

1. City Council Meeting Agenda

Documents:

[AGENDA 12 12 16.PDF](#)

1.1. City Council Meeting Packet

Documents:

[FULL COUNCIL PACKET 12 12 16.PDF](#)

AGENDA
CITY OF WESTMINSTER, MARYLAND
Mayor and Common Council Meeting of December 12, 2016

1. CALL TO ORDER

FallFest Check Presentations

Presentation of Miracle on Main Street Parade Awards

Presentation of Mayor's Cup Award

Motion to suspend the Rules and Change the Order – Ms. Levan

2. APPROVAL OF MINUTES OF THE MEETING NOVEMBER 28, 2016

3. PUBLIC HEARINGS

Proposed Amendment to Wakefield Valley to allow 53 new houses on Parcel W – Mr. Mackey

4. CONSENT CALENDAR

5. REPORT FROM THE MAYOR

6. REPORTS FROM STANDING COMMITTEES

7. COUNCIL COMMENTS AND DISCUSSION

8. BIDS

9. ORDINANCES & RESOLUTIONS

Disapproval of Ordinance No. 869 – Amending Chapter 164 “Zoning and Subdivision of Land” to address wireless technology on certain private property – Mr. Mackey

Introduction of Ordinance No. 873 – Amending Chapter 164 “Zoning” to allow a new use, *Indoor Dog Training and Event Facility*, as a special exception in the I-R Restricted Industrial Zone – Mr. Mackey

10. UNFINISHED BUSINESS

11. NEW BUSINESS

Proposed Rules of Order and Procedure for Quasi-Judicial Hearings – Ms. Levan and Mr. Mackey

Motion to Authorize Mayor Kevin R. Utz to Negotiate an Employment Agreement with Ms. Barbara B. Matthews of Columbia, MD for the Position of City Administrator of the City of Westminster, with an Effective Starting Date of January 3, 2017 – Mr. Deutsch

Approval of the Appointment of Shannon Visosky as City Clerk – Mr. Deutsch

12. DEPARTMENTAL REPORTS

13. CITIZEN COMMENTS

14. ADJOURNMENT

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MINUTES

CITY OF WESTMINSTER, MARYLAND

Mayor and Common Council Meeting of November 28, 2016

CALL TO ORDER

Council Members Present: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, Councilman Pecoraro, and Mayor Utz **Absent:** None.

Staff Present: Director of Recreation and Parks Gruber, Director of Public Works Glass, City Attorney Levan, Chief of Police Spaulding, Interim City Administrator Deutsch, Director of Community Planning & Development Mackey and Manager of Human Resources Childs.

APPROVAL OF MINUTES OF THE MEETING NOVEMBER 14, 2016

Councilman Chiavacci moved, seconded by Councilwoman Becker, to approve the minutes of the meeting November 14, 2016, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.

NAYS: None.

MOTION Passed Unanimously 5-0.

CONSENT CALENDAR

President Wack requested a motion to approve the Consent Calendar which consisted of approval of MOU between WPD and Homeland Security Investigations and the approval of October 2016 Departmental Operating Reports.

Councilwoman Albert moved, seconded by Councilwoman Becker, to approve the Consent Calendar, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.

NAYS: None.

MOTION Passed Unanimously 5-0.

REPORT FROM THE MAYOR

Mayor Utz complimented a job well done for the Miracle on Main Street parade. He thanked Ms. Gruber and City staff for bringing the event together.

REPORTS FROM STANDING COMMITTEES

Councilwoman Albert remarked on how much the renovated City Park is being used by the community. Councilwoman Becker reminded Mayor and Council that the ribbon cutting ceremony would be held on November 30.

President Wack also complimented on the job well done for the Miracle on Main Street parade. He also shared that he received positive feedback regarding the parade. President Wack congratulated Ms. Gruber and City staff for another successful event.

COUNCIL COMMENTS AND DISCUSSION

Councilman Chiavacci shared that he had lunch with Lori Durbin Cohen and her son regarding the Durbin House on the Wakefield Valley property. He shared that Ms. Durbin was willing to help with fundraising and could potentially provide some funding towards restoring the Durbin House. Ms. Durbin had also been working on the historical information of the Durbin House, beginning with the Methodist Church and the Historical Society. Councilman Chiavacci requested permission by Mayor Utz to continue working with Ms. Durbin on the Durbin House project. Mayor Utz agreed, adding that the City is unable to provide the funding and would need to consult with Ms. Levan. Council gave approval for Councilman Chiavacci to continue communicating with Ms. Durbin.

President Wack requested a consensus from Mayor and Common Council to have staff begin researching the possibility of creating a biking infrastructure. He shared the idea of beginning with Winters Alley and for staff to see what would be needed to make a biking lane. Councilman Chiavacci inquired the purpose of the biking infrastructure. President Wack replied that this would be so that the trails could be connected to where bikers would not need to be on the road to get to downtown. Councilwoman Becker commented that the City would receive support from McDaniel College due to their bike initiative that began two years ago. Councilman Pecoraro commented that this would be something that Public Works and the Police Department would need to evaluate to see if this would be possible on Winters Alley due to automobile traffic, as well the type of funding that may be available for this type of project. Mayor Utz suggested that City Staff connect with State Highway Administration, Race Pace Bicycles, and Carroll County Recreation Director. Mayor and Common Council gave their consent for staff to begin researching the potential for biking infrastructure.

ORDINANCES & RESOLUTIONS

Ms. Childs informed Mayor and Common Council that the approval of Resolution No. 16-14 is for the adopting a Restatement of the City's 401(A) Matching Plan in order to comply with the changes in Federal Regulations due to the enactment of the Pension Protection Act of 2006.

Councilman Chiavacci moved, seconded by Councilman Pecoraro, to approve Resolution No. 16-14 – Adopting a Restatement of the City's 401(A) Matching Plan in Order to Comply with Changes in Federal Regulations Due to the Enactment of the Pension Protection Act of 2006, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.

NAYS: None.

MOTION Passed Unanimously 5-0.

Mr. Mackey summarized that the Mayor and Common Council introduced Ordinance No. 872 - Rezoning and Simplified Site Plan for Medical Cannabis uses at 1234 Tech Court at the Mayor and Common Council meeting on November 14. Additionally, if Mayor and Common Council approve Ordinance No. 872, this would grant the rezoning of the property to establish a Medical Cannabis Overlay District on the property known as 1234 Tech Court, subject to the condition that the applicant, Maryland Compassionate Care and Wellness, LLC, obtain final approval of licenses to operate a medical cannabis grower facility and a medical cannabis processing facility on or before August 15, 2017. Mr. Mackey recommended approval of Ordinance No. 872.

Councilman Chiavacci inquired if August 15, 2017, was sufficient time for the applicant. Mr. Mackey replied that the date of August 15, 2017, is the State's requirement.

Councilman Chiavacci moved, seconded by Councilwoman Becker, to approve Ordinance No. 872 - Rezoning and Simplified Site Plan for Medical Cannabis Uses at 1234 Tech Court, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.

NAYS: None.

MOTION Passed Unanimously 5-0.

NEW BUSINESS

Mayor Utz recommended the approval of the appointment of Timothy Bangerd to the Westminster Tree Commission.

Councilman Pecoraro moved, seconded by Councilwoman Albert, to approve the appointment of Timothy Bangerd to the Tree Commission, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.

NAYS: None.

MOTION Passed Unanimously 5-0.

Jason Stambaugh, Executive Director of MAGIC, reported to Mayor and Common Council that the City has been working with Ting to effectively market the Westminster Fiber Network to residents and business owners. The City and MAGIC have been making meaningful contributions in the local technology innovation and entrepreneurial ecosystems. MAGIC is generating publicity for the City of Westminster, nurturing local technology startups and driving effective utilization of the network. Mr. Stambaugh shared the objectives of the relationship between Ting and the City is to continue marketing, promote the City as an up-and-coming tech town, and drive effective utilization of the network. He shared that he would like to spend more time in statewide engagement in 2017. Mr. Stambaugh shared his recent experience at the TEDCO Entrepreneur Expo where he was able to share the Network Fiber project in Westminster. Mr. Stambaugh met a company at the TEDCO Entrepreneur Expo called Point3 that is a startup residing in the emerging Technology Center in Baltimore who has heard about what Westminster has done. He feels this could be an opportunity for the future.

Councilman Chiavacci inquired the type of wireless access in the western Maryland area. Mr. Stambaugh replied that they currently only have cable broadband. Councilman Chiavacci commented that the City is making a big investment and feels that Mayor and Council need to stand behind Ting and MAGIC to reach out to the region with marketing in 2017. Mr. Stambaugh replied that MAGIC will be working with City staff on budgeting for more marketing for the Fiber Network.

President Wack requested a motion to hold an Executive Session immediately following the regular meeting to discuss the appointment of City officials, to consult with counsel to obtain legal advice on a legal matter, and to consult with staff, consultants, or other individuals about pending or potential litigation.

Councilwoman Albert moved, seconded by Councilman Pecoraro, to hold an Executive Session immediately following the regular meeting, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.

NAYS: None.

MOTION Passed Unanimously 5-0.

DEPARTMENTAL REPORTS

Mr. Cumberland reported that the Westminster Fire Department participated in the Miracle on Main Street parade. He shared that he heard many positive remarks about the parade.

Ms. Gruber thanked Council for their participation in the Miracle on Main Street parade. She shared that the Miracle on Main Street event was a great success. She also thanked Streets Department, Police Department and Fire Department, for coming together to provide safety for the event. Ms. Gruber also thanked everyone who donated their time to the event as well. Ms. Gruber announced that the Main Street Champion was White Pine Paving, Best and Brightest was Home Depot, and Spirit of the Season was Merritt Athletic Club. Ms. Gruber shared that the awards would be handed out in an upcoming Council meeting. Mayor Utz commented that there were approximately 4,000 Facebook posts from people who had attended the Miracle on Main Street.

Chief Spaulding reported that 13 new Crisis Intervention team officers representing the Carroll County Sheriff's Department, Hampstead Police Department, Westminster Police Department, Mt. Airy Police Department and McDaniel College will be trained for the Crisis Intervention team to learn to deal with individuals who have a mental health crisis. He shared that the Police Department has partnered with the Health Department for the training and that 22 officers have already received their certification.

Mr. Mackey reminded Mayor and Common Council that their next meeting will be held on December 12, at John Street Quarters. President Wack questioned Mr. Mackey if a representative of the Planning and Zoning Commission would be attending the meeting. Mr. Mackey replied that the Planning and Zoning Commission will be adopting the minutes as a report to Mayor and Common Council. Ms. Levan had provided legal representation for Planning and Zoning Commission due to the item on their agenda. President Wack commented that there needed to be a legal resource. Ms. Levan replied that she would be providing the resource as legal representation. Councilman Chiavacci inquired when Council would know the Planning and Zoning Commission's decision. Mr. Mackey replied that the Planning and Zoning Commission had moved to deny the application as presented.

Mr. Deutsch reported that the eight other towns within Carroll County were participating in Small Business Saturday, ending December 4. He commented on the positive local publicity that was received encouraging the communities to shop and support local merchants. Mr. Deutsch then revisited the subject of the bike lane that President Wack had proposed. He commented that the staff would review thoroughly and prepare a report for the Mayor and Common Council meeting on January 23. President Wack reiterated that staff only needed to look into the broad range of possibilities at this time. Councilman Chiavacci suggested looking at other routes as well.

CITIZEN COMMENTS

Richard Huss, 947 Westcliff Court, President of HOA for Fenby Farm, shared that other members of the Wakefield Valley community had attended the meeting on November 14. Mr. Huss shared his concerns regarding the Pinkard Property proposal, including the turf fields. Mr. Huss commented that the Pinkard Property project in White Marsh is an industrial area and would not be compatible for Wakefield Valley property. He also expressed his concerns regarding the value of their homes with the Wakefield Valley community. Mr. Huss shared that he and other residents feel that the City should have a Trust Fund to reimburse the home owners

for the value being lost on their homes. Mayor Utz commented that Zillow was not an accurate source of information.

Lyndi McNulty, 195 W. Main Street, inquired about having Union Alley and the adjoining alleys repaired.

Ben Yingling, 58 W. Main Street, thanked Mayor and Common Council for what they do for the community. He then questioned when the minutes for Mayor and Common Council meetings were posted to the website. President Wack replied that the minutes are posted to the website after they are approved and that there was an audio version of the meeting, which is posted following the most current meeting.

ADJOURNMENT

President Wack adjourned the meeting at 8:01 PM.

Respectfully Submitted,

Shannon Visosky

Full audio version is available on www.westminstermd.gov.

Memorandum

Re: Proposed Amendment to Wakefield Valley to allow 53 new houses on Parcel W

Item: An application by Mr. Clark R. Shaffer, on behalf of WV DIA Westminster, LLC, of Maryland, the property owner, requesting approval of a **proposed amendment to the General Development Plan of Wakefield Valley to add 53 new homes on the former golf course**, pursuant to § 164-133, Effect of prior approval, and § 164-188, Planned development, of the Westminster City Code. The property is identified as “**Parcel W**” on Special Purpose Plat Re-subdivision of “P” & “Q” Wakefield Valley, recorded in Plat Book 54 on Page 127, Carroll County Land Records. The property is **38.2934 acres** and is zoned **C-Conservation**. The property is located along the southeastern side of Bell Road across from Chadwick Drive, with a portion of the property bordering Fenby Farm Road, within in the City of Westminster, Maryland.

To: Mayor and Common Council

From: Bill Mackey, AICP, Planning Director

Date: December 7, 2016

Summary Overview

The applicant’s proposal is to amend the plan for Wakefield Valley to add 50 new density rights, so 53 houses could be constructed on 38 acres of former golf course located on Bell Road (see attached aerial).

City staff recommended for 12 houses in total, which would reflect the current zoning, noting that the zoning is not a requirement, since Wakefield Valley is subject to a plan that predates the zoning code.

Over 100 households and organizations submitted written comments related to the proposal, ranging from approval to rejection with a wide variety of positions in between. Thirteen members of the public provided verbal comments before the Planning and Zoning Commission at its public hearing in October.

The Planning and Zoning Commission recommended denial as presented, citing the extinguishing of development rights in 1989, potential loss of open space, and objections in comments from the public.

The Mayor and Common Council are required to utilize a quasi-judicial process to decide on the matter. The Council must make specific findings in six areas pursuant to § 164-188 J. (see pp. 7-8 in this memo). Documents and testimony from the applicant, City staff, the public and others are considered evidence.

This staff memo addresses issues raised in documents already on file and on the record for this matter.

- Staff memo to Planning and Zoning Commission, dated October 6, 2016, which includes application submitted by WV VIA Westminster, LLC
- Applicant’s summary statement after the hearing, dated November 11, 2016
- All written comments received by the Commission, as of November 12, 2016
- Adopted, signed summary of the Commission meeting on October 13, 2016
- Adopted, signed summary of the Commission meeting on November 17, 2016, pending approval by the Commission at its meeting on December 8, 2016

Required Process

The applicant is requesting an amendment to the General Development Plan for Wakefield Valley. The City's process for consideration requires a quasi-judicial hearing before the Mayor and Common Council. All property owners in the development plan area have a right to request consideration of amendments for their properties, and the City has adopted standards by which such amendments must be evaluated.

In this process, City staff respond first with a staff memo, the Planning and Zoning Commission offers a recommendation, and the Mayor and Common Council hold a quasi-judicial hearing to decide the case. The public is invited to submit testimony and evidence during the quasi-judicial process. The applicant, as part of this process, has the ability to question and cross-examine those who testify at the hearing.

Starting Point

City staff identified the *2006 Decision by the Mayor and Common Council* as the starting point, since this is the most recent quasi-judicial decision for the Wakefield Valley part of the General Development Plan (GDP) for Wakefield Valley-Fenby Farm. This also provides for a level of simplicity in approach, since the GDP spans almost 40 years of development and a number of past amendments have been incorporated.

During the Planning and Zoning Commission meeting on October 13, 2016, the applicant presented the starting point as the 1978 GDP and concurrently presented calculations for both open space and density, which utilized only the Wakefield Valley portion of the GDP. The Commission raised questions about the applicant's approach and ultimately voted to recommend denial as presented, citing the extinguishing of development rights in 1989, potential loss of open space, and objections in comments from the public.

As a result of the questions raised, City staff decided to undertake further review of the historical record to provide additional reference points in the history of the GDP. Due to the length of the GDP process (almost 40 years), not all documents are still available. The additional information is therefore not a thoroughly comprehensive history; however, it does provide a fuller picture. Staff also evaluated what was actually built, in order to provide more information on open space, which is central to this case.

Summary Conclusion

Comparing the historical record with what is actually constructed today, it is evident that there is more open space and less density units than set forth in the original 1978 GDP; however, this is because, over time, more open space was included and less units were allowed in the various re-iterations of the plan.

The attached map shows the original Parcels for the General Development Plan for Wakefield Valley-Fenby Farm along with the current property boundary layer to compare what was approved with what was built. The attached worksheet tracks changes via the original Parcels from the 1978 GDP. Various summary sheets from the past four decades are included to show the changes approved over time by the Mayor and Common Council. Staff considers these changes to have permanently revised the GDP.

Regarding open space, the applicant is correct that there would be 40% open space remaining without Parcel W. However, in 1987 the Mayor and Common Council included 47% for the open space, so open space was increased. At this point, the proposed 40% would be a reduction in open space from the 47% set forth in 1987. That being said, the final build-out of Carroll Lutheran Village could increase the total amount of open space. Also, if Parcel W were to be retained as open space only, then there would be a total of 45% open space. Therefore, unless other parcels were to contribute, the 47% cannot be met.

