



## **PLANNING AND ZONING COMMISSION MEETING SUMMARY**

**Thursday, February 13, 2020, at 7 PM**

City Hall, 1838 Emerald Hill Lane  
Westminster, Maryland 21157

A meeting of the Westminster Planning and Zoning Commission was held at City Hall, 1838 Emerald Hill Lane in Westminster, Maryland 21157, on February 13, 2020, at 7 PM.

Chair Kevin Beaver, Vice-Chair Ross Albers, Commissioner Tom Herb, and Commissioner Lyndi McNulty were present. City staff members Mark Depo, Andrew Gray, and Samantha Schlitzer were also present.

The following members of the public signed in: Stacey Tracey and Kerina Spencer.

Chair Beaver opened the meeting at 7:00 PM.

Chair Beaver requested a motion to approve the meeting summary from January 9, 2020. Commissioner McNulty made a motion to approve the meeting summary from January 9, 2019. Commissioner Herb seconded the motion. The motion passed unanimously.

Chair Beaver opened New Business Item A – Proposed Site Development Plan for Conifer Westminster Way, LLC (Westminster Way Apartments). Mr. Gray provided background information and the modifications requested by the applicant, as outlined in the staff report. He added a fifth condition of approval regarding the site layout, stating that as shown on the site layout plan in your packet, there are 13 proposed HVAC units located between the building and West Main Street. Pursuant to the original site layout plan dated May 10, 2019, these HVAC units are not shown. Pursuant to City comments dated June 11, 2019, under Development Design Preferences Manual, comment number two, rooflines to hide mechanical equipment on the roof is mentioned. No modification has been made to place HVAC units in the front yard and removal of the HVAC units are made as a condition.

Chair Beaver recognized Ms. Kelly Miller, Shaffer & Shaffer, LLP, present on behalf of the applicant, to review the modification requests in detail. She cited the 13 HVAC units as being small in size and relative to residential use rather than commercial; the units would be screened by landscaping. She requested that this requirement not be included as a condition of approval. She stated that the purpose of the Compatible Neighborhood Overlay Zone (CN Zone) was to allow for unique architectural design and flexibility in requirements. She presented an improved architectural design with color renderings to show how the proposed building will look at final construction.

Vice-Chair Albers asked for clarification that condition number one was only to simplify tax records and make one parcel identification number comprised of five current parcels. Ms. Miller affirmed.

Vice-Chair Albers requested clarification regarding the condition of varying building heights. Ms. Miller explained that it was City staffs interpretation that the applicant was not providing adequate height differences of the roofline. She added that the roofline would be stepped up in the front and have the illusion of varied heights in the rear. Mr. Andrew Hansen, Vice President of Development, Conifer, explained the 3D rendering that shows a change in elevation, texture, and colors to provide the illusion of a varied roofline.

Vice-Chair Albers requested clarification on the signage requirements. Ms. Miller explained that the requirement was just to make sure that the sign was compatible with others in the neighborhood, as there is no signage requirements outlined in the CN Zone. She provided examples of other commercial signs in the immediate area, stating that the sign designed by the applicant was smaller in size than those. Vice-Chair Albers noted that the monument-style sign was comparable to signs in other named developments.

Ms. Miller requested that the fifth condition regarding the HVAC units be removed due to the inclusion of roof-mounted solar panels prohibiting any more HVAC units to be placed on the roof.

Mr. Depo stated that the current proposed HVAC placement was in public view of anyone walking by the building. He requested they be moved to the MD 140 side instead. Ms. Miller argued that landscaping will screen the units from view and there is no requirement for residential HVAC units outlined in the Development Design Preferences Manual. In addition, the City Zoning Code only notes requirements relating to commercial units. She stated that no modification was requested because there is no requirement the applicant is not meeting. She added that BGE also provided suggestions for screening the units based on safety requirements to not obstruct access and air flow.

Chair Beaver asked why a sidewalk was not being included in the current site design. Mr. Depo stated that West Main Street will not connect to MD 140, but if a path system were developed in the future, then it will connect to this area. He also cited the limited space on the site and lack of heavy traffic to dictate the need for a sidewalk. Ms. Miller added that the applicant is providing sidewalk in a better location to connect the surrounding neighborhood and shopping center.

