located in the front or side setbacks.

DCPD staff seeks guidance from the ECDC as to whether to proceed with researching and drafting regulations for honeybee beehives and return to the ECDC for further discussion or take no further action on this issue and to continue to allow honeybees as outlined above.

d. Satellite Automobile Storage

Koons Westminster Toyota approached the City requesting to locate an automobile storage yard within the Meadow Branch Industrial Park, near Shelter Systems, on property zoned I-R Restricted Industrial Zone. Pursuant to Zoning Ordinance Section 164-54 and Section 164-41.A.(7), *“Automobile, trailer and implement sales and services, except automobile car washes and including motorcycle shops and auto accessory stores”* is a special exception use in the I-R zoning district. However, vehicle or automobile storage, as a principal use, is not a listed allowed use in the I-R zoning district or in any zoning district within the City.

Koons requested that a text amendment be processed to allow automobile storage in the I-R zoning district. In October 2020, staff initially brought this request to the ECDC. At that time, ECDC did not support a text amendment due to the concern of the I-R zoning district becoming a repository for vehicle storage and the loss of I-R zoned properties intended for industrial/manufacturing uses. Since the October 2020 meeting, DCPD staff has been made aware of existing automobile sales and services businesses located within the City having possible issues with expanding operations due to the size of the existing property the business is located and/or limited or no adjacent land available to expand the business.

DCPD is recommending that the ECDC consider directing staff to draft text to be introduced to the M&CC amending the Article X, I-R Restricted Industrial Zone, and other applicable articles, to allow satellite automobile storage in the I-R zoning district. This new use is intended to only allow automobile sales and services businesses located within the City to store automobiles in the I-R zoning district.