In the staff memo, dated October 6, 2016, compliance with the *2009 Comprehensive Plan* was linked to the specific text that directly addresses this property on pages 81-82 (also, see attached Land Use Plan). The adopted *2009 Comprehensive Plan* recommends that the zoning for the property be Conservation. Since the Conservation zone includes a density of one unit per three acres, this seemed like a reasonable density to apply to the property, assuming other requirements for project compliance could be met.

For continuity with the prior staff memo, the text below reproduces the staff memo to the Planning and Zoning Commission in full with additional information and comments indicated in underlined text. The attachments in the original Staff memo to the Planning and Zoning Commission are not attached here.

Background

On July 21, 2016, the applicant submitted a proposed fourth amendment to the General Development Plan for Wakefield Valley. This proposal is to request 53 houses on Parcel W of the former golf course. The application included a traffic study prepared by Lenhart Traffic Consulting, Inc., dated April 5, 2016.

The traffic study was submitted in anticipation of the review under § 164-188 J. (3) and is addressed in the staff review below. The study is based on 2014 data and addresses the traffic impacts of a proposal for 70 new residences, which was never submitted. The current proposal is for 53 new residences.

On September 8, 2016, an informal presentation by the applicant was made before the Planning and Zoning Commission per § 164-188 H (3) of City Code. The applicant's representatives and the applicant presented their proposed development and a summary of the General Development Plan.

Required Notice

On September 21, a Notice of Public Hearing was sent by mail to the property owner and adjoining property owners of record in the City and in Carroll County. A Notice of Public Hearing was also sent to approximately 300 property owners of record, who own land within the area included in the General Development Plan for Wakefield Valley. On September 22, the property was posted with a Rezoning Notice sign. On September 23, 2016, a Notice of Public Hearing appeared in the Carroll County Times. On October 2, a second Notice of Public Hearing appeared in the Carroll County Times. On October 3, 2016, a copy of the agenda was posted on the City's website.

On November 18, a Notice of Public Hearing was sent by mail to the property owner and adjoining property owners of record in the City and in Carroll County. A Notice of Public Hearing was also sent to approximately 300 property owners of record, who own land within the area included in the General Development Plan for Wakefield Valley. On November 18, the property was posted with a Rezoning Notice sign. On November 20, 2016, a Notice of Public Hearing appeared in the Carroll County Times. On November 27, a second Notice of Public Hearing appeared in the Carroll County Times. On December 9, 2016, a copy of the agenda was posted on the City's website.

These notices and postings were provided to meet the notification requirements in Article XXIII of City Code and the Maryland Open Meetings Act.

Overview

In 1977, the Tahoma-Hannon annexation (R77- 6) was approved by the Mayor and Common Council, and the General Development Plan for Wakefield Valley-Fenby Farm was approved in 1978 (prior to City zoning). The Tahoma portion is Wakefield Valley. The Hannon portion is Fenby Farm. The subdivision known as Fenby Farm is built on land from both Wakefield Valley (Parcel H) and Fenby Farm (Parcel R).

The original development plan was amended in 1989*. A third amendment was submitted in 2006 and disapproved. The subject item for review is a proposed fourth amendment to add 50 new density rights to newly created Parcel W and to utilize three existing rights allocated to the former golf course.

Parcels W, X, Y, and Z were created via the Special Purpose Plat Re-subdivision of Parcels "P" & "Q" Wakefield Valley approved by the Planning and Zoning Commission on September 10, 2015 (attached).

* There were other revisions that predate 1989. One was approved on January 12, 1987, by Mayor and Common Council. The attached letter, dated January 16, 1987, summarizes those changes as follows:

It was noted that the gross residential density within the overall plan has been retained at a maximum of 768 units or approximately 1.45 units per acre. The open space has increased to 241.6 acres or 47% of the total tract. [Note: these changes were only for Wakefield Valley.]

As part of this revision, development rights for a variety of parcels were transferred to other parcels in order to provide for an expansion of the golf course. This is when Parcel H acquired additional density rights and commercial rights, which were later extinguished by the 2006 Decision of Common Council.

The trend overall appears to be an increasing amount of open space and a decreasing amount of both housing units and commercial acreage. The current open space without Parcel W for both Wakefield Valley and Fenby Farm, when all HOA open space lands and all City-owned lands are counted, is 40%.

Since in 1987 the total open space for Wakefield Valley was increased to 47% by Mayor and Common Council, if the current proposal were approved, it would reduce required open space from 47% to 40%.

Status of the General Development Plan

The Decision of the Common Council in 2006 includes an excellent history and summarizes the process by which the Common Council extinguished about 160 density rights in 2006 (see attached decision).

Records indicate that there are remaining unbuilt density rights on land owned by the Griswold family (20 dwelling units), Carroll Lutheran Village (13 dwelling units), Valentine family (two dwelling units), Fenby Farm (one dwelling unit), and two units on the former golf course. It appears that the Durbin House was considered an existing dwelling at one time. Parcels W, X, Y and Z have two unbuilt rights.

These are based on the development rights as reported in 2006 for the amendment that was ultimately rejected. Both the current applicant and City staff had relied on this record for the review before the Planning and Zoning Commission. The attached chart shows the known changes to the GDP over time. There are minor differences for Wakefield Valley, while unresolved issues are raised for Fenby Farm.

Applicant Request

The applicant is requesting that 50 new density rights be created for Parcel W. The applicant is also requesting use of all three existing density rights on the former golf course land (unbuilt plus Durbin).

The three density rights were not assigned to any of the four parcels (Parcels W, X, Y and Z) created by the applicant out of the former golf course. The three units first appear in the record for M2 open space parcel in the 1987 revision. City staff had expressed early on that these could be assigned to Parcel W.

The applicant must present evidence to support new findings related to the General Development Plan for Wakefield Valley, as it currently exists per the Decision of the Common Council rendered in 2006.

Please note the above position is that of City staff on this matter. The applicant desires the City to use the historic, overall density of 1.6 units per acre granted in 1978 as the basis for the density evaluation and to use the 1978 open space requirement as opposed to the revised requirement of 47% from 1987.

Process

Per § 164-133 B., development plans approved prior to November 5, 1979, may be amended using the provisions of § 164-188 J. Sub-section 164-188 contains the City's three-step formal review process for all planned development. The current proposal represents the first step, development plan approval.

- B.** All preliminary plans, final plans, revised preliminary or final plans and all development plans of any type which have been approved by the Mayor and Common Council and/or the Commission prior to November 5, 1979, shall continue to be approved and valid after said date, regardless of the zonal classification of the real property as to which such plans pertain, and said real property shall be developed in accordance with the provisions of such plans. Such plans may be amended in accordance with the procedures provided for the amendment of development plans contained in § 164-188J of this chapter. ... (excerpted).

Staff Review

Per § 164-188 J., approval of an amendment is by Common Council in conjunction with findings related to the purposes and requirements in Chapter 164 (all of the zoning provisions) and specifically with the six specific areas enumerated in § 164-188 J.

Per § 164-188 H., the Planning and Zoning Commission is directed to make recommendations to the Common Council including those matters which the Common Council must consider in acting on a rezoning application (or, in this case, on a proposed amendment to a general development plan).

Within the text of both sub-sections H and J (reproduced below), staff comments are indicated in **blue**. Quotations from various documents, other than the Westminster City Code, are reproduced in **red**.

- H.** All development plans and proposed amendments to development plans shall be subjected to review and recommendation comments by the Commission of the City in accordance with the following process:
 - (1) The Commission shall consider whether a rezoning application and an accompanying development plan fulfill the purposes and requirements of the applicable zone and shall recommend approval, approval with recommended modifications or disapproval thereof to the Common Council, particularly considering, in regard to the development plan, those matters which the Common Council must consider in acting upon the rezoning application.

Staff comments related to this item are contained in sub-section 164-188 J., which follows.

(2) In reviewing a development plan, the Commission shall give consideration to:

(a) The purpose and objectives of the requested zonal district and the planned development.

The stated central element from the original 1978 General Development Plan Description for Wakefield Valley / Fenby Farm (~~attached~~) is a Central spine of open space land, which at the time was planned as a golf course, with 31% of the land preserved as open space. The original General Development Plan indicated a total of 228 acres of preserved open space land, which was designated via land use areas M1, M2 and M3 (T). These are now Parcels W, X, Y and Z.

~~The current open space is comprised of Parcel W (38.2934 acres), Parcel X (16.0695 acres), Parcel Y (171.0747 acres) and Parcel Z (16.5896 acres). The current open space is 242 acres. There are currently 14 acres above the required open space. The subject proposal would convert 38 acres of the preserved open space to residential, leaving a deficit of 24 acres.~~

Based on what is now understood, Parcel W could be developed and removed as open space and still allow for 40% open space in Wakefield Valley; however, in 1987 the open space was changed to 47%. Currently existing open space including Parcel W as open space would yield 45%. At this point, 47 % open space is not achievable unless other properties contribute more.

(b) Compliance with the standards and design criteria for a planned development.

The City's adopted 2016 Development Design Preferences manual sets forth standards for all residential development in the City including planned development. Chapter III, Residential Development includes the need for creative design, diversity of housing, shared community facilities, gateways and other amenities to create a unique sense of place (pp. 23-24, 29).

The proposal is for 53 nearly-identical, single-family houses set in a standard and expected suburban-style layout. The proposal has sidewalks and storm water management facilities.

The project does not exhibit a unique design nor does it provide shared community facilities or other amenities for the interaction and enjoyment of the neighborhood by its residents.

A detailed review of the site plan using the manual (pp. 25-26, 39-43) will be required at plat review as well as a detailed architectural review (pp. 27-28) at site development plan review.

The applicant represented before the Planning and Zoning Commission that the proposal is much like other subdivisions in the area (which were developed some time ago). The City's new standards require a more creative approach to both site design and architectural expression.

The Chair of the Planning and Zoning Commission noted that most of the homes immediately surrounding the proposal are one-acre, which is much larger than the proposed lots which are ½-acre. The Chair expressed that the proposed lots on Parcel W should mirror the existing neighborhood lot sizes. Chair also noted that walking paths would need to be coordinated.

(c) Any other considerations relating to the location, size and specific character of the site deemed appropriate by the Commission having a substantial bearing on achieving maximum safety, convenience and environmental and amenity qualities for the development and its residents or users.

The proposal was reviewed by City Police, Fire, Public Works, and the City Engineering Specialist. The City's review concluded that the normal development procedures and the required special benefit assessments would be sufficient to cover the impact of 53 new residences.

(d) The Comprehensive Development Plan.

Staff comments related to this item are contained in sub-section 164-188 J., which follows.

J. In considering a rezoning application which includes a development plan, the Common Council shall consider whether the application and the development plan fulfill the purposes and requirements set forth in this chapter. In so doing, the Common Council shall make the following specific findings, in addition to any other findings which may be found to be necessary and appropriate to the evaluation of the proposed reclassification:

- (1) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or sector plan and that it does not conflict with the general plan, the City's capital improvements program or other applicable City plans and policies.

The following is noted by the Common Council in its 2006 Decision regarding this specific finding for the disapproved proposal from 2006.

First, it is not in substantial compliance with the use and density indicated in the development plan for Wakefield itself. As noted, the density units which were initially transferred to Parcel H were substantially reduced permanently and that reduction affects the entire development plan (2006 Decision of the Common Council, p. 5, last paragraph).

The subject proposal is similar. Regarding the subject proposal's consistency with the City's master plan, the City's adopted 2009 Comprehensive Plan states the following.

The 1978 Development Plan for the Wakefield Valley restricted the development of housing within the parcel where Wakefield Valley Golf Course and Conference Center exists today. However, the current land use is Low Density Residential even **though the development plan will not allow any residential homes to be built in this area** [emphasis added]. The WPZC recommended a land use change from Low Density Residential to Conservation to reflect the development plan and the existing land use. The existing land use for this parcel is the Wakefield Valley Golf Course and Conference Center surrounded by forest land and natural landscapes as well as a stream that runs from the southwest corner to the eastern portion of the parcel. This change reflects how the land is currently used; however, this change does not change the approved Development Plan for Wakefield Valley. The 2009 Comprehensive Land Use Map has re-designated the land use of this 240 acre parcel from Low Density Residential to Conservation (2009 Comp Plan, pp. 81-82).

Therefore, the 2009 Comprehensive Plan supports conservation of the open space, specifically recommending that the zoning for the property be changed to Conservation, which it was.

- (2) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in Articles II through XV, would provide for the maximum safety, convenience and amenity of the residents of the development and would be compatible with adjacent development.

The applicant must present evidence that this amendment would provide for the maximum safety, convenience and amenity of the residents on land subject to the General Development Plan for Wakefield Valley as well as its compatibility with the adjacent development, in other words, with development adjacent to land currently subject to the General Development Plan.

Before the Planning and Zoning Commission, the applicant presented arguments related to the applicant's desire to receive credit for donating land when this application is considered and the need for more infill development citywide. The applicant alleged that 12 density units would be insufficient to meet the goals for infill in the 2009 Comprehensive Plan. The applicant did not present evidence to establish what would be the minimum density needed to meet such goals.

- (3) That the proposed vehicular and pedestrian circulation systems are adequate and efficient.

The City provided a copy of the applicant's traffic study to Carroll County for its review. Since this is a conceptual level plan, the County review was as a courtesy. The County pointed out that more recent data and input from other agencies would be required. This would occur at the next stage of review (subdivision), if the application were approved to move forward.

- (4) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site.

Based on aerial photography, the proposal would appear to remove existing trees and require substantial grading of the entire property. There are no preservation areas shown.

Before the Planning and Zoning Commission, the applicant stated that there were preservation areas for existing trees. However, submitted drawings show the central copse of trees as part of the private lots to be subdivided. There are no notes that describe preservation methods on any lot including two parcels that incorporate stormwater management and two golf course ponds. If the applicant intends to use easements instead of common areas, this is not in the drawings.

- (5) That any proposals, including restrictions, agreements or other documents, which show the ownership and method of assuring perpetual maintenance of those areas, if any, that are intended to be used for recreational or other common or quasi-public purposes, are adequate and sufficient.

There are no common areas indicated for shared use by the residents of the neighborhood. For required public improvements like streets, water and sewer lines, etc., the standard public works agreement would be utilized. The lack of any common use space or any community facilities would appear to indicate a deficiency in the nature of the proposed development.

Before the Planning and Zoning Commission, the applicant represented that the former golf course would be the neighborhood's amenity area. However, the intent of such areas is for a central gathering space which often includes a pavilion, formal play area or indoor venue space.

- (6) That the submitted development plan is in accord with all pertinent statutory requirements and is or is not approved. Disapproval of a development plan by the Common Council shall result in a denial of the rezoning application of which the development plan is a part.

Conclusion

In the big picture, the subject proposal is not consistent with the *2009 Comprehensive Plan*, as presented, nor is it in keeping with the central purpose of the original General Development Plan. That being said, the *2009 Comprehensive Plan* does envision the property as Conservation under the zoning provisions.

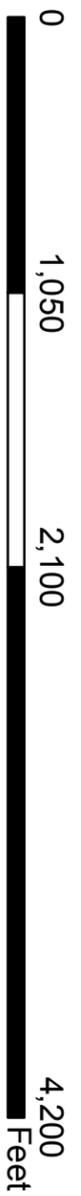
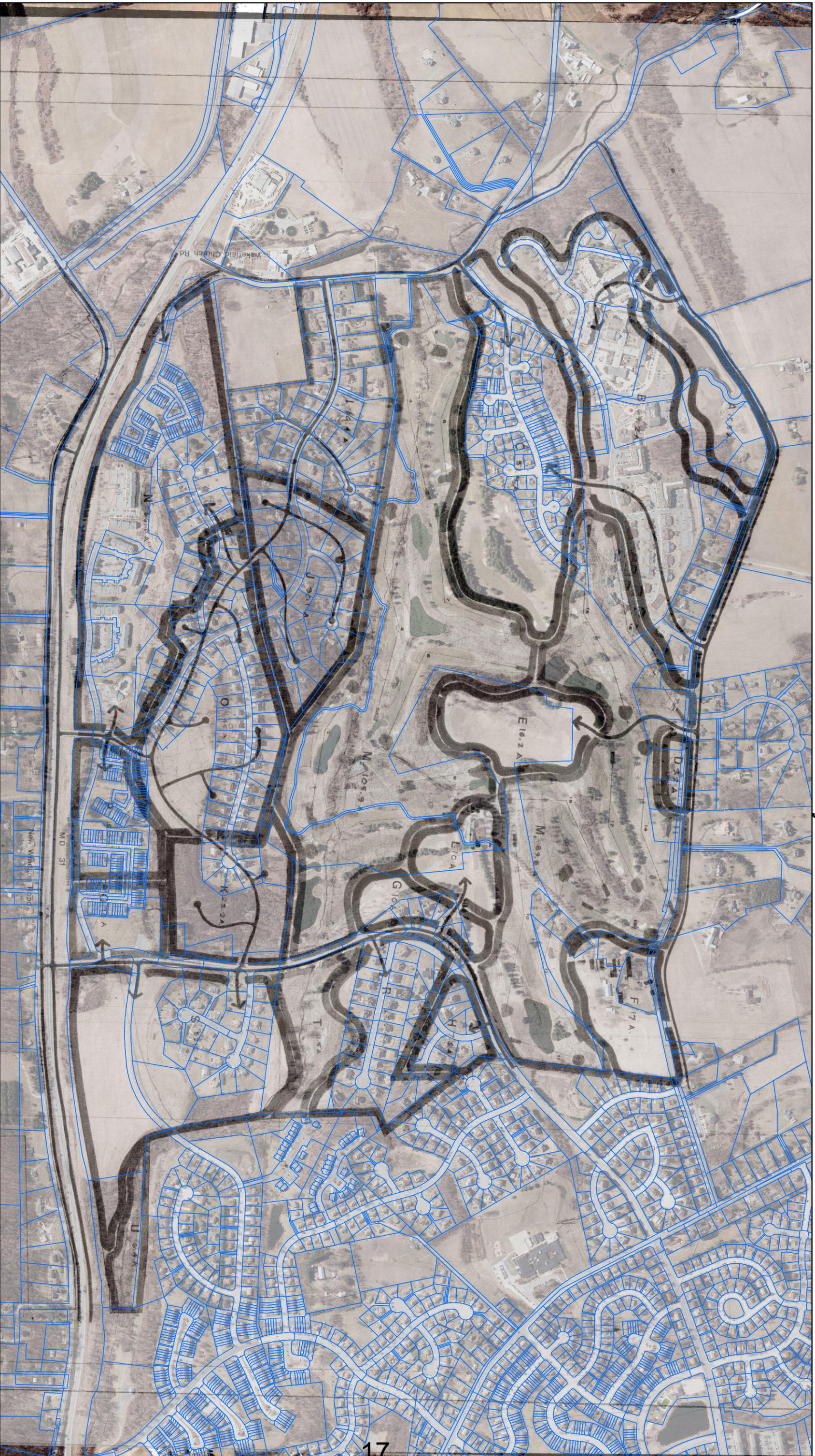
If the land were to be developed in line with those provisions, the permitted density would be three units per acre yielding a dozen new houses. Utilizing a cluster design approach, this density could be accommodated on 14 acres including a street or plaza. It could allow for community facilities, open space preservation (~~in order to meet the required 31%~~), and a uniquely designed setting to provide a special sense of place. Article III (C-Conservation Zone) ~~is attached for your~~ may be used as a reference.