Chair Beaver asked that the applicant revisit options to relocate the 13 HVAC units away from ground level to provide more screening.

Chair Beaver asked for clarification of the horizontal building variations. Mr. Depo explained that the side facing West Main Street is varied, but the side facing MD 140 was not; therefore, staff is asking that the applicant follow the same design elements all around the building. Vice-Chair Albers stated that although a varied roofline was encouraged, it was not required. All sides are varied, and, therefore, meet the request of the City. Commissioner McNulty added that the varied colors help provide for the optical illusion of height differences.

Vice-Chair Albers asked if the sign located on the building would be backlit. Mr. Hansen stated that he would find out and report back to the Commission.

Ms. Lindsey Jensen, 185 Slate Drive, raised concerns about overcrowding in schools. Ms. Miller stated that

the County has approved the project to not negatively impact school capacity.

Vice-Chair Albers asked if the intent of the housing was to provide for McDaniel College students. Ms. Miller stated that the property owner and developers were hopeful that college staff would occupy some of the units. Mr. Hansen added that the financing options precluded students from renting there.

Mr. Will Dudley, 758 Mulligan Lane, voiced his concerns about parking. Chair Beaver clarified that the applicant has met the requirements as outlined in the City Code relating to parking.

Vice-Chair Albers moved to approve the proposed site development plan, conditioned upon the four requirements as outlined in the staff report, and removing the fifth condition of moving the 13 HVAC units away from ground level. Commissioner McNulty seconded the motion. The motion passed unanimously.

Chair Beaver opened New Business Item B – County Liaison Report. Mr. Cody Spaid provided the Commission with updated information on the County Zoning Code revisions that recently took effect. He also reported that Water/Sewer Master Plan amendments would be coming in spring.

Chair Beaver opened Planning Commission and Public Comments.

Stacey Tracey, 726 Mulligan Lane, raised questions about the November 2019 meeting of the Planning and Zoning Commission regarding the Clark Farm Properties. She inquired as to how the Commission could make a decision to apply leniency to the distance requirements without seeing a formal site plan. Mr. Depo clarified that by-right site development plans do not require neighbor notification. Ms. Tracey clarified her concern about approving leniency on distance requirements without site plan review. Chair Beaver stated that the Commission approved a leniency by changing the number-specific distance requirement to simply state “reasonable” at the discretion of the Commission. Once a formal site plan is submitted, the Commission will review if the distance leniency request is, in fact, reasonable to the Commission members.

Ms. Tracey asked if neighbors would be notified and given a chance to comment before any changes were approved. Mr. Depo mentioned that staff has been collecting emails from residents to further communicate the process and will notify these residents when an actual site development plan is officially submitted.

Will Dudley, 758 Mulligan Lane, asked if any previous site development plans for the Clark Farm Properties have come before the Commission. Mr. Depo stated that no site development plan has been submitted for the Clark Farm Properties, and the Mayor and Common Council are encouraging multi-family dwellings due to the lack thereof within the City and the current water allocation policy.

Lindsey Jensen, 185 Slate Drive, raised concerns about school overcrowding. Chair Beaver stated that he could not speak on behalf of the County, who would review and approve of such development to prevent overcrowding schools. Mr. Depo added that Ms. Jensen’s concerns would be addressed when a formal site development plan for the Clark Farm Properties is submitted for the City and County to review.

Vice-Chair Albers stated that he recently viewed a photograph of a posted letter outlining endangered species that will be effected by the potential development. He requested City staff research any environmental impact as it relates to endangered species.

Mr. Gray stated that the annual reporting information related to applicable planning related items for the City of Westminster will be provided to the Commission next month. Mr. Gray then provided a brief summary of the steps the Commission will have to take before the report is submitted to the Maryland Department of Planning.

Vice Chair Albers moved to adjourn. Commissioner McNulty seconded. The Commission adjourned at 8:14 PM.