



PLANNING AND ZONING COMMISSION MEETING SUMMARY

Thursday, April 8, 2021, at 7 PM

Virtual Meeting via Zoom and broadcasted live on the City Facebook Page
Westminster, Maryland 21157

A meeting of the Westminster Planning and Zoning Commission was held virtually via Zoom and broadcasted live on the City Facebook Page, on April 8, 2021, at 7 PM.

Chair Ross Albers, Commissioner Tyler Codd, Commissioner Tiombe Paige, and Councilmember Benjamin Yingling were present. City staff members Mark Depo, Andrew Gray, and Samantha Schlitzer were also present. County Planning Technician Hannah Weber was also in attendance.

The following members of the public were present: Jeff Laird, Forest Howell, Dwayne VanHorn, Brian Collins, David Liebowitz, Garland Marshall, J. Brooks Lehy, Jay Brown, Jeff Zigler, Joseph F. Snee, Jr., Marty Hackett, Mickey Thompson, Steven Webb, and William L GV.

Chair Albers opened the meeting at 7:00 PM.

Chair Albers requested a motion to approve the meeting summary from February 11, 2021. Councilmember Yingling motioned to approve the meeting summary. Commissioner Paige seconded. The motion passed 4-0.

Chair Albers opened New Business Item A – Proposed Plat FPL-20-01, for Meadowbranch Industrial Park 3. Mr. Gray provided background information, stating that the Applicant is requesting Final Record Plat approval to remove note number eight (8) on plat of Meadowbranch Industrial Park 2 previously recorded. Staff recommends that the Commission consider approval of the proposed Final Plat FPL-20-01 for Meadowbranch Industrial Park 3, conditioned upon the Carroll County Commissioners submission of a Final plat to be reviewed and approved by the Planning and Zoning Commission for the subdivision of Lot 2A as depicted on the Plat for Meadowbranch Industrial Park 2.

Chair Albers moved to conditionally approve the request, as stated by staff. Councilmember Yingling seconded; the motion passed 4-0.

Chair Albers opened New Business Item B – Proposed Site Plan S-18-0017, Clark Farm Properties. Mr. Gray provided background information on the item, stating staff had identified 16 modifications to the *Development Design Preferences* manual requirements. Mr. Gray also read the City Staff recommendation that the Commission consider approval of the proposed Site Plan S-18-0017, subject to the following

Conditions of Approval: (1) Obtain Commission approval for the requested modifications to the 2016 Development Design Preferences Manual (2) Obtain City of Westminster, Director of Community Planning and Development approval of any requested Modifications to Standards contained in the City Landscape Manual (3) Obtain all final approvals from the City of Westminster (4) Obtain all final approvals from Carroll County Government (5) Obtain a decision from the Commission that the required open space is or is not inappropriate for the planned development based upon the size of the development or other factors unique to the proposed development, the dedication required by Subsection A above may be waived, and the Applicant/developer shall pay, in lieu of a dedication, a fee as provided in the General Fee Ordinance[1] in lieu of the actual establishment of land areas for recreational purposes. (Section 164-81B.)

Chair Albers requested that staff review each modification individually for the Commission's recommendation. Councilmember Yingling recused himself from the discussion and vote.

Jeff Zigler, Associate/Senior Project Manager, Carroll Land Services, Inc., was present to respond to the staff response for each modification request.

Regarding the modification to standard #56, Mr. Zigler stated opposition to moving the building back, as it will be beyond the 200-foot setback requirement.

Dwayne VanHorn, 730 Mulligan Lane, stated that his house is within the 200 feet as proposed on the site development plan.

The Commission approved the applicant's modification request.

Regarding modification to standard #57, Mr. Zigler stated opposition to the request, citing that no other areas in the development area have similar crosswalk designs.

The Commission denied the applicant's modification request, stating that the applicant must provide decorative crosswalk based on the *Development Design Preferences Manual*.

Regarding the modification to standard #58, Mr. Zigler stated that the building elevation is physically staggered.

The Commission approved the applicant's modification request.

Mickey K. Thompson, Esq., Burkentine Real Estate Group addressed the modification request to standard #59, stating that the two buildings have a step-elevation to separate them.

The Commission approved the applicant's modification request.

Regarding the modification to standard #60, Mr. Thompson stated that the building's façade uses different surface textures, awnings, and balconies to create a diverse appearance.

The Commission approved the applicant's modification request.

Commissioner Paige commented on the modification request to standard #61, stating that requiring shutters may reflect an outdated style. Mr. Thompson affirmed, stating that the building is modeled after an American Craftsman style; shutters do not work on modern styles.

Mr. VanHorn spoke in agreement with the applicant.

The Commission approved the applicant's modification request.

Regarding the modification request to standard #62, Mr. Zigler stated that there was already a note, which was typically not a site development plan component. Mr. Thompson added that when the building plan is submitted, it will address the conservation methods.