Recommendation ~~(formerly to the Planning and Zoning Commission by staff)~~

Staff recommends ~~that the Commission consider~~ "approval with recommended modifications," pursuant to ~~§ 164-188 H. (1)~~, in order to allow nine new density units and transfer the existing three units for a total of 12 density units with the condition that a cluster design be undertaken to maintain ~~a minimum of 24 acres in open space land to preserve the required 31% open space~~ as much open space as possible.

Attachments

- Aerial map with location of the project and surrounding street names provided for public (1 page)
- 1978 General Development Plan Map with property layer and constructed units counted (19 pages)
- General Development Plan summary worksheet with summary pages from plan revisions (9 pages)
- 2009 Land Use Map in adopted *2009 Comprehensive Plan* showing Conservation land use (1 page)
- Letter from Carroll Dell, dated January 16, 1987, summarizing adopted GDP update (1 page)



Legend

- PropertyData



City of Westminster

Parcels A = 5 units, B = 12 units including Weller, and D = 5 units constructed



Carroll Lutheran Village = Assisted/nursing beds are 1/2-unit. Other units are 1/2-unit. Credited per GPD - 252 units



Parcel C = Fairways at Wakefield - 109 units constructed





Parcels E, G, L, M1, M2 and T (M3) – 0 units constructed

Parcel F = Griswold Property - 5 units constructed plus 17 additional units planned



Parcel I = Long Valley Road – 40 units



FC = Farm Content

Parcel J = Avalon and Cassell – 38 units



☆ - counted incorrectly as a separate lot in 2006

Parcel K = Winged Foot Drive – 13 units



Parcel N = Rental Office and Community Facilities - 0 units constructed



Parcel N = Avenell Circle – 72 apts



Parcel N = Pinehurst Circle – 72 apts

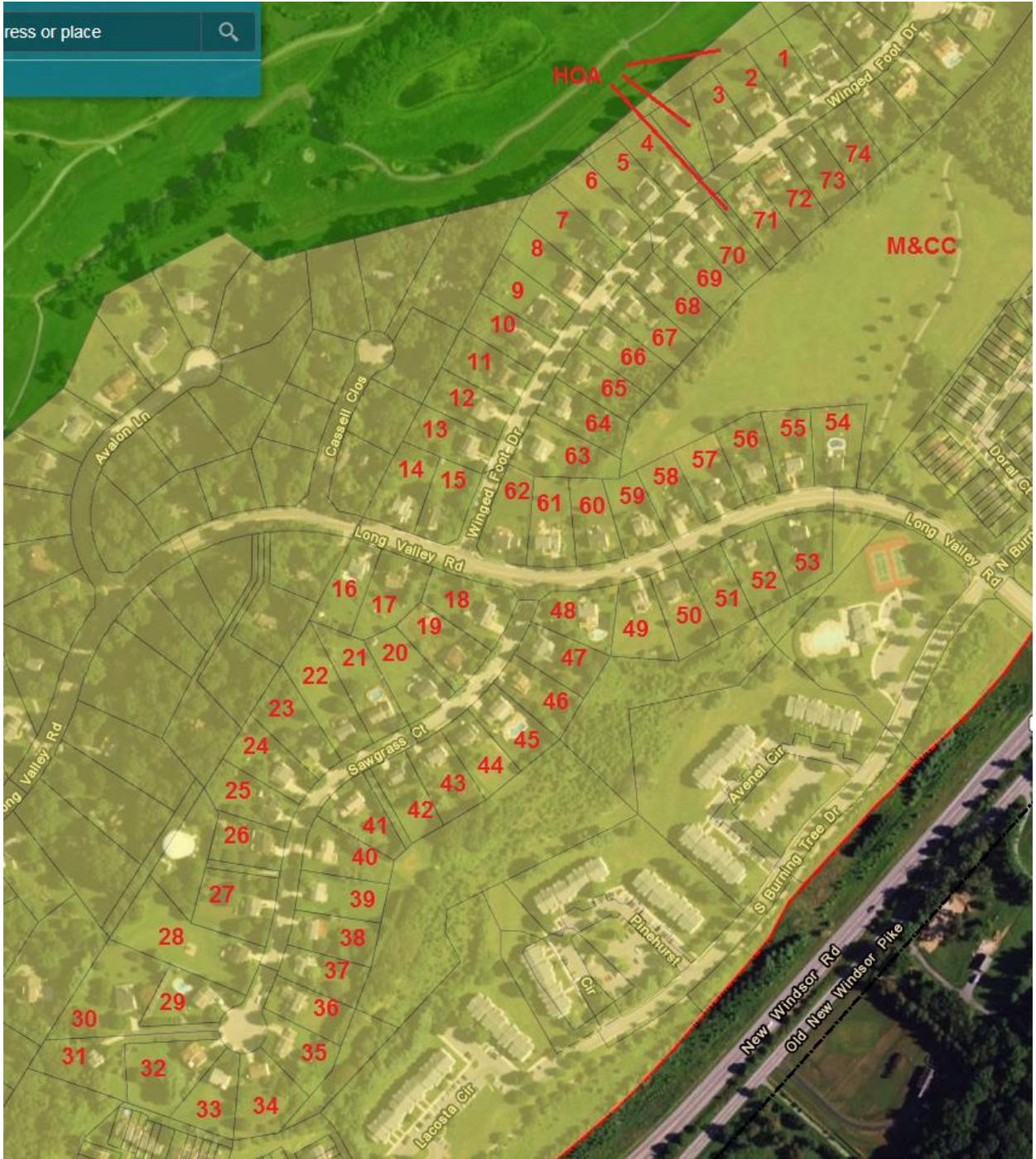


Parcel N = LaCosta Circle – 60 apts



Parcel N = Congressional Drive – 66 units





Parcel O = Sawgrass Ct – 74 units

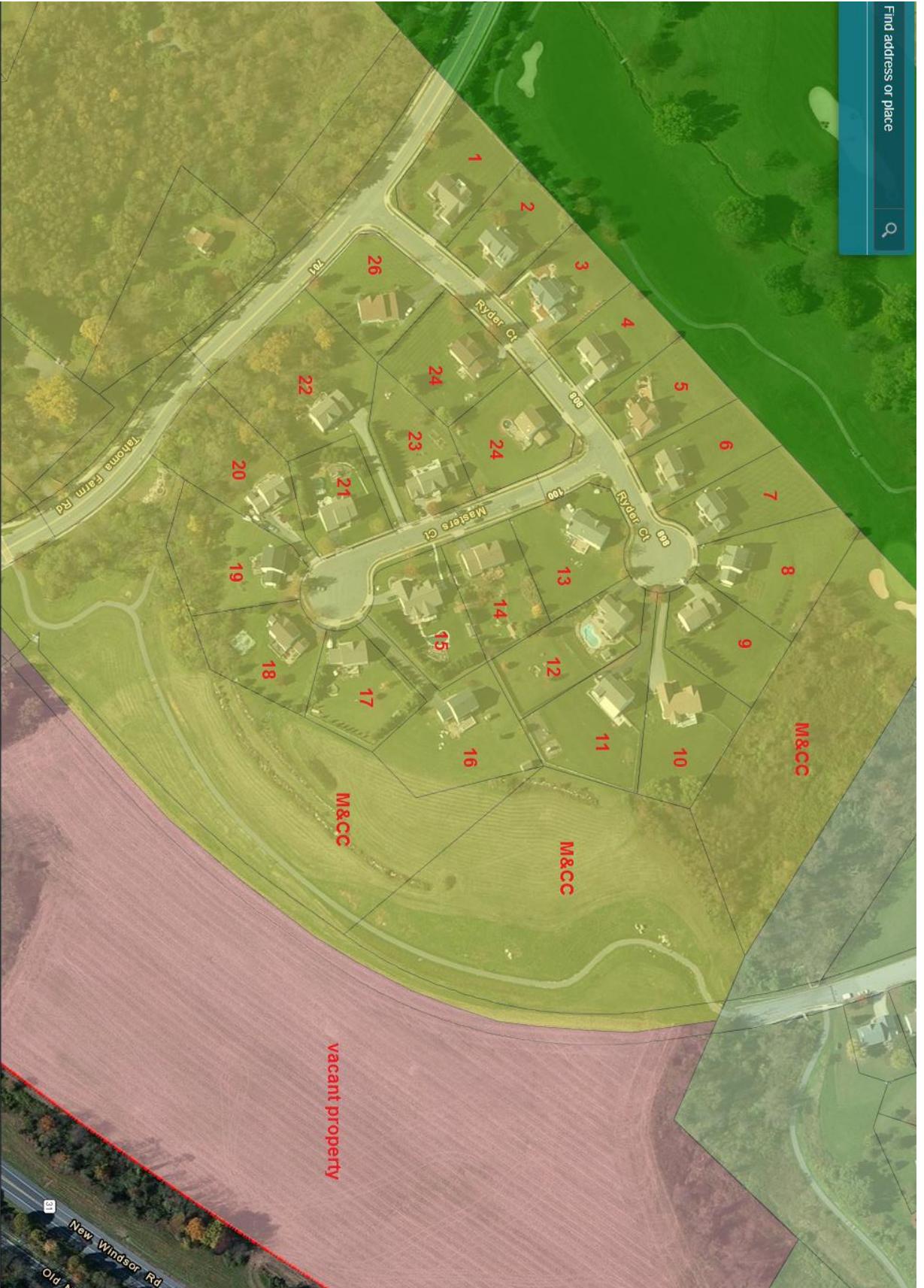
Parcel P = Doral Court – 48 units





Parcel Q = Medinah Court = 72 units

Parcel S = Ryder and Master Court – 26 units





Parcel U = Mayor and Common Council - 0 units

General Development Plan for Wakefield Valley–Fenby Farm

Residential Units	Commercial	Open Space
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Wakefield Valley

Parcel	1978 GDP	1978 CLV	1987 GDP	1989 GDP	2001 CLV	Platted/Built	Unused	
A	16		15-20	13-18	merge with B	5 not in CLV		
B	175-200	165 for CLV*	306	308	308(CLV)* + 3	252(CLV) + 12	56 for CLV*	
C	150-175		114	113	(see note below)	109	4 in CLV = 0	
D	3		5	5		5		
E	125-150		golf course			-	-	
F	10		26	26		5+17 planned	4 unused	
G	76-94		golf course			-	-	
H	15-20		167-214	10 ac		55	54	1 unused
I	40		41	41		40	1 unused	
J	33		39	39		38	1 unused	
K	27		swap for R			-	13 (for FF)	
L	10 ac		golf course			-	-	
M1	89.9 acres	166.65 acres		166.65 acres		Y/Z=187.66 ac		
M2	105.9 acres	3	58.43	3	58.43	W = 38.29 ac	3 unused	
Misc	4.44 acres	not listed		not listed		X/Misc=21.77		
Total	200.24 acres	241.57 acres		241.57 acres		209.43 acres		
%	41%	47%		47%		40%		
Total Site	490.54 ac	516.88 ac		516.88 ac		≈ 517 ac		
Units	670-768	716-768		603-608		537	10 + 56(CLV)	
Set Density	1.6 units/ac	1.4 – 1.5		1.1 – 1.2		1.04 units/ac		

Fenby Farm

Parcel	1978 GDP	1979 GDP	(no summary)	(no summary)	Platted/ Built	Unused
N	100-133	313			270	
O	45	(merge w/N)			74	
P	93-124	(merge w/N)			48	
Q	10 ac	96			72	
R	47-59	31	swap for K	merged w/H	0 (for WV)	
S	104-130	55	9.7 ac		26	29? 9.7 ac
T	11.5 acres	81.1 acres	M3 = 16.49	M3 = 16.49	(for WV)	
U	6.4 acres	(or estate housing)	(for WV)	(for WV)	8.14 acres	
Misc	10.27 acres		76.66 acres			
Total	28.17 acres			84.80 acres		
%	12%	34%		39%		
Total Site	240.87 ac	241.2 ac		≈ 218 ac		
Units	389-491	495		503		8 over
Set Density	2.04 units/ac	2.05 units/ac		2.31 units/ac		

Combined – Total Site Area = 734.56 acres

Totals	1978 GDP	1979 GDP
Site	734.56	734.56
OS	228.17 acres	281.34 acres
%	31%	38%
Units	1059-1259	1165-1263
Set Density	1.6 units/ac	1.6 - 1.7

← Note: using 1978 for WV
← calculated

Platted/Built
734.56
294.23
40%
1040
1.4 units/ac

Note: Carroll Lutheran Village density is credited by unit type. Assisted/nursing beds are 1/3-unit. Other units are 1/2-unit.

WAKEFIELD VALLEY

Parcel	Acreage	Residential Unit Range	Commercial	Open Space	Avg. Density Unit/Acre Range
A	15.5 Ac	16			1
B	69.	175-200			2.5 - 2.8
C	51.9 Ac	150-175			2.8 - 3.3
D	3.2 Ac	3			1
E	16.2 Ac	125-150			7.7 - 9.3
F	17.0 Ac	10			.5
G	10.0 Ac	76-94			7.6 - 9.4
H	7.6 Ac	15-20			2 - 2.6
I	36.4 Ac	40			1.1
J	30.1 Ac	33			1
K	23.3 Ac	27			1.2
L			10 Ac		
M ₁				89.9 Ac	
M ₂				105.9 Ac	
Misc				4.44 Ac	
Totals	280.4	670-768	10	200.14 Ac	2.3 - 2.7

Total Site Area = 490.54Ac ±

FENBY FARM

N	66.3 Ac	100-133			1.5 - 2
O	45 Ac	45			2
P	15.6 Ac	93-124			6 - 8
Q			10		
R	23.6 Ac	47-59			2 - 2.5
S	52.2 Ac	104-130			2 - 2.5
T				11.5	
U				6.4	
Misc				10.27	
Totals	202.7	389-491	10	28.17	1.9 - 2.4

Total Site Area = 240.87 Ac ±

WAKEFIELD VALLEY AND FENBY FARM COMBINED TOTALS

483.1 1059-1259 20 228.17 2.2 - 2.6

Other Area Statistics

Overall gross area total₁ = 734.56 ±
Overall gross density = 1.6 unit/acre
Percentage of total area in open space = 31%

¹ This total includes three parcels which belong to neither Wakefield Valley or the Fenby Farm tracts. The parcels are Porter Mason Lee 1.938 acres, Mayor and Common Council .16 acres, and Robert A. Fawble 1.052 acres.

WAKEFIELD VALLEY
 General Plan Revisions
 Land Design/Research, Inc.
 Preliminary Project Summary
 January, 1978

LAND USE	ACRES	UNITS/LOTS
Single Family D @ 1A <u>+</u>	-	23
1. Single Family D @ 20,000 <u>+</u>		198
Single Family Cluster @ 2.4/A gross		40
2. Single Family Attached @ 8/A gross		340
Lutheran Home Complex (300 units) @ 1/2 unit ea. credit		<u>165</u>
*TOTAL RESIDENTIAL		766
Commercial Opportunity	5.9A	
Opportunity Site Inst./Office	7.6A	
Opportunity Site Gen. Commercial Office Residential	7.0A	

1. Includes 10 unit residential reserve

2. Includes 7A opportunity site

* Approved range 670-768

1979 GPD Summary
(for Fenby Farm only)
Parcels to Numbers

COMPARISON
ORIGINAL PLAN - REVISED PLAN

Section	Original Designation	New Designation	Use		Suggested No. Units		Approx. Gross Acreage	Densities Per Gross Acre	
			Original	Revised	Original	Revised		Original	Revised
N - (major portion)	Sections 3 and 4	Sections 3 and 4	Residential	Residential	122	124	73 acres	1.7/ac.	1.7/ac.
N (remainder)	Sections 1 and 2	Sections 1 and 2	Residential	Residential	180	189	54 acres	3.3	3.5
O									
P									
Q									
S	Sections 6, 7, 8, & 9	Sections 6, 7, 8, & 9	Residential and 10 acres convenience commercial	Residential and 10 acres convenience commercial	130	151	62 acres	2.1	2.4
R	Section 10	Section 10	Residential	Residential	59	31	24 acres	2.5	1.3
T									
U	Part of Section 5 (open space)	Part of Section 5 (open space)	Open Space	Open Space	--	--	18 acres	--	--
-	Land controlled to golf course	Land controlled to golf course	Golf course	Golf course	--	--	10 acres	--	--
Totals					491	495	241 acres	2.04	2.05

Fenby Farm
 Land Use Plan

<u>Section</u>	<u>Acreage</u>	<u>Proposed Use</u>	<u>Number Units</u>	<u>Density</u>
1	27.6	Single Family	81	2.93
2	20.4	Townhouse	108	5.29
3	23.8	Duplex	94	3.95
4	16.3	Single Family	30	1.84
5*	81.1	Open Space	0	0
6	10.6	Apartments	96	9.06
7	7.9	Townhouse	30	3.80
8	9.7	Commercial	NA	NA
9	11.6	Single Family	25	2.16
10	11.4	Single Family	31	2.72
Roadways	<u>20.8</u>	- - - -	<u>0</u>	<u>0</u>
Total	241.2		495	2.05

* Indicated as green area on map.

Relative to the design of the Concept Plan, we wish to make the following points:

1. The plan conforms with the General Development Plan prepared by Land Design Research in September 1977 which established approved guidelines for the development of the combined Fenby Farm - Wakefield Valley area.
2. The road pattern while at a minimum, provides for interconnection with Wakefield Valley and the Carfaro tract. Additionally,

WAKEFIELD VALLEY - GENERAL DEVELOPMENT PLAN SUMMARY

RESIDENTIAL

PARCEL	ACREAGE	RESIDENTIAL UNIT RANGE	COMMERCIAL	STATUS	OPEN SPACE	AVERAGE DENSITY UNIT/ACRE RANGE
**A	22.29 ac.	15-20		W.V.		.8 -.9
B1	72.5 ac.	295		C.L.V.		4.1
B2	1.60 ac.	1		I.L.		.6
*B3	1.64 ac.	1		I.L.		.6
B4	3.85 ac.	4		W.V.		1
B5	.73 ac.	1		I.L.		1.4
B6	3.61 ac.	4		I.L.		1.1
C1	30.69 ac.	105		W.O.G.		3.4
C2	1.98 ac.	8		I.L.		4
C3	3.17 ac.	1		I.L.		.3
D	7.57 ac.	5		I.L.		.7
F1	16.71 ac.	22		W.V.		1.3
F2	.58 ac.	1		I.L.		1.7
F3	1.64 ac.	1		I.L.		.6
F4	1.72 ac.	2		I.L.		1.16
**H	28.73 ac.	167-214	10 ac.	W.V.		5.8-8.6
I	37.43 ac.	41		I.L.		1.1
J1	14.75 ac.	20		I.L.		1.4
J2	10.90 ac.	16		I.L.		1.5
J3	3.22 ac.	3		I.L.		.9
M1				W.G.C.	166.65	
M2		3		W.G.C.	58.43	.05
M3				W.G.C.	16.49	
*Totals 265.31 ac		716-768	10 ac.		241.57 ac.	2.6-3.0

Other Area Statistics

Overall gross area total = 516.88+
Overall gross density = 1.4-1.5 unit/acre
Percentage of total area in open space = 47%

*B3 Not included in 1978 General Plan Total

**Up to 5 unit density transfer from area A to area H may occur during final subdivision due to percolation test results.

Key to Parcel Status

W.V. Wakefield Valley - Tahoma Farms, Inc.
C.L.V. Carroll Lutheran Village
I.L. Individual Lots
W.O.G. Wakefield on the Green
W.G.C. Wakefield Valley Golf Course

WAKEFIELD VALLEY - GENERAL DEVELOPMENT PLAN SUMMARY

PARCEL	ACREAGE	RESIDENTIAL UNIT RANGE	COMMERCIAL	STATUS	OPEN SPACE	AVERAGE DENSITY UNIT/ACRE RANGE
A1	6.74 ac.	6		W.V.		.9
A2	15.55 ac.	7 - 12		C.L.V.		.4 - .7
B1	72.5 ac.	295		C.L.V.		4.1
B2	1.60 ac.	3		I.L.		1.8
B3	1.64 ac.	1		I.L.		.6
B4	3.85 ac.	4		I.L.		1
B5	.73 ac.	1		I.L.		1.4
B6	3.61 ac.	4		I.L.		1.1
C1	9.12 ac.	34		W.O.G.		3.7
C2	21.57 ac.	70		F.A.W.		3.2
C3	1.98 ac.	8		I.L.		4.0
C4	3.17 ac.	1		I.L.		.3
D	7.57 ac.	5		I.L.		.7
F1	16.71 ac.	22		W.V.		1.3
F2	.58 ac.	1		I.L.		1.7
F3	1.64 ac.	1		I.L.		.6
F4	1.72 ac.	2		I.L.		1.1
H	38.73 ac.	55		W.V.		1.4
I	37.43 ac.	41		I.L.		1.1
J1	14.75 ac.	20		I.L.		1.4
J2	10.90 ac.	16		I.L.		1.5
J3	3.22 ac.	3		I.L.		.9
M1				W.G.C.	166.65	
M2		3		W.G.C.	58.43	.05
M3				W.G.C.	16.49	
<hr/>						
Totals	275.31 ac	603-608	0		241.57 ac.	2.2

Other Area Statistics

Overall gross area total = 516.88+
 Overall gross density = 1.1 - 1.2
 Percentage of total area in open space = 47%

Key to Parcel Status

W.V. Wakefield Valley - Tahoma Farms, Inc.
 C.L.V. Carroll Lutheran Village
 I.L. Individual Lots
 W.O.G. Wakefield on the Green
 W.G.C. Wakefield Valley Golf Course
 F.A.W. Fairways at Wakefield

Prepared by: City of Westminster
 Department of Planning

November 27, 1989

Staff Report
 Carroll Lutheran Village
 Amended Development Plan
 August 8, 2001
 Page 9

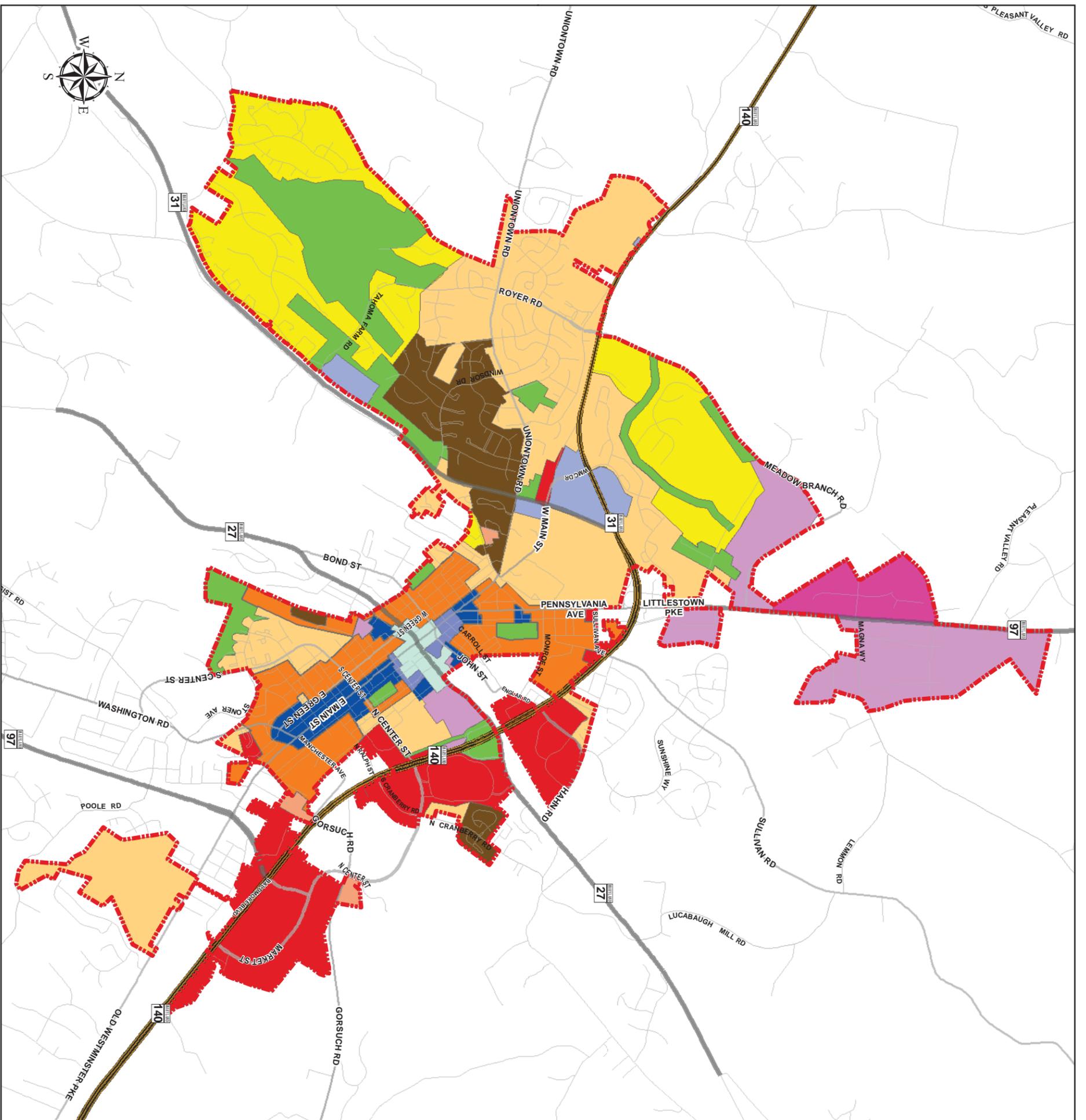
It is staff's understanding that the Weller Property will ultimately be transferred to Carroll Lutheran Village. When such transfer in ownership occurs, those 3 density units allocated to the Weller Property will also be transferred to Carroll Lutheran Village, thus bringing the total density units to 310 for Carroll Lutheran Village. Nevertheless, in the meantime, those 3 density units remain assigned to the Weller Property (identified as Parcel B-2 on the October 22, 1986 General Development Plan for Wakefield Valley), and the total density units apportioned to Carroll Lutheran Village was 307 D.U.

Since the 1996 approval, the Village constructed the 50 bed Assisted Living units, and expanded the Health Care Center by four beds. Additionally, another density unit was transferred to the Village with the incorporation of the 299 Bell Road property, thus increasing the total density units appropriated to the Village from 307 to 308. Hence, the density tabulation is revised accordingly:

	<u>Density Units</u>
Total Density Units per 1978 Plan	176
Conveyed Density Units w/ 30 acre addition in 1986	<u>120</u>
Subtotal	296
Less One D.U. allocated to the Weller Property	<u>-1</u>
Subtotal	295
Conveyed Density Units w/ 15 acre Parcel A-2	<u>12</u>
Third Amended Dev. Plan Total	307 Density Units
Conveyed Density Unit w/ 299 Bell Road in the year 2000	<u>1</u>
Fourth Amended Dev. Plan Total	308
Plus 3 Density Units allocated to the Weller Property	<u>+3</u>
Ultimate Development Total	311 Density Units

Land Use

Plan 2009



Legend

-  City Boundary
- LAND USE DESIGNATION**
-  COMMERCIAL
-  DOWNTOWN BUSINESS
-  CENTRAL BUSINESS
-  MIXED USE INFILL
-  EMPLOYMENT CAMPUS
-  NEIGHBORHOOD COMMERCIAL
-  CONSERVATION
-  HOUSING FOR OLDER PERSONS
-  INDUSTRIAL
-  LOW DENSITY RESIDENTIAL
-  SUBURBAN RESIDENTIAL
-  URBAN RESIDENTIAL
-  PLANNED/RESIDENTIAL



Map Not to Scale



The City of Westminster

LEROY L. CONAWAY
Mayor

CITY COUNCIL
David S. Babylon, Jr.
President

Thomas W. Eckard
William F. Haifley
Kenneth J. Hornberger
Kenneth A. Yowan

P.O. BOX 010-CITY HALL
WESTMINSTER, MARYLAND 21157
TELEPHONE:
Local 848-9000
Baltimore Line 876-1313

Carroll R. Dell
Director Planning and Public Works
John D. Dudderar
City Clerk
Stephen V. Dutterer
Director of Finance - Treasurer
Sam R. Leppo
Chief of Police

January 16, 1987

Dr. Earl Griswold
105 Bell Road
Westminster, Maryland 21157

Re: Wakefield Valley
General Development Plan Update

Dear Dr. Griswold:

Your engineer and attorney presented a revision to the Wakefield Valley General Development Plan at the City's Planning Commission Meeting on November 13, 1986. The original plan was approved in 1978 and numerous land transfers have occurred over the years. The new plan depicted the transactions which have taken place and has resulted in a redistribution of the residential density and reconfiguration of the golf course property.

It was noted that the gross residential density within the overall plan has been retained at a maximum of 768 units or approximately 1.45 per acre. The open space has increased to 241.6 acres or 47% of the total tract.

The Planning Commission accepted the updated plan effective November 13, 1986. Subsequent to that action, the plan was then resubmitted and presented to the Mayor and Council at their meeting on December 22, 1986.

The Mayor and Council adopted the updated general development plan and the accompanying report which supported the plan and was the basis for approval on the updated plan at their meeting on January 12, 1987.

By copy of this letter to Land Design Research, we are asking that they submit the mylar tracing to this office so the appropriate signatures can be affixed.

Trusting this brings this matter to a conclusion at this point in time, I remain,

Very truly yours,

CARROLL R. DELL, Director
Planning and Public Works

cc: Brooks Leahy
John Walsh, John Hall

Jeanne and Art Mueller
One Bell Road
Westminster, MD 21158

To: William A. Mackey

From: Jeanne and Art Mueller

Re: Wakefield Golf Course Property

December 5, 2016

We were present at the last meeting regarding the Wakefield Golf Course property and were pleased that the committee was forwarding their negative response to the request to build homes there. We are unable to attend the Dec. 12th meeting but would like to continue to voice our opposition to the building plan. Please share our commenst with those in a decision making position.

Our comments in response to the future of the Wakefield Property are as follows:

1. Mismanagement of the open space is unforgiveable and once it is gone it will be gone forever.
2. Years ago (8-10), we fought the same battle with Marty Hill when he tried to develop the property. His building proposal was denied for similar reasons and with opposition from the surrounding community. Denial of the new proposal should occur again and the community should not have to continually fight this battle.
3. Mr. Kress provided a windfall for the city but he in turn received exceptional benefits – no obligation for property taxes, insurance or maintenance expenses AND WATER RIGHTS FOR PROPERTYS ON THE OTHER END OF TOWN!
4. Approval for Mr. Kress's rights to build 50 housing units on the site need to be REJECTED by the City of Westminster Planning and Zoning Commission.
5. It appears that Mr. Kress **never** had the best interest of the city and its residents in mind but rather **duped** us into believing that he did when his real intention was to **net a substantial profit for himself**.

6. Please consider rejecting both the offer by Mr. Kress for building houses and the absolutely ridiculous possible proposal from Pinkard Properties – group only interested in making money from a project totally inappropriate for the Wakefield Property and surrounding area.
7. The city of Westminster needs to keep what little open space there is available as open space. As city residents, we implore you to make this happen.
8. Bell Road is not of the size to accompany additional traffic.

Please think long and hard and do some serious study of the impact these ideas will have on our city now in the coming decades. Once developed, this property cannot be regained as open space. To keep this as open space is a legacy the Zoning committee and Mayor/City Council could be proud of!

Public Comment

From: Courtney O'Neill
Sent: Saturday, December 03, 2016 6:55 AM
To: William Mackey
Cc: Tina Trainor; David Deutsch Wakefield
Subject: development

I am an advocate *against* any further housing development at Wakefield Valley. This parcel was to be community greenspace and potential recreation and conservation land. In light of the fact that our community has endured numerous insults (ie Meadow Creek) to our open space and farmland conservation with little efforts to slow down development, this parcel must remain intact.

One point to also reinforce is our exhausted water and sewer resources. We simply cannot support rampant development with our infrastructure in the city, and existing aquifers drying up because of the number of homes with wells draining them. This is a serious concern as clean water will become as valuable as oil in the coming years. In addition this "hub" at 140 and 31 corridor is already overloaded and overdeveloped. It needs to stop.

Please consider the incredible potential of this area to generate recreational revenue for the community while remaining an open space and refuge for wildlife. Many people already utilize this area for running, walking, fishing, and outdoor activities. This area has the potential to be another Piney Run and we need more parks like that. This parcel is already zoned for conservation and should remain intact with the other parcels with no change in zoning or intent.

I am eager to review all materials related to this proposal and will definitely attend the meeting as a proponent for Wakefield Valley to remain intact and in conservation.

Respectfully,
Courtney O'Neill

Public Comment

From: Kevin Carter
Sent: Saturday, December 03, 2016 8:09 AM
To: William Mackey
Subject: Wakefield Valley Golf Course Development

Mr. Mackey:

I am a property owner, 301 Coldstream Close, in the Wakefield Development. The proposed development will include tree clearing and home building on the former golf course. I am concerned that the proposed building and development will cause flooding and other related issues for those living in the Wakefield development especially those living at the bottom of the flood plain. How will the builder, the Planning Commission, the Mayor and Common Council ensure that the proposed building will not result in flooding or property damage to families living in the Wakefield development? What is the plan for water run off and flood prevention? What recourse will property owners have if the development of Parcel W contributes to flooding or home damage to existing homes? When will the EPA study be completed and will it address this potential problem?

For the record I am opposed to this development!

Kevin Carter
301 Coldstream Close
Westminster, Md 21158

Public Comment

From: David Highfield
Sent: Friday, December 02, 2016 3:48 PM William
To: Mackey
Subject: Parcel W 53 new homes

I do not object to new homes and neighbors. However I believe the developer should provide a walking/biking path from the new development north on Bell Road to Firestone Road and Eagleview Estates. I drive on Bell Road several times a week and often see walkers and runners on the road. With the increased traffic, the path will provide additional safety for drivers, walkers, runners and bikers.