Mr. VanHorn asked that consumption must be known for staff to confirm the calculations meet the Water Sewer Allocation amount allowed.

The Commission agreed that the applicant must indicate on the site plan via a note that the building will contain water-conserving fixtures included in the manual.

Regarding modification to standard #63, Mr. Zigler stated that water conservation measures are present on the exterior.

The Commission required the Applicant to indicate on the site plan via a note that efforts will be made to address rainwater/greywater reuse to conserve Westminster's limited water resource.

Regarding the modification request to standard #64, Mr. Zigler stated that there are no irrigation systems planned for the site.

At the request of the Chair, Mr. Gray explained xeriscaping.

Mr. Depo requested the applicant amend the site plan note to state that no irrigation systems are planned for the site.

The Commission agreed that the applicant must state xeriscaping plans on the site plan.

Staff stated that the modification requests to standards #66, #67, and #70 were now non-issues.

Regarding the modifications to standards #71, #72, #73, and #74, the Commission agreed that a notation of these Certifications should be added to the Final Mylar Site Development Plan Set that will be signed and recorded in City and County records. The applicant stated that although the project is not LEED-certified, they can include a note on the architectural plan, which will be submitted upon approval of the site development plan.

Mr. Gray added that there are no over-capacity issues with the Carroll County Public School system.

Mr. VanHorn asked about the building height, stating it was 42' at one point. Mr. Gray mentioned that Section 164-3 of the City Zoning Ordinance provides an average height of 40'. Mr. Zigler stated that the mean elevation height is 40'.

Mr. VanHorn inquired about the endangered species on the property. Chair Albers stated that staff had researched the presence of endangered species and the Maryland Department of Natural Resources did not confirm any endangered animals were present at the location. Mr. Gray added that the Wildlife and Heritage Service had no records of rare, threatened, or endangered species as of an email from them dated March 11, 2020.

Mr. Gray reviewed the staff request to move the Dumpster location due to noise. Mr. Zigler argued that it was placed to accommodate the on-site residents to keep it away from the building and be centralized from neighboring properties. The current placement also allows access for the trash truck to not have to drive through the entire neighborhood.

The Commission approved the applicant's request to keep the Dumpster in its proposed location.

Mr. Gray reviewed the Open Space requirement, stating that the applicant requested to pay a fee in lieu of meeting the requirements. Chair Albers stated that the Open Space requirements may encourage non-residents to enter the neighborhood and agreed to allow the fee in lieu of a park.

Mr. VanHorn asked if the fee monies could be used to plant more trees on site that would buffer it from the neighboring properties.

The Commission agreed that the applicant may pay a fee in lieu of the Open Space requirements.

Mr. Gray read the Facebook comments received during the meeting. He added that the meeting packet of information is always posted on the website prior to the meeting.

Chair Albers made a motion to approve the site plan with the conditions as discussed. Commissioner Codd seconded; the motion passed 3-0 with one recusal.

Chair Albers opened New Business Item C – Proposed Site Development Plan S-18-0009, Len Stoler Chevrolet. Mr Gray provided a brief background on items contained in the Staff Report with a recommendation that the Commission consider conditional approval of the proposed site development plan S-18-0009, subject to the following Conditions of Approval: (1) Address and correct all outstanding Zoning Ordinance and Landscape Manual comments and 2016 Development Design Preferences Manual comments, as directed by the Planning and Zoning Commission, and obtain all final approvals from City of Westminster Government (2) Obtain City of Westminster, Director of Community Planning and Development approval of any requested Modifications to Standards contained in the City Landscape Manual and (3) Obtain all final approvals from Carroll County Government.

Chair Albers recognized J. Brooks Lehy, present on behalf of Len Stoler to provide responses to staff comments.

Regarding the elevation differences, Mr. Lehy stated that the elevations were shown in the June 2018 site rendering. The site plan matches franchise branding for all Chevrolet locations, and being along a highway is very different from being on Main Street. The development design preferences should not be the same for different locations.

Regarding the retaining wall, Mr. Depo stated that staff had met with the applicant earlier in the day and the results of the meeting were not reflected in the staff report. The issues surrounding the retaining wall

and Dumpster were both already addressed to staff's satisfaction.

Chair Albers motioned for conditional approval of the proposed site development plan S-18-0009, subject to the Conditions outlined in the staff memo. Councilmember Yingling seconded the motion; the motion passed 4-0.

Chair Albers opened New Business Item D – Carroll County Liaison Report. Ms. Weber reported that the Master Plan implementation of the Comprehensive Rezoning process is currently working through the residential areas.

Chair Albers opened Planning Commission and Public Comments.

Mr. Gray read additional comments received on the Facebook live-feed during the meeting.

Mr. Gray mentioned that the County will be submitting the final 2020 Carroll County Planning Annual Report for the Commission to review and approve in May. There will not be a Draft report for the Commission to review this year.

Chair Albers moved to adjourn the meeting. Commissioner Paige seconded. The Commission adjourned at 9:06 PM.