David A. Highfield
942 Litchfield Cir.
Eagleview Estates
Westminster, Md. 21158

Public Comment

From: Tina Imperial-Trainor
Sent: Friday, December 02, 2016 7:56 PM
To: William Mackey
Subject: Re: Notice of Public Hearing

Mr Mackey,

My husband & I have not changed our minds about building these homes on the Wakefield Valley Golf course. We don't want them, we don't want to think about seeing them nor think about them. It's going to drive traffic up. Our quiet neighborhood will no longer be quiet, we'll be fringing upon natures habitat once again. All for what, greed? Once they are built, it's a done deal, no turning back. Please, I'm asking you and the Board to really think long and hard about this proposal and deny it.

I live at 941 Westcliff Court and I am the lady that said (I think it was Septembers meeting) I sit on my 50 ft deck almost every night looking over at the golf course and had I known this type of thing was coming I would have never purchased my house nor spent the money putting on a deck besides other upgrades.

Tina & Don Trainor

Patricia A. Brobst
187 Bell Rd.
Westminster Md. 21158
410-848-1872

To: Mayor and Common Council
56 West Main St.
Westminster Md. 21157

Nov. 15, 2016

I have already asked you to have the developer M. Kress to provide city water to me at his expense.

I am writing you again regarding my well and well line. If the developer damages my well line during construction to build these homes I want a written guarantee that he will provide all my expenses (lodging, food, etc.) while I'm without water. (which could be quite a while)

I don't want it to cost me thousands while he is making millions.

Thanks Again,
Patricia A. Brobst

Patricia Probst
187 Bell Rd.
Westminster Md. 21158

Nov. 4, 2016

To: Mayor and Common Council
56 West Main St.
Westminster Md. 21157

I am writing regarding the proposed amendment to the General Development Plan of Wakefield Valley to add 53 homes to the former golf course that is zoned C-Conservation.

I am requesting you look at the proposed plat of the development to see the location of my well line and well to see how far it is from my house. With all the construction of homes and roads I may end up with no water to my home at 187 Bell Rd. I am also requesting that if you approve this development that you require the developer to provide City Water to my home since I am in the city and the proposed water line is next to me.

Thank You So Much,
Patricia A. Probst

Memorandum

Re: Proposed Amendment to Wakefield Valley to allow 53 new houses on Parcel W

Item: An application by Mr. Clark R. Shaffer, on behalf of WV DIA Westminster, LLC, of Maryland, the property owner, requesting approval of a **proposed amendment to the General Development Plan of Wakefield Valley to add 53 new homes on the former golf course**, pursuant to § 164-133, *Effect of prior approval*, and § 164-188, *Planned development*, of the Westminster City Code. The property is identified as “Parcel W” on Special Purpose Plat Re-subdivision of “P” & “Q” Wakefield Valley, recorded in Plat Book 54 on Page 127, Carroll County Land Records. The property is 38.2934 acres and is zoned C-Conservation. The property is located along the southeastern side of Bell Road across from Chadwick Drive, with a portion of the property bordering Fenby Farm road, within in the City of Westminster, Maryland.

To: Westminster Planning and Zoning Commission

From: Bill Mackey, AICP, Planning Director

Date: October 6, 2016

Background

On July 21, 2016, the applicant submitted a proposed fourth amendment to the General Development Plan for Wakefield Valley. This proposal is to request 53 houses on Parcel W of the former golf course. The application included a traffic study prepared by Lenhart Traffic Consulting, Inc., dated April 5, 2016.

The traffic study was submitted in anticipation of the review under § 164-188 J. (3) and is addressed in the staff review below. The study is based on 2014 data and addresses the traffic impacts of a proposal for 70 new residences, which was never submitted. The current proposal is for 53 new residences.

On September 8, 2016, an informal presentation by the applicant was made before the Planning and Zoning Commission per § 164-188 H (3) of City Code. The applicant’s representatives and the applicant presented their proposed development and a summary of the General Development Plan.

Required Notice

On September 21, a Notice of Public Hearing was sent by mail to the property owner and adjoining property owners of record in the City and in Carroll County. A Notice of Public Hearing was also sent to approximately 300 property owners of record, who own land within the area included in the General Development Plan for Wakefield Valley. On September 22, the property was posted with a Rezoning Hearing sign. On September 23, 2016, a Notice of Public Hearing appeared in the *Carroll County Times*. On October 2, a second Notice of Public Hearing appeared in the *Carroll County Times*. On October 3, 2016, a copy of the agenda was posted on the City’s website. These notices and postings were provided to meet the notification requirements in Article XXIII of City Code and the Maryland Open Meetings Act.

Overview

In 1977, the Tahoma-Hannon annexation (R77- 6) was approved by the Mayor and Common Council, and the General Development Plan for Wakefield Valley was approved in 1978 (prior to City zoning).

The original development plan was amended in 1989. A third amendment was submitted in 2006 and disapproved. The subject item for review is a proposed fourth amendment to add 50 new density rights to newly created Parcel W and to utilize three existing rights allocated to the former golf course.

Parcels W, X, Y, and Z were created via the Special Purpose Plat Re-subdivision of Parcels “P” & “Q” Wakefield Valley approved by the Planning and Zoning Commission on September 10, 2015 (attached).

Status of the General Development Plan

The Decision of the Common Council in 2006 includes an excellent history and summarizes the process by which the Common Council extinguished 160 density rights in 2016 (see attached decision).

Records indicate that there are remaining unbuilt density rights on land owned by the Griswold family (20 dwelling units), Carroll Lutheran Village (13 dwelling units), Valentine family (two dwelling units), Fenby Farm (one dwelling unit), and two units on the former golf course. It appears that the Durbin House was considered an existing dwelling at one time. Parcels W, X, Y and Z have two unbuilt rights.

Applicant Request

The applicant is requesting that 50 new density rights be created for Parcel W. The applicant is also requesting use of all three existing density rights on the former golf course land (unbuilt plus Durbin).

The applicant must present evidence to support new findings related to the General Development Plan for Wakefield Valley, as it currently exists per the Decision of the Common Council rendered in 2006.

Process

Per § 164-133 B., development plans approved prior to November 5, 1979, may be amended using the provisions of § 164-188 J. Sub-section 164-188 contains the City’s three-step formal review process for all planned development. The current proposal represents the first step, development plan approval.

- B. All preliminary plans, final plans, revised preliminary or final plans and all development plans of any type which have been approved by the Mayor and Common Council and/or the Commission prior to November 5, 1979, shall continue to be approved and valid after said date, regardless of the zonal classification of the real property as to which such plans pertain, and said real property shall be developed in accordance with the provisions of such plans. Such plans may be amended in accordance with the procedures provided for the amendment of development plans contained in § 164-188J of this chapter. ... (excerpted).

Staff Review

Per § 164-188 J., approval of an amendment is by Common Council in conjunction with findings related to the purposes and requirements in Chapter 164 (all of the zoning provisions) and specifically with the six specific areas enumerated in § 164-188 J.

Per § 164-188 H., the Planning and Zoning Commission is directed to make recommendations to the Common Council including those matters which the Common Council must consider in acting on a rezoning application (or, in this case, on a proposed amendment to a general development plan).

Within the text of both sub-sections H and J (reproduced below), staff comments are indicated in blue. Quotations from various documents, other than the Westminster City Code, are reproduced in red.

H. All development plans and proposed amendments to development plans shall be subjected to review and recommendation comments by the Commission of the City in accordance with the following process:

- (1) The Commission shall consider whether a rezoning application and an accompanying development plan fulfill the purposes and requirements of the applicable zone and shall recommend approval, approval with recommended modifications or disapproval thereof to the Common Council, particularly considering, in regard to the development plan, those matters which the Common Council must consider in acting upon the rezoning application.

Staff comments related to this item are contained in sub-section 164-188 J., which follows.

- (2) In reviewing a development plan, the Commission shall give consideration to:

- (a) The purpose and objectives of the requested zonal district and the planned development.

The stated central element from the original 1978 General Development Plan Description for Wakefield Valley / Fenby Farm (attached) is a *Central spine* of open space land, which at the time was planned as a golf course, with 31% of the land preserved as open space. The original General Development Plan indicated a total of 228 acres of preserved open space land, which was designated via land use areas M1, M2 and M3. These are now Parcels W, X, Y and Z.

The current open space is comprised of Parcel W (38.2934 acres), Parcel X (16.0695 acres), Parcel Y (171.0747 acres) and Parcel Z (16.5896 acres). The current open space is 242 acres. There are currently 14 acres above the required open space. The subject proposal would convert 38 acres of the preserved open space to residential, leaving a deficit of 24 acres.

- (b) Compliance with the standards and design criteria for a planned development.

The City's adopted 2016 *Development Design Preferences* manual sets forth standards for all residential development in the City including planned development. Chapter III, Residential Development includes the need for creative design, diversity of housing, shared community facilities, gateways and other amenities to create a unique sense of place (pp. 23-24, 29).

The proposal is for 53 nearly-identical, single-family houses set in a standard and expected suburban-style layout. The proposal has sidewalks and storm water management facilities.

The project does not exhibit a unique design nor does it provide shared community facilities or other amenities for the interaction and enjoyment of the neighborhood by its residents.

A detailed review of the site plan using the manual (pp. 25-26, 39-43) will be required at plat review as well as a detailed architectural review (pp. 27-28) at site development plan review.

(c) Any other considerations relating to the location, size and specific character of the site deemed appropriate by the Commission having a substantial bearing on achieving maximum safety, convenience and environmental and amenity qualities for the development and its residents or users.

The proposal was reviewed by City Police, Fire, Public Works, and City Engineering Specialist. The City review concluded that the normal development procedures and the required special benefit assessments would be sufficient to cover the impact of 53 new residences.

(d) The Comprehensive Development Plan.

Staff comments related to this item are contained in sub-section 164-188 J., which follows.

J. In considering a rezoning application which includes a development plan, the Common Council shall consider whether the application and the development plan fulfill the purposes and requirements set forth in this chapter. In so doing, the Common Council shall make the following specific findings, in addition to any other findings which may be found to be necessary and appropriate to the evaluation of the proposed reclassification:

- (1) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or sector plan and that it does not conflict with the general plan, the City's capital improvements program or other applicable City plans and policies.

The following is noted by the Common Council in its 2006 Decision regarding this specific finding for the disapproved proposal from 2006.

First, it is not in substantial compliance with the use and density indicated in the development plan for Wakefield itself. As noted, the density units which were initially transferred to Parcel H were substantially reduced permanently and that reduction affects the entire development plan (2006 *Decision of the Common Council*, p. 5, last paragraph).

The subject proposal is similar. Regarding the subject proposal's consistency with the City's master plan, the City's adopted 2009 *Comprehensive Plan* states the following.

The 1978 Development Plan for the Wakefield Valley restricted the development of housing within the parcel where Wakefield Valley Golf Course and Conference Center exists today. However, the current land use is Low Density Residential even though the development plan will not allow any residential homes to be built in this area [emphasis added]. The WPZC recommended a land use change from Low Density Residential to Conservation to reflect the development plan and the existing land use. The existing land use for this parcel is the Wakefield Valley Golf Course and Conference Center surrounded by forest land and natural landscapes as well as a stream that runs from the southwest corner to the eastern portion of the parcel. This change reflects how the land is currently used; however, this change does not change the approved Development Plan for Wakefield Valley. The 2009 *Comprehensive Land Use Map* has re-designated the land use of this 240 acre parcel from Low Density Residential to Conservation (2009 *Comp Plan*, pp. 81-82).

Therefore, the 2009 *Comprehensive Plan* supports conservation of the open space, specifically recommending that the zoning for the property be changed to Conservation, which it was.

- (2) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in Articles II through XV, would provide for the maximum safety, convenience and amenity of the residents of the development and would be compatible with adjacent development.

The applicant must present evidence that this amendment would provide for the maximum safety, convenience and amenity of the residents on land subject to the General Development Plan for Wakefield Valley as well as its compatibility with the adjacent development, in other words, with development adjacent to land currently subject to the General Development Plan.

- (3) That the proposed vehicular and pedestrian circulation systems are adequate and efficient.

The City provided a copy of the applicant's traffic study to Carroll County for its review. Since this is a conceptual level plan, the County review was as a courtesy. The County pointed out that more recent data and input from other agencies would be required. This would occur at the next stage of review (subdivision), if the application were approved to move forward.

- (4) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site.

Based on aerial photography, the proposal would appear to remove existing trees and require substantial grading of the entire property. There are no preservation areas shown.

- (5) That any proposals, including restrictions, agreements or other documents, which show the ownership and method of assuring perpetual maintenance of those areas, if any, that are intended to be used for recreational or other common or quasi-public purposes, are adequate and sufficient.

There are no common areas indicated for shared use by the residents of the neighborhood. For required public improvements like streets, water and sewer lines, etc., the standard public works agreement would be utilized. The lack of any common use space or any community facilities would appear to indicate a deficiency in the nature of the proposed development.

- (6) That the submitted development plan is in accord with all pertinent statutory requirements and is or is not approved. Disapproval of a development plan by the Common Council shall result in a denial of the rezoning application of which the development plan is a part.

Conclusion

In the big picture, the subject proposal is not consistent with the *2009 Comprehensive Plan*, nor is it in keeping with the central purpose of the original General Development Plan. That being said, the *2009 Comprehensive Plan* does envision the property as Conservation under the zoning provisions.

If the land were to be developed in line with those provisions, the permitted density would be three units per acre, or roughly a dozen new houses. Utilizing a cluster design approach, this density could be accommodated on 14 acres including a street or plaza. It could allow for community facilities, open space preservation (in order to meet the required 31%), and a uniquely designed setting to provide a special sense of place. Article III (C-Conservation Zone) is attached for your reference.

Recommendation

Staff recommends that the Commission consider “approval with recommended modifications,” pursuant to § 164-188 H. (1), in order to allow nine new density units and transfer the existing three units for a total of 12 density units with the condition that a cluster design be undertaken to maintain a minimum of 24 acres in open space land to preserve the required 31% open space.

Attachments

- 2015 Special Purpose Plat Re-subdivision of “P” & “Q” of Wakefield Valley (2 sheets)
- 2006 Decision of Common Council on the proposed third amended development Plan (9 pages)
- General Development Plan Description, Wakefield Valley/Fenby Farm, dated 1/12/78 (5 pages)
- Proposed Fourth Amended General Development Plan & Density Plan Wakefield Valley (1 sheet)
- Proposed Fourth Amendment to the General Development Plan for Wakefield Valley (3 sheets)
- Traffic Impact Study by Lenhart Traffic Consulting, Inc. (without the appendices due to file size)
- Text of the C Conservation Zone, Article III of the Westminster City Code

DECISION OF THE COMMON COUNCIL

CITY OF WESTMINSTER

RE: THIRD AMENDED DEVELOPMENT PLAN
WAKEFIELD VALLEY
DEVELOPER: WOODHAVEN BUILDING & DEVELOPMENT, INC.

* * * * *

Decision

On May 5, 2006, Woodhaven Building & Development, Inc. ("Woodhaven") submitted an application to amend the Development Plan for Wakefield Valley. The application included 320 senior cottages which would be developed on nine holes of the existing 27 hole Wakefield Valley Golf Course. The approximate size of the subject property is 167 acres of land and it is zoned R-20,000 Residential.

The original Development Plan for Wakefield Valley was approved in 1978. As a result, under the provisions of Section 164-133B of the City's Zoning Ordinance, development of the property is required to be accomplished in accordance with the approved Development Plan. That Section authorizes the Common Council to amend any development plan utilizing the procedures contained in Section 164-188J of the Zoning Ordinance.

The City's staff recommended denial of the requested amendment of the Development Plan and the application was forwarded to the City's Planning and Zoning Commission which conducted a public hearing on October 12, 2006. Subsequently, at its November 9, 2006 meeting, the Planning and Zoning Commission voted unanimously to forward an unfavorable recommendation to The Mayor and Common Council.

On November 27, 2006, the Common Council conducted a public hearing on the proposed amended Development Plan which lasted for over five and one-half (5 ½) hours. At that time, evidence and testimony were submitted both in support of the proposal and in opposition to it. After discussing this request at its meeting conducted on December 11, 2006, the Common Council determined to deny the requested amendment for the reasons set forth in this decision. In doing so, it expresses its agreement with the analysis and conclusions of staff and the Commission, and incorporates their recommendation herein.

Introduction

Legal Framework Regarding Development Plans

Subsection B of Section 164-133 of the Westminster City Code provides that development plans which were approved by The Mayor and Common Council prior to November 5, 1979, shall be continued to be approved and valid regardless of the zoning of the property involved. The section further goes on to allow applications to be made and considered by the Common Council to amend development plans consistent with Section 164-188J of the Zoning Ordinance. In turn, that section is the section which is utilized by the Common Council with respect to approving applications for floating zones. Those types of zoning applications consist of the rezoning itself, as well as a detailed approved development plan. As noted, Section 164-133 incorporates that process for amendments to previously approved development plans.

Under Subsection J of Section 164-188, there are various considerations which the Common Council evaluates in determining whether or not to grant an amendment to a development plan. First, the Council is required to consider whether the proposed development plan or amendment fulfills the purposes and requirements set forth in the Zoning Ordinance. There are particular criteria which are outlined in that section. They include a requirement that the amendment to the development plan does not conflict with the General Plan, the City's Capital Improvements Program or other applicable plans and policies. Further, the amended development must be in substantial compliance with the use and density indicated by the Master Plan or Sector Plan.

Second, the proposed development is required to provide for the maximum safety, convenience and amenity of the residents of the development and be compatible with adjacent development.

Third, the proposed vehicular and pedestrian circulation systems must be adequate and efficient.

Fourth, the proposed development's design must, by minimizing grading and by other means, tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site.

Fifth, the Applicant's proposal must be adequate and sufficient as to agreements or other documents relating to the use of the property.

Sixth, the submitted development plan amendment must be in accord with all pertinent statutory requirements before it can be approved.

The Applicant has the burden of proof and persuasion in order to secure approval of an amended development plan. The Council has determined that the Applicant did not produce sufficient credible evidence and testimony to have met its burden of proof to show that all of the above-referenced elements have been met. Furthermore, assuming that the Applicant had met such burden of proof of presenting such evidence, it has still failed to persuade the Council that the application should be granted. The Council concludes that the Applicant failed to meet its burden of proof and persuasion as to each and every one of the required elements under Section 164-188J and that the Applicant's failures as to each of them independently constitutes a basis to deny the requested amendment to the Development Plan.

In reaching its determination, the Council notes that the Applicant presented some expert testimony in support of its application. Some of the testimony advanced by those experts were spoken in generalities without sufficient details, facts and figures to support their contentions. That aspect of the presentation has resulted in the Council's finding that the testimony and evidence was inadequate, incomplete and unpersuasive. In other areas, there was expert testimony which was detailed in part, but the conclusions to be drawn from the details do not support the conclusions which the Applicant wished the Council to reach. Similarly, some of the testimony of the various experts was not consistent and at times contradictory. Simply stated, the Applicant failed both as to its burdens of proof and persuasion.

Prior to discussing each of the above-referenced criteria, some discussion is appropriate with respect to conflicting contentions as to the number of density units that are available within the Wakefield Valley Development Plan.

Available Density Units

The original Development Plan for Wakefield Valley was approved in 1978. The Development Plan included approximately 734 acres of land. It allowed for the residential development of a range of 670-768 units, as well as some commercial property. The balance of the plan was open space. The majority of the open space constituted the original 18-hole Wakefield Valley Golf Club. Subsequently, additional acreage was purchased to allow

for the construction and operation of a 27-hole golf course. As a result of that purchase, the Development Plan was amended to provide for a transfer of certain residential units from the golf course property to a parcel known as Parcel H. That modification was approved by the Planning Commission on November 13, 1986, and by The Mayor and Common Council on January 12, 1987.

In 1989, Michael and Carol Oakes (“Oakes”) requested an amendment to the 1978 Westminster Development Plan for the property known as Parcel H. At that time, the Development Plan provided for 214 residential units for that parcel. However, Oakes requested an amendment which would result in the creation of only 55 lots. By memorandum dated November 28, 1989, the Planning and Zoning Commission issued a favorable recommendation as to the Oakes proposal. Its memorandum stated that its favorable recommendation was subject to numerous conditions which included Condition No. 5. That condition stated:

“That the approved General Development Plan for Wakefield Valley be modified to show a reduction of the 112-159 residential units and ten acres of commercial development on Parcel H.”

Later in its recommendation, the Commission stated:

“As noted, the proposed Fenby Farm subdivision will provide for a reduction in commercial development and residential units on the Wakefield Valley Parcel H site, along with and accompanying overall reduction in commercial development and residential units on the approved General Development Plan for Wakefield Valley.”

Subsequently, the Common Council issued a written decision approving the Oakes’ request for the 55 lots to be developed on Parcel H. In its decision, it referenced the various recommendations of the Commission including the aforesaid Condition No. 5. The Common Council agreed with the findings, conclusions and recommendations of the Commission and incorporated them by reference. It then approved the Oakes application subject to specific conditions in its decision. Condition No. 6 provided that the Oakes Preliminary Plan/Development Plan was approved “subject to the conditions as approved by the Planning and Zoning Commission in its memorandum of November 28, 1989.

During the course of the instant proceedings, Woodhaven has represented that it has “applied to use density allocated to property identified in the Wakefield Valley General Development Plan (“Plan”) as Parcel H for property identified in the plan as Parcels M-1 and M-2.”

Some opposition advanced a contrary position that no such dwelling units remain available on Parcel H and that, assuming that any such units were available, they could not be simply reassigned to Woodhaven for purposes of its application.

In light of the above-referenced decision of the Common Council regarding the Oakes application, the issue has arisen as to whether there are any dwelling units remaining on Parcel H for the “reassignment” requested by the Applicant.

After reviewing the information and applicable statutory references, the Council concludes that the density previously allowed to Parcel H in the prior approved Development Plan terminated and was extinguished by the Council when it acted on an application previously filed by the Oakes. As a result, no such units remain available from Parcel H to be reassigned to the Applicant’s proposal. Despite the absence of any dwelling units left available to Parcel H, the Applicant still had the ability to request that the Council amend the Development Plan for its proposal. However, as discussed herein the Applicant did not meet its burden of proof and persuasion.

The Statutory Standards

Section 164-188J provides that the Common Council shall make certain specific findings in addition to any other findings which may be found to be necessary and appropriate in the evaluation of a proposed amendment to a development plan.

The first specific finding is that the application is in substantial compliance with the use and density indicated by the Master Plan or Sector Plan and that it does not conflict with the General Plan, the City’s Capital Improvements Program or other applicable City plans and policies. The Common Council is unable to make those findings and determines that the application fails for multiple reasons. First, it is not in substantial compliance with the use and density indicated by the development plan for Wakefield Valley itself. As noted, the density units which were initially transferred to Parcel H were substantially reduced permanently and that reduction affects the entire development plan. Furthermore, the proposed development is not consistent with the City’s General Plan and would overburden its Capital Improvements Program and other applicable City plans and policies.

The Council takes notice of the water situation which has been recently the subject of much discussion over the past several months. Previously, the Council has recognized the possibility that at some point in time the City's water supply system could be inadequate to supply the reasonably anticipated demands. As a result, it enacted Section 164-14 of the Westminster City Code.

Section 164-14 authorizes The Mayor and Common Council to establish an allocation policy for providing its water and sewer service. The allocation policy allows for projects which had been identified by the Carroll County Health Department as requiring water service for health and safety reasons, schools and other public facilities, churches, hospitals, medicals or non-profit facilities and major industrial and commercial projects. Residential development is not among the categories listed in the statute dealing with the allocation of water in the event of an inadequate situation.

Mention was made by the Applicant's water expert of a meeting held over a year ago with the State based on some generalized concept for the proposed development. However, the City's water situation has moved far beyond the sketchy description made by the Applicant's water expert. Rather, the expert did not present any current evidence from the Maryland Department of the Environment as to the viability of the proposed project.

The testimony of the Applicant's water expert was not persuasive with respect to the issue of the ability of the water supply system to supply the project. While the City appreciates the efforts undertaken by the Applicant with respect to the possible donation of a well site or water allocation to the City, it is questionable whether or not the water itself could be utilized by the development in light of the above-referenced allocation policy mandated by the City Code. Similarly, the City appreciates the creative proposals advanced with respect to the beneficial re-use of water. However, under the current circumstances, the Council finds that the proposal is not consistent with the City's Capital Improvements Program and plans and policies relating to the provision of water.

The next area on which a specific finding is required to be made is that the proposed development would comply with the purposes, standards and regulations of the zone, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development. The Common Council cannot make that determination. Rather, it concludes that the proposed development would not provide for the maximum safety, convenience, and amenity of the residents of the development and that it would not be compatible with adjacent development.

The Common Council finds that the proposed development would not be compatible with adjacent existing development. The subject property has previously been developed as a part of an overall scheme of open space with golf course facilities. While the Applicant has advanced an argument that this development would be of low density, it obviously would be more density than is currently allowed. Additionally, testimony was received from individuals residing in the area as to the adverse change in the character of the neighborhood, particularly as to the siting of units.

The third finding that must be made by the Common Council is that the proposed vehicular and pedestrian circulation systems are adequate and sufficient. The Common Council cannot make that finding. The Applicant presented testimony from a traffic expert who described the methodology under which the traffic study was performed. Part of that study involved identifying additional traffic that would be projected to be generated by 320 senior housing units on the property. In connection with his testimony, the traffic expert indicated that there were guidelines regarding a restricted age community to reflect that traffic is reduced. The Applicant also presented testimony from an economist who testified that many of the senior households "...will be in the prime of their earning years, they will be making more than they ever will in the course of their careers. They will use the roads." Testimony was also received from the opposition as to the inadequate nature of the road system and the degree of traffic that would be generated by the Applicant's proposal. As a result of these contradictory presentations, the Common Council does not conclude that the proposed vehicular system would be adequate. Further, the traffic study is suspect and unpersuasive in light of its failure to recognize increased traffic which would be generated by the improvement of the golf course. In that regard, one of the Applicant's experts testified as to improvements which would be made to the golf course and how it would be marketed to a much wider audience for purposes of junior golf tournaments, and other activities which would draw more individuals to the course. Simply stated, the Council finds that the testimony with respect to traffic and its adequacy was not persuasive.

In addition to the traffic concerns, the one main ingress/egress point has raised concerns relating to the ability of Fire and Rescue and Police personnel's ability to respond in the case of an emergency situation. A secondary access via the existing parking lot for the clubhouse is inadequate to address that concern.

The testimony with respect to traffic and its adequacy was not persuasive and the Common Council cannot make a finding otherwise.

The next specific area involves a determination that by design, minimizing grading and by other means the proposed development would tend to prevent erosion of the soil and preserve natural vegetation and other natural features of the site. During the course of the hearing there was testimony from other individuals regarding water flooding and sinkholes. While there was some generalized testimony by the Applicant, the Council was not persuaded that the development would prevent erosion of the soil and preserve natural vegetation and other natural features of the site. Additionally, the construction of 320 senior units would, indeed, change the natural features of the site. As earlier indicated, the site serves as a part of the general open space for Wakefield Valley Development Plan.

The fifth requirement involves the Applicant's proposal regarding various restrictions and other documents. The Applicant has represented that the development would provide housing for persons who are 55 years of age or over. As a result, it has assumed that the proposed development would not have any impact upon the schools. The Applicant failed to provide any detailed testimony as to how it proposes to control the age of individuals who would be living in the development. That failure, in turn, leads the Council to question the Applicant's view that schools would not be adversely affected by the proposed development. In that regard, the Code of Federal Register referencing housing for persons who are 55 years of age or older recognizes that children may occupy said premises under certain circumstances. In summary, there was a failure on the part of the Applicant with respect to this important issue.

The sixth issue deals with a determination by the Council that the submitted development plan is in accord with all pertinent statutory requirements and is or is not approved. Based upon all of the testimony and evidence of record, the record is such that the Common Council has determined to not approve the proposed amendment to the development plan.

The Public Interest

In addition to finding that the proposed application does not meet the specific requirements of Section 164-188J, the Council is persuaded that denial of the proposed amendment would be in the public interest. In that regard, the Common Council recognizes the unfavorable recommendations advanced by its staff and the Planning Commission, and incorporates those recommendations by reference. The Common Council finds that the plan is not a good one for the City. It is not a good one for individuals who have purchased their

homes and live in the nearby area. It is not a good plan for the citizens of Westminster regarding the adverse impacts which can be foreseen on the City's Capital Improvements Program, its roads, its schools and other facilities. Indeed, the Council determines that it would not even be a good proposal for the individuals who would live on the proposed premises given the lack of adequate vehicular pattern which is necessary in order to protect their homes and lives during emergency situations. Accordingly, the Common Council finds that the proposed amended Development Plan is not consistent with the public interest.

Action

As a result of the above, the Common Council disapproves the proposed amendment to the Wakefield Valley Development Plan.

Common Council of Westminster

Date: 1-8-2007

By: Suzanne P. Albert
Suzanne P. Albert
President Pro Tem

GENERAL DEVELOPMENT PLAN DESCRIPTION

AUG 25 1978

Wakefield Valley/Fenby Farm 1/12/78

DEPT. of PLANNING
& PUBLIC WORKS

The Wakefield Valley/Fenby Farm General Development Plan includes 734.56± acres of land which lies between MD Route 31, Bell Road and Old New Windsor Road on the western edge of the City of Westminster. Existing access to the property is provided at two predetermined points on MD 31, at the intersection of Old New Windsor Road and Long Valley Road, near the lift station on the north side of Old New Windsor Road, more or less continuously along Bell Road, and several points along the proposed extension of Royer Road which will pass through the site and connect Union Town Road with MD Route 31.

The combined properties range in elevation from a low of approximately 528 feet to high of 693 feet. The land has slopes from 0 to 25% with the majority being in the 0-15% range. The main portion of the property orients to the main valley within which Cops Branch Creek lies, with the remainder orienting to Bell Road to the southwest and MD 31 to the southeast.

The Central spine of the combined properties is formed by a flood plain area and a new nine hole golf course which will be completed in the early summer of 1978. The majority of the site is open with substantial portion of the remaining areas covered with mixed hardwoods. Most of the significant tree cover exists on parcels A, B, J, and R.

The general development plan consists of three broad categories of land use; residential, commercial, and open space. Approximately 483 ± acres or 66% of the site is devoted to residential, 20± acres or 3% to commercial, and 228± or 31% to open space use. All parcels within the general development plan

have been identified with a parcel letter and acreage designation. On the attached summary sheet, densities have been identified for each residential parcel. These figures were established to portray the range of density which would occur in each of the parcels. It is assumed that within this framework some minor shifting of density may occur, to account for changes in the market, or other conditions which could not be anticipated at the time the General Development Plan was prepared.

With the notion that the combined properties represent an emerging new community, twenty acres of commercial land have been identified. The intent of this designation is to provide the opportunity for future neighborhood commercial services to be established. Both of the ten acre commercial parcels are located on the projects major internal road system (Royer Road extended). This was to allow convenient access to the facilities from within the community, and at the same time, eliminating the potential for strip commercial development to occur.

The major open space use within the community is a championship golf course. The first nine holes are scheduled to be in play early in the summer of 1978. Plans are presently underway for the completion of the remaining nine holes. The construction of the second nine will be based on increased demand and continued development of the residential component of the project.

Existing development consists mainly of the first phase of single family houses on Parcel I on the southern part of the site. Other existing development consists of the Griswold home and farm buildings on Parcel F, the "1767 farm house", barn, two residences and associated farm buildings on Parcel L, a new

residence adjacent to Bell road in Parcel B, and miscellaneous other residences and outbuildings located on the southern portion of Parcel S, the north eastern edge of Parcel K, and the south eastern portion of Parcel C.

The developers of the combined properties of Wakefield Valley and Fenby Farm, will over the coming months be refining the development plans and programs for their properties. During this process it is anticipated that changes in the market may create demands for uses which were not anticipated at the time of the preparation of the General Development Plan. The developers seek the cooperation of the City of Westminster in adopting and modifying their plans to accommodate such changes. The assumption is that such changes would be in keeping with the General Development Plan in terms of overall density, land use relationships and circulation.

It is assumed that information will be developed by the city in the near future that will establish guidelines for such issues as the plan review process and development standards.

WAKEFIELD VALLEY

Parcel	Acreage	Residential Unit Range	Commercial	Open Space	Avg. Density Unit/Acre Range
A	15.5 Ac	16			1
B	69.	175-200			2.5 - 2.8
C	51.9 Ac	150-175			2.8 - 3.3
D	3.2 Ac	3			1
E	16.2 Ac	125-150			7.7 - 9.3
F	17.0 Ac	10			.5
G	10.0 Ac	76-94			7.6 - 9.4
H	7.6 Ac	15-20			2 - 2.6
I	36.4 Ac	40			1.1
J	30.1 Ac	33			1
K	23.3 Ac	27			1.2
L			10 Ac		
M ₁				89.9 Ac	
M ₂				105.9 Ac	
Misc				4.44 Ac	
Totals	280.4	670-768	10	200.14 Ac	2.3 - 2.7

Total Site Area = 490.54Ac ±

FENBY FARM

N	66.3 Ac	100-133			1.5 - 2
O	45 Ac	45			2
P	15.6 Ac	93-124			6 - 8
Q			10		
R	23.6 Ac	47-59			2 - 2.5
S	52.2 Ac	104-130			2 - 2.5
T				11.5	
U				6.4	
Misc				10.27	
Totals	202.7	389-491	10	28.17	1.9 - 2.4

Total Site Area = 240.87 Ac ±

WAKEFIELD VALLEY AND FENBY FARM COMBINED TOTALS

483.1	1059-1259	20	228.17	2.2 - 2.6
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Other Area Statistics

Overall gross area total₁ = 734.56 ±
 Overall gross density = 1.6 unit/acre
 Percentage of total area in open space = 31%

¹ This total includes three parcels which belong to neither Wakefield Valley or the Fenby Farm tracts. The parcels are Porter Mason Lee 1.938 acres, Mayor and Common Council .16 acres, and Robert A. Fawble 1.052 acres.

WAKEFIELD VALLEY
 General Plan Revisions
 Land Design/Research, Inc.
 Preliminary Project Summary
 January, 1978

LAND USE	ACRES	UNITS/LOTS
Single Family D @ 1A <u>+</u>	-	23
1. Single Family D @ 20,000 <u>+</u>		198
Single Family Cluster @ 2.4/A gross		40
2. Single Family Attached @ 8/A gross		340
Lutheran Home Complex (300 units) @ 1/2 unit ea. credit		<u>165</u>
*TOTAL RESIDENTIAL		766
Commercial Opportunity	5.9A	
Opportunity Site Inst./Office	7.6A	
Opportunity Site Gen. Commercial Office Residential	7.0A	

1. Includes 10 unit residential reserve

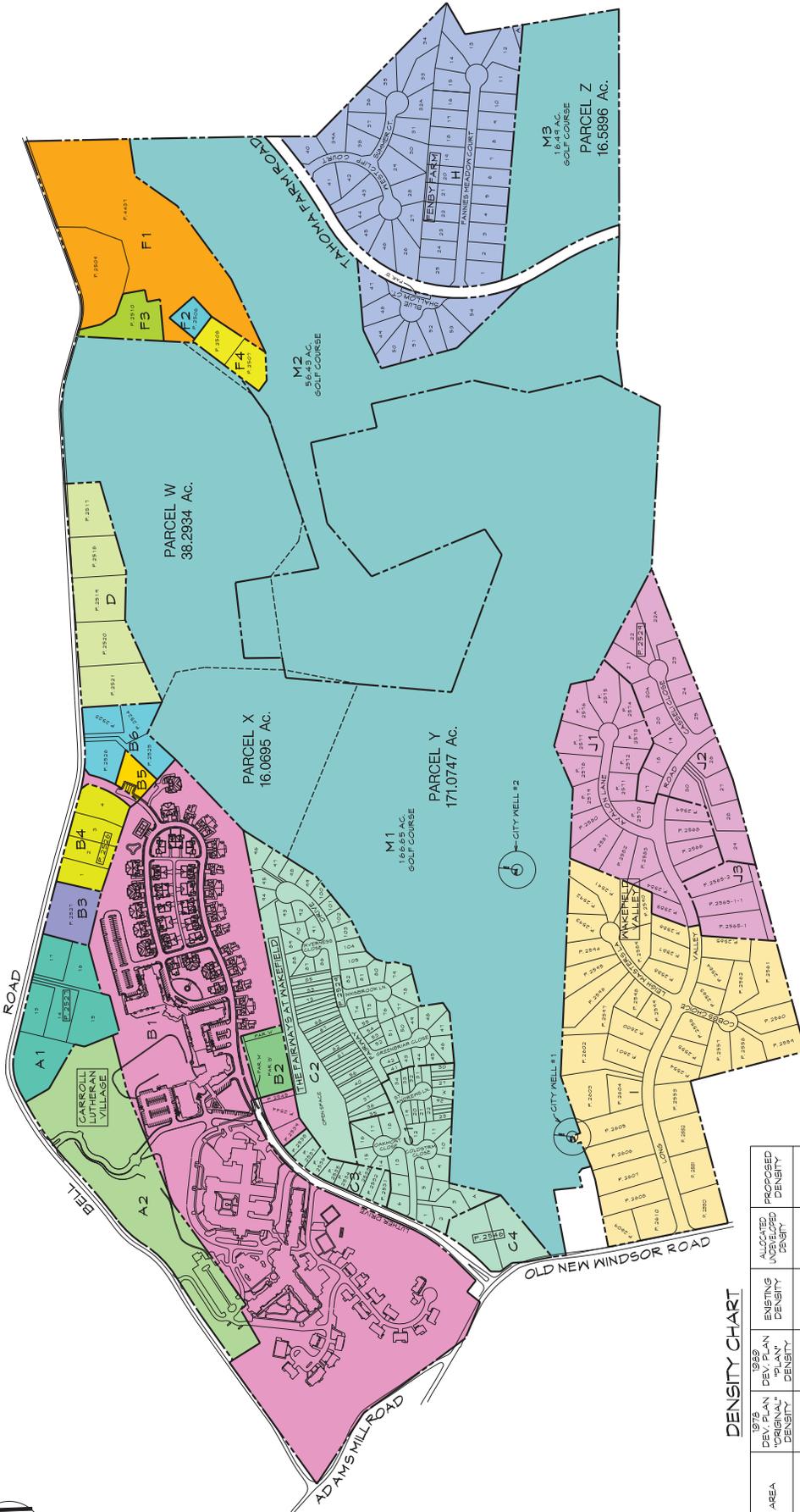
2. Includes 7A opportunity site

* Approved range 670-768

**GENERAL DEVELOPMENT PLAN
&
DENSITY PLAN
WAKEFIELD VALLEY
SCALE: 1" = 200'**



439 East Main Street Westminster, MD 21157-5539
(410) 848-1790 FAX (410) 848-1791



DENSITY CALCULATION

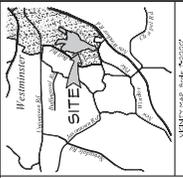
PARCELS A - K = 2804 AC. (PER 1979 GENERAL DEVELOPMENT PLAN)
PARCELS M1, M2 & M3 = 242.0 AC.
TOTAL (M, N, Y, Z) 532.4 AC
661 D.U. / 522.4 AC = 1.27 D.U. / GROSS ACRE

DENSITY CHART

DENSITY AREA	1979 DEV. PLAN "ORIGINAL" DENSITY	1989 DEV. PLAN "PLAN" DENSITY	EXISTING DENSITY	ALLOCATED UNRECORDED DENSITY	PROPOSED DENSITY
A1	6 D.U.	6 D.U.	6 D.U.	0 D.U.	-
A2	12 D.U.	12 D.U.	0 D.U.	12 D.U.	-
B1	295 D.U.	295 D.U.	295 D.U.	0 D.U.	-
B2	3 D.U.	3 D.U.	1 D.U.	2 D.U.	-
B3	1 D.U.	1 D.U.	1 D.U.	0 D.U.	-
B4	4 D.U.	4 D.U.	4 D.U.	0 D.U.	-
B5	1 D.U.	1 D.U.	0 D.U.	1 D.U.	-
B6	4 D.U.	4 D.U.	4 D.U.	0 D.U.	-
C1, C2, C3, C4	119 D.U.	119 D.U.	119 D.U.	0 D.U.	-
D	5 D.U.	5 D.U.	5 D.U.	0 D.U.	-
F1	1 D.U.	1 D.U.	1 D.U.	0 D.U.	-
F2	1 D.U.	1 D.U.	1 D.U.	0 D.U.	-
F3	1 D.U.	1 D.U.	1 D.U.	0 D.U.	-
F4	2 D.U.	2 D.U.	2 D.U.	0 D.U.	-
H	24 D.U.	55 D.U.	54 D.U.	1 D.U.	-
I	41 D.U.	41 D.U.	41 D.U.	0 D.U.	-
J1, J2, J3	39 D.U.	39 D.U.	39 D.U.	0 D.U.	-
M1, M2, M3	3 D.U.	3 D.U.	0 D.U.	3 D.U.	53 D.U.
TOTAL	767 D.U.	608 D.U.	569 D.U.	39 D.U.	53 D.U.

PROPERTY CHANGES

NO.	OWNER	ADDRESS	DATE	REMARKS
1
2
3
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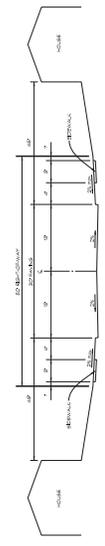
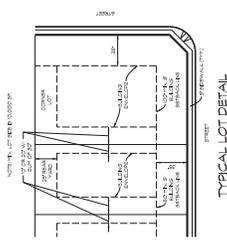


- DATA TABULATIONS**
- ZONING CONSERVATION
 - SOIL CLASSIFICATION MAP USES SOIL DATA
 - NUMBER OF LOTS: 53 SINGLE FAMILY HOMES
 - TOTAL AREA OF SITE: 38,474.1 AC
 - TOTAL AREA OF RIGHT-OF-WAY: 29,877.0 AC
 - TOTAL AREA OF DEDICATION: 0.4891 AC
 - TOTAL AREA OF OPEN SPACE: 4,381.3 AC
 - OPEN SPACE GREENSPACE
- WAKEFIELD GOLF COURSE PROPERTY: 176 AC ±
 THE FAIRWAYS AT WAKEFIELD: 5 AC ±
 CARROLL LUTHERAN VILLAGE: 45 AC ±
TOTALS: 228 AC ±

- GENERAL NOTES**
- OWNER: W.V. WESTMINSTER, LLC
 DEED REFERENCE: L 2235, F. 136
 DATED: FEB. 26, 2016
 GRANTOR: RICHARD H. KREBS, BJA, TRUSTEE, ET AL.
 GRANTEE: WAKEFIELD VALLEY HOUSING DEVELOPMENT, INC. APRIL 2009
 PLANNED BY: WINGS AERIAL MAPPING, INC. APRIL 2009
 THE OUTLINE SHOWN HEREON IS FROM DEED INFORMATION ONLY
 THE S.W.M. SHOWN SHALL CONFORM TO THE CITY OF WESTMINSTER SWM ORDINANCE, CHAPTER NO. 136
 THE CONSTRUCTION OF ROADWAYS, WATER & SEWER SHALL CONFORM TO THE CITY OF WESTMINSTER DESIGN STANDARDS
 THE 100 YEAR FEMA FLOODPLAIN SHOWN IS TAKEN FROM FEMA MAP NO. 240018 0002 C
 ALL PROPOSED ROADWAYS & STORAGE ARE TO BE PUBLIC
 THE WAKEFIELD VALLEY DEVELOPMENT PLAN IS IN THE OVERLAY ZONE WHICH PREPARES THE CONSERVATION ZONE
 PROPOSED REE INDIANTS TO BE PLACED IN ACCORDANCE TO CITY OF WESTMINSTER CRITERIA
 TO ALL LANDSCAPING TO MEET THE REQUIREMENTS OF THE CITY OF WESTMINSTER

- BOUNDARY LINE TABLE**
- | NUMBER | BEARING | DISTANCE |
|--------|---------------------|----------|
| 1-1 | N. 81° 24' 27.0" W. | 405.221' |
| 1-2 | S. 81° 24' 27.0" E. | 38.883' |
| 1-3 | N. 81° 24' 27.0" W. | 38.883' |
| 1-4 | S. 81° 24' 27.0" E. | 405.221' |
| 1-5 | N. 81° 24' 27.0" W. | 405.221' |
| 1-6 | S. 81° 24' 27.0" E. | 38.883' |
| 1-7 | N. 81° 24' 27.0" W. | 38.883' |
| 1-8 | S. 81° 24' 27.0" E. | 405.221' |
| 1-9 | N. 81° 24' 27.0" W. | 405.221' |
| 1-10 | S. 81° 24' 27.0" E. | 38.883' |
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| 1-12 | S. 81° 24' 27.0" E. | 405.221' |
| 1-13 | N. 81° 24' 27.0" W. | 405.221' |
| 1-14 | S. 81° 24' 27.0" E. | 38.883' |
| 1-15 | N. 81° 24' 27.0" W. | 38.883' |
| 1-16 | S. 81° 24' 27.0" E. | 405.221' |
| 1-17 | N. 81° 24' 27.0" W. | 405.221' |
| 1-18 | S. 81° 24' 27.0" E. | 38.883' |
| 1-19 | N. 81° 24' 27.0" W. | 38.883' |
| 1-20 | S. 81° 24' 27.0" E. | 405.221' |
| 1-21 | N. 81° 24' 27.0" W. | 405.221' |
| 1-22 | S. 81° 24' 27.0" E. | 38.883' |
| 1-23 | N. 81° 24' 27.0" W. | 38.883' |
| 1-24 | S. 81° 24' 27.0" E. | 405.221' |
| 1-25 | N. 81° 24' 27.0" W. | 405.221' |
| 1-26 | S. 81° 24' 27.0" E. | 38.883' |
| 1-27 | N. 81° 24' 27.0" W. | 38.883' |
| 1-28 | S. 81° 24' 27.0" E. | 405.221' |
| 1-29 | N. 81° 24' 27.0" W. | 405.221' |
| 1-30 | S. 81° 24' 27.0" E. | 38.883' |
| 1-31 | N. 81° 24' 27.0" W. | 38.883' |
| 1-32 | S. 81° 24' 27.0" E. | 405.221' |
| 1-33 | N. 81° 24' 27.0" W. | 405.221' |
| 1-34 | S. 81° 24' 27.0" E. | 38.883' |
| 1-35 | N. 81° 24' 27.0" W. | 38.883' |
| 1-36 | S. 81° 24' 27.0" E. | 405.221' |
| 1-37 | N. 81° 24' 27.0" W. | 405.221' |
| 1-38 | S. 81° 24' 27.0" E. | 38.883' |
| 1-39 | N. 81° 24' 27.0" W. | 38.883' |
| 1-40 | S. 81° 24' 27.0" E. | 405.221' |
| 1-41 | N. 81° 24' 27.0" W. | 405.221' |
| 1-42 | S. 81° 24' 27.0" E. | 38.883' |
| 1-43 | N. 81° 24' 27.0" W. | 38.883' |
| 1-44 | S. 81° 24' 27.0" E. | 405.221' |
| 1-45 | N. 81° 24' 27.0" W. | 405.221' |
| 1-46 | S. 81° 24' 27.0" E. | 38.883' |
| 1-47 | N. 81° 24' 27.0" W. | 38.883' |
| 1-48 | S. 81° 24' 27.0" E. | 405.221' |
| 1-49 | N. 81° 24' 27.0" W. | 405.221' |
| 1-50 | S. 81° 24' 27.0" E. | 38.883' |
| 1-51 | N. 81° 24' 27.0" W. | 38.883' |
| 1-52 | S. 81° 24' 27.0" E. | 405.221' |
| 1-53 | N. 81° 24' 27.0" W. | 405.221' |
| 1-54 | S. 81° 24' 27.0" E. | 38.883' |
| 1-55 | N. 81° 24' 27.0" W. | 38.883' |
| 1-56 | S. 81° 24' 27.0" E. | 405.221' |
| 1-57 | N. 81° 24' 27.0" W. | 405.221' |
| 1-58 | S. 81° 24' 27.0" E. | 38.883' |
| 1-59 | N. 81° 24' 27.0" W. | 38.883' |
| 1-60 | S. 81° 24' 27.0" E. | 405.221' |
| 1-61 | N. 81° 24' 27.0" W. | 405.221' |
| 1-62 | S. 81° 24' 27.0" E. | 38.883' |
| 1-63 | N. 81° 24' 27.0" W. | 38.883' |
| 1-64 | S. 81° 24' 27.0" E. | 405.221' |
| 1-65 | N. 81° 24' 27.0" W. | 405.221' |
| 1-66 | S. 81° 24' 27.0" E. | 38.883' |
| 1-67 | N. 81° 24' 27.0" W. | 38.883' |
| 1-68 | S. 81° 24' 27.0" E. | 405.221' |
| 1-69 | N. 81° 24' 27.0" W. | 405.221' |
| 1-70 | S. 81° 24' 27.0" E. | 38.883' |
| 1-71 | N. 81° 24' 27.0" W. | 38.883' |
| 1-72 | S. 81° 24' 27.0" E. | 405.221' |
| 1-73 | N. 81° 24' 27.0" W. | 405.221' |
| 1-74 | S. 81° 24' 27.0" E. | 38.883' |
| 1-75 | N. 81° 24' 27.0" W. | 38.883' |
| 1-76 | S. 81° 24' 27.0" E. | 405.221' |
| 1-77 | N. 81° 24' 27.0" W. | 405.221' |
| 1-78 | S. 81° 24' 27.0" E. | 38.883' |
| 1-79 | N. 81° 24' 27.0" W. | 38.883' |
| 1-80 | S. 81° 24' 27.0" E. | 405.221' |
| 1-81 | N. 81° 24' 27.0" W. | 405.221' |
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| 1-85 | N. 81° 24' 27.0" W. | 405.221' |
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| 1-87 | N. 81° 24' 27.0" W. | 38.883' |
| 1-88 | S. 81° 24' 27.0" E. | 405.221' |
| 1-89 | N. 81° 24' 27.0" W. | 405.221' |
| 1-90 | S. 81° 24' 27.0" E. | 38.883' |
| 1-91 | N. 81° 24' 27.0" W. | 38.883' |
| 1-92 | S. 81° 24' 27.0" E. | 405.221' |
| 1-93 | N. 81° 24' 27.0" W. | 405.221' |
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| 1-96 | S. 81° 24' 27.0" E. | 405.221' |
| 1-97 | N. 81° 24' 27.0" W. | 405.221' |
| 1-98 | S. 81° 24' 27.0" E. | 38.883' |
| 1-99 | N. 81° 24' 27.0" W. | 38.883' |
| 1-100 | S. 81° 24' 27.0" E. | 405.221' |

- BOUNDARY CURVE DATA**
- | NUMBER | BEARING | DISTANCE | CHORD BEARING | CHORD DISTANCE | ARC DISTANCE |
|--------|---------------------|----------|---------------------|----------------|--------------|
| 1-1 | N. 81° 24' 27.0" W. | 405.221' | N. 81° 24' 27.0" W. | 405.221' | 405.221' |
| 1-2 | S. 81° 24' 27.0" E. | 38.883' | S. 81° 24' 27.0" E. | 38.883' | 38.883' |
| 1-3 | N. 81° 24' 27.0" W. | 38.883' | N. 81° 24' 27.0" W. | 38.883' | 38.883' |
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| 1-5 | N. 81° 24' 27.0" W. | 405.221' | N. 81° 24' 27.0" W. | 405.221' | 405.221' |
| 1-6 | S. 81° 24' 27.0" E. | 38.883' | S. 81° 24' 27.0" E. | 38.883' | 38.883' |
| 1-7 | N. 81° 24' 27.0" W. | 38.883' | N. 81° 24' 27.0" W. | 38.883' | 38.883' |
| 1-8 | S. 81° 24' 27.0" E. | 405.221' | S. 81° 24' 27.0" E. | 405.221' | 405.221' |
| 1-9 | N. 81° 24' 27.0" W. | 405.221' | N. 81° 24' 27.0" W. | 405.221' | 405.221' |
| 1-10 | S. 81° 24' 27.0" E. | 38.883' | S. 81° 24' 27.0" E. | 38.883' | 38.883' |
| 1-11 | N. 81° 24' 27.0" W. | 38.883' | N. 81° 24' 27.0" W. | 38.883' | 38.883' |
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| 1-14 | S. 81° 24' 27.0" E. | 38.883' | S. 81° 24' 27.0" E. | 38.883' | 38.883' |
| 1-15 | N. 81° 24' 27.0" W. | 38.883' | N. 81° 24' 27.0" W. | 38.883' | 38.883' |
| 1-16 | S. 81° 24' 27.0" E. | 405.221' | S. 81° 24' 27.0" E. | 405.221' | 405.221' |
| 1-17 | N. 81° 24' 27.0" W. | 405.221' | N. 81° 24' 27.0" W. | 405.221' | 405.221' |
| 1-18 | S. 81° 24' 27.0" E. | 38.883' | S. 81° 24' 27.0" E. | 38.883' | 38.883' |
| 1-19 | N. 81° 24' 27.0" W. | 38.883' | N. 81° 24' 27.0" W. | 38.883' | 38.883' |
| 1-20 | S. 81° 24' 27.0" E. | 405.221' | S. 81° 24' 27.0" E. | 405.221' | 405.221' |
| 1-21 | N. 81° 24' 27.0" W. | 405.221' | N. 81° 24' 27.0" W. | 405.221' | 405.221' |
| 1-22 | S. 81° 24' 27.0" E. | 38.883' | S. 81° 24' 27.0" E. | 38.883' | 38.883' |
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4th AMENDED GENERAL DEVELOPMENT
WAKEFIELD VALLEY
 CITY OF WASHINGTON
 7th ELECTORAL DISTRICT, CAROL COUNTY, MARYLAND
 PREVIOUSLY RECORDED IN PLAT BOOK 54, 127

CLSI
 CONSULTING LAND SURVEYING INC.
 488 EAST WASHINGTON STREET, SUITE 200, WASHINGTON, MD 20757
 TEL: 301-555-1234 FAX: 301-555-5678
 WWW.CLSI-INC.COM

OWNER / DEVELOPER
 WAKEFIELD VALLEY
 12345 WASHINGTON BLVD
 WASHINGTON, MD 20757
 TEL: 301-555-9999
 FAX: 301-555-8888

DATE: 10/15/2024
 SCALE: AS SHOWN
 SHEET NO.: 81
 COUNTY: FG

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FOR CONTINUATION SEE SHEET

Lenhart Traffic Consulting, Inc.
Transportation Planning & Traffic Engineering

Memorandum:

Date: April 5, 2016

TO: Mr. Richard Kress
WV Westminster LLC
15 West Aylesbury Road, Suite 700
Timonium, MD 21093

FROM: Mike Lenhart

RE: Wakefield Valley

Dear Mr. Kress,

We have reviewed the attached Traffic Impact Study (TIS) for Wakefield Valley dated October 20, 2014. At that time, the TIS included 70 single family residential units and a 3% growth in traffic volumes to 2018.

The current development program includes a total of 67 single family residential units, and the actual traffic growth on MD 140 and MD 31 is well below 3% per year according to historical traffic data conducted annually by the State Highway Administration.

The findings of the traffic study showed that all of the study intersections would operate at acceptable levels of service, and it is our opinion that the report remains valid for the purposes of the zoning discussions with the city.

If you have any questions regarding this matter, please do not hesitate to contact me at the number below.

Thanks,
Mike



LENHART TRAFFIC CONSULTING, INC.

645 BALTIMORE ANNAPOLIS BLVD, SUITE 214
SEVERNA PARK, MD 21146
www.lenharttraffic.com

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EMAIL: mlenhart@lenharttraffic.com

TRAFFIC IMPACT ANALYSIS
FOR
WAKEFIELD VALLEY

Prepared for:

WV Westminster LLC

Prepared by:

LENHART TRAFFIC CONSULTING, INC.

TRAFFIC ENGINEERING & TRANSPORTATION PLANNING

PHONE: (410) 987-3888 FAX: (443) 782-2288

October 20, 2014

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Appendices

- A Supplemental Info, Traffic Volumes, Speed Studies
- B CLV Worksheets
- C Highway Capacity Software Worksheets



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Exhibit 3	Existing Peak Hour Traffic Volumes	8
Exhibit 4	Background Peak Hour Traffic Volumes	10
Exhibit 5	Trip Generation for Site	12
Exhibit 6	Trip Assignment for Site	13
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Exhibit 8	Results of Level of Service Analysis	15

Section 1 Introduction

1.1 Project Description

This Traffic Impact Analysis was prepared for the re-development of Wakefield Valley Golf Course located to the west of Maryland Route 31 with access via Bell Road as shown on Exhibit 1.

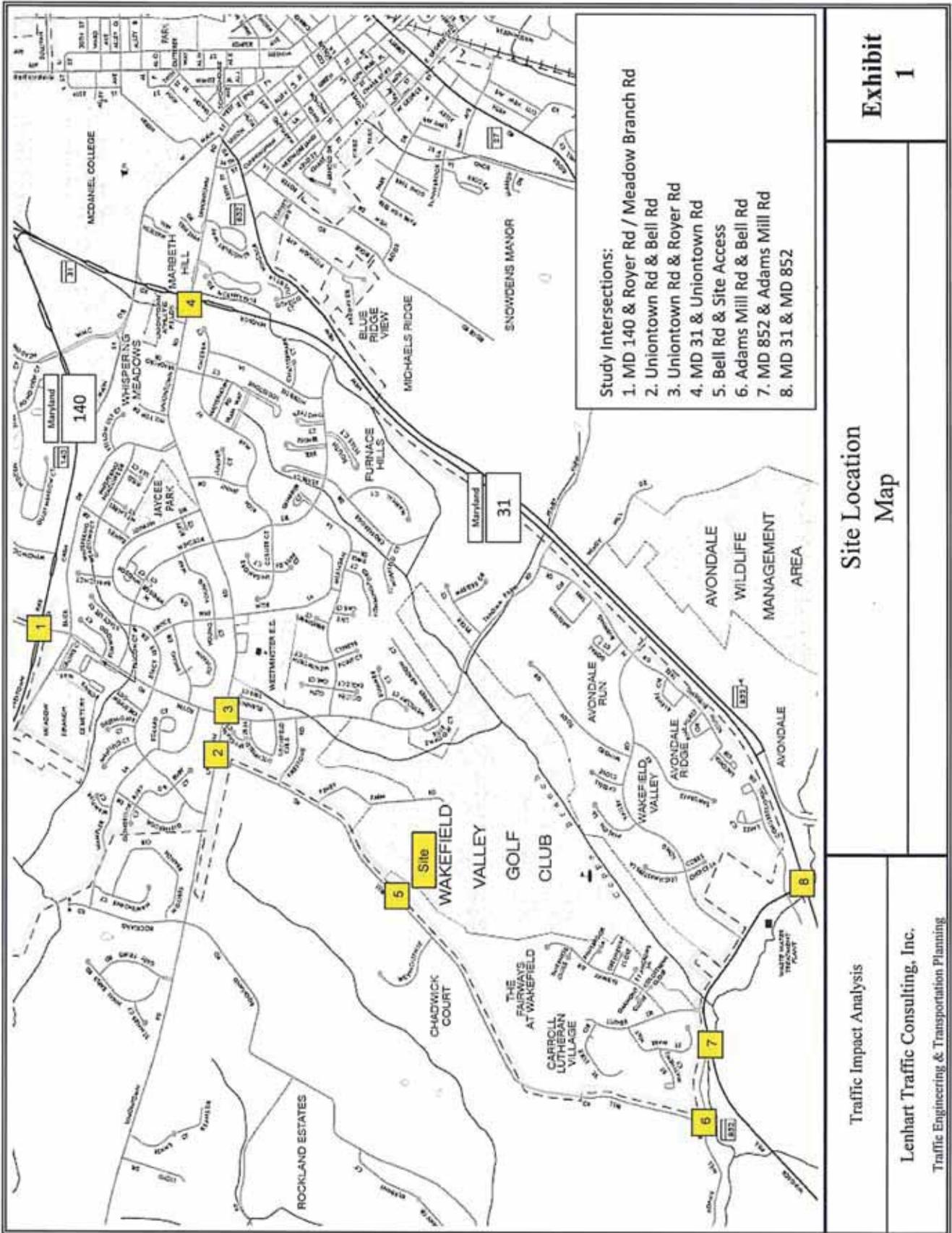
The property currently developed with the Wakefield Valley Golf Course, however, the golf course is no longer in operation and is proposed to be re-developed with approximately 70 single family homes.

1.2 Scope of Study

The scope of this study is consistent with Carroll County Zoning Code and SHA Guidelines.

As detailed in the County Zoning Code Section 71-5.D.(1)&(2) (b), “The projected level of service for intersections within the traffic impact study area for the proposed project is adequate if the rated Level of Service for the intersection is rated at a Level of Service “D” or better according to the (regulating agency) Department of Public Works or by the State of Maryland, as applicable”.

Chapter 5 of the Carroll County’s Design Manual contains the County’s Traffic Impact Study Guidelines. Chapter 5.1.10 specifies that all intersections shall be analyzed using the Critical Lane Volume (CLV) technique and that a Level of Service “D” (measured as a CLV of 1,450) or better is considered adequate. The County also requires the use of the Highway Capacity Software (HCS) methodology which was also included in this analysis. This methodology also complies with the Maryland State Highway Administration’s (SHA) Guidelines.



**Exhibit
1**

**Site Location
Map**

Traffic Impact Analysis

Lenhart Traffic Consulting, Inc.
Traffic Engineering & Transportation Planning

Section 2 Existing Conditions

2.1 Description of Road Network

The property is located on Bell Road, a two lane road with a posted speed limit of 30 MPH and a north-south orientation between Uniontown Road and Adams Hill Road.

2.2 Existing Lane Configurations

The Existing Lane Use & Traffic Control Devices are shown on Exhibit 2.

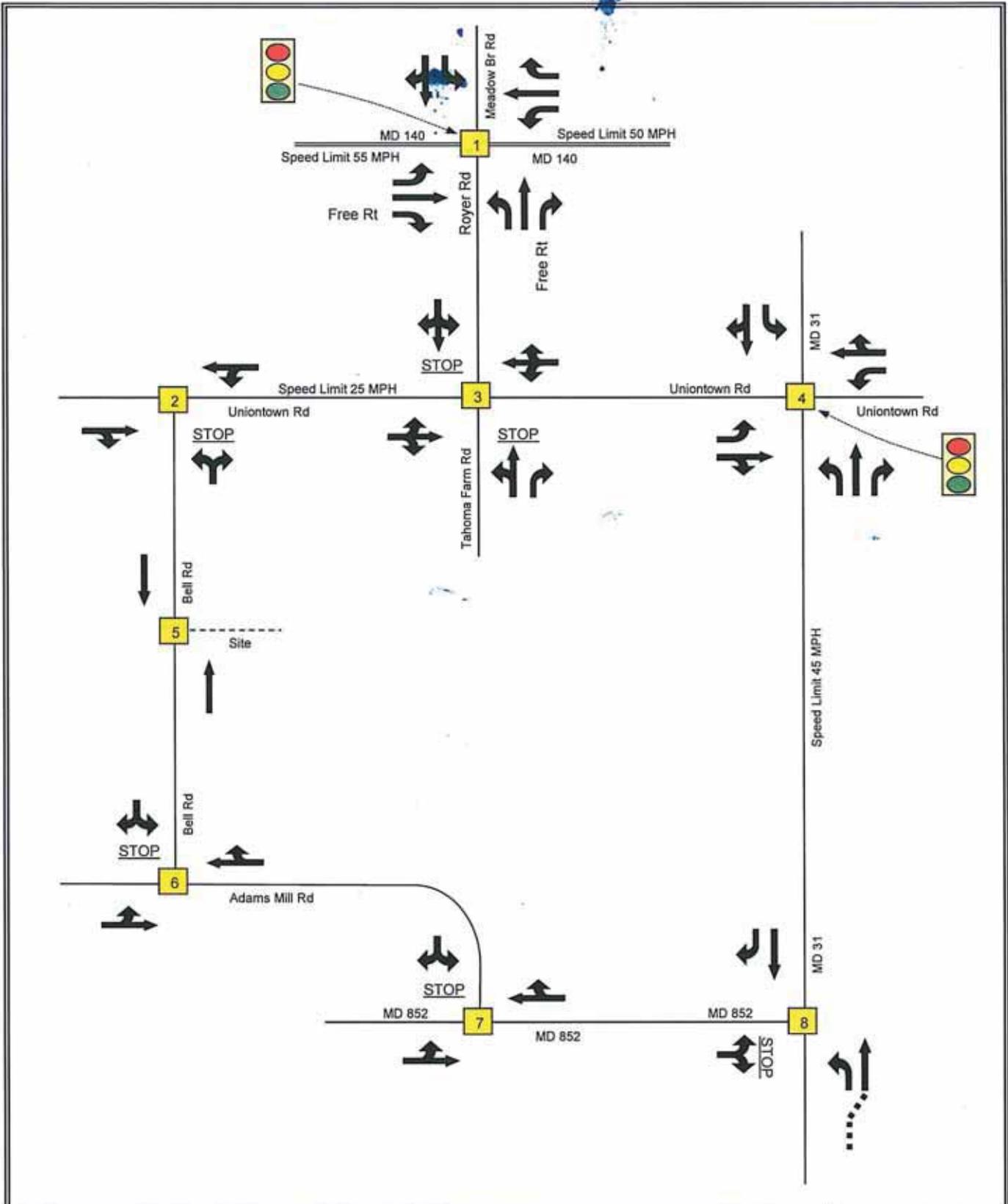
2.3 Existing Traffic Counts

Peak hour traffic counts were obtained for morning and evening peak periods. The peak hour volumes are provided on Exhibit 3.

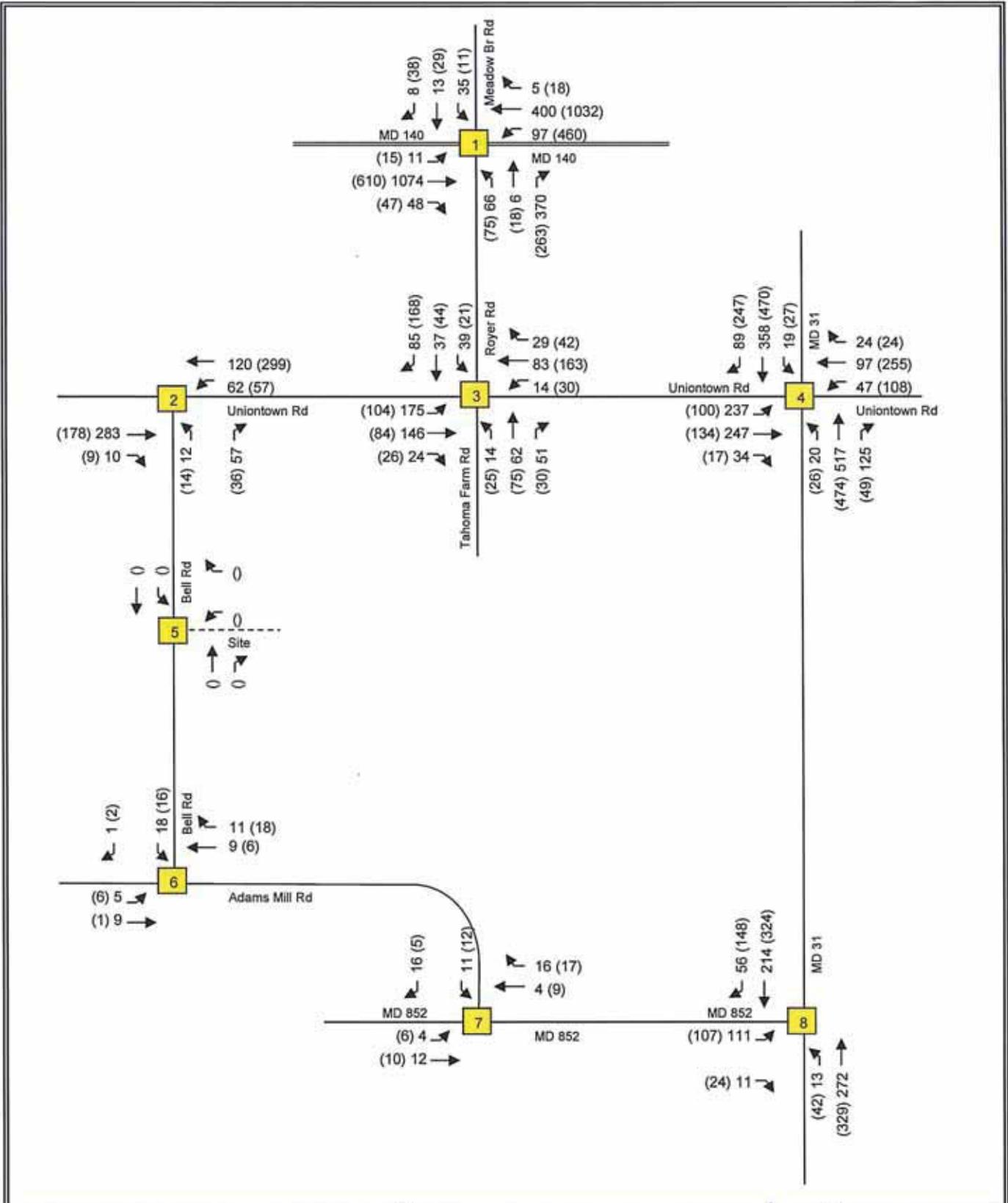
2.4 Results of Existing Level of Service Analysis

The intersections were analyzed using the Critical Lane Volume (CLV) methodology as required by the SHA and the County. The CLV methodology is a planning analyses that projects the overall intersection level of service.

The Critical Lane Volume (CLV) worksheets are contained in Appendix B and summarized on Exhibit 8. The intersections currently operate at a level of service "C" or better. Highway Capacity Software (HCS) analyses were conducted for the total traffic conditions as discussed in Section 4.



<p>Traffic Impact Analysis</p>	<p>Existing Lane Use & Traffic Controls</p>	<p>Exhibit 2</p>
<p>Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning</p>		



Traffic Impact Analysis	Existing (2014) Peak Hour Traffic Volumes	Exhibit 3
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning		

Key: xx = AM Peak Vol's (xx) = PM Peak Vol's

Section 3 Background Conditions

3.1 Annual Growth

The growth in annual traffic volumes were evaluated using the State Highway Administration's Annual Daily Traffic Volume (ADT) maps and the 10 year historical growth on MD 140 and MD 31 is one percent per year or less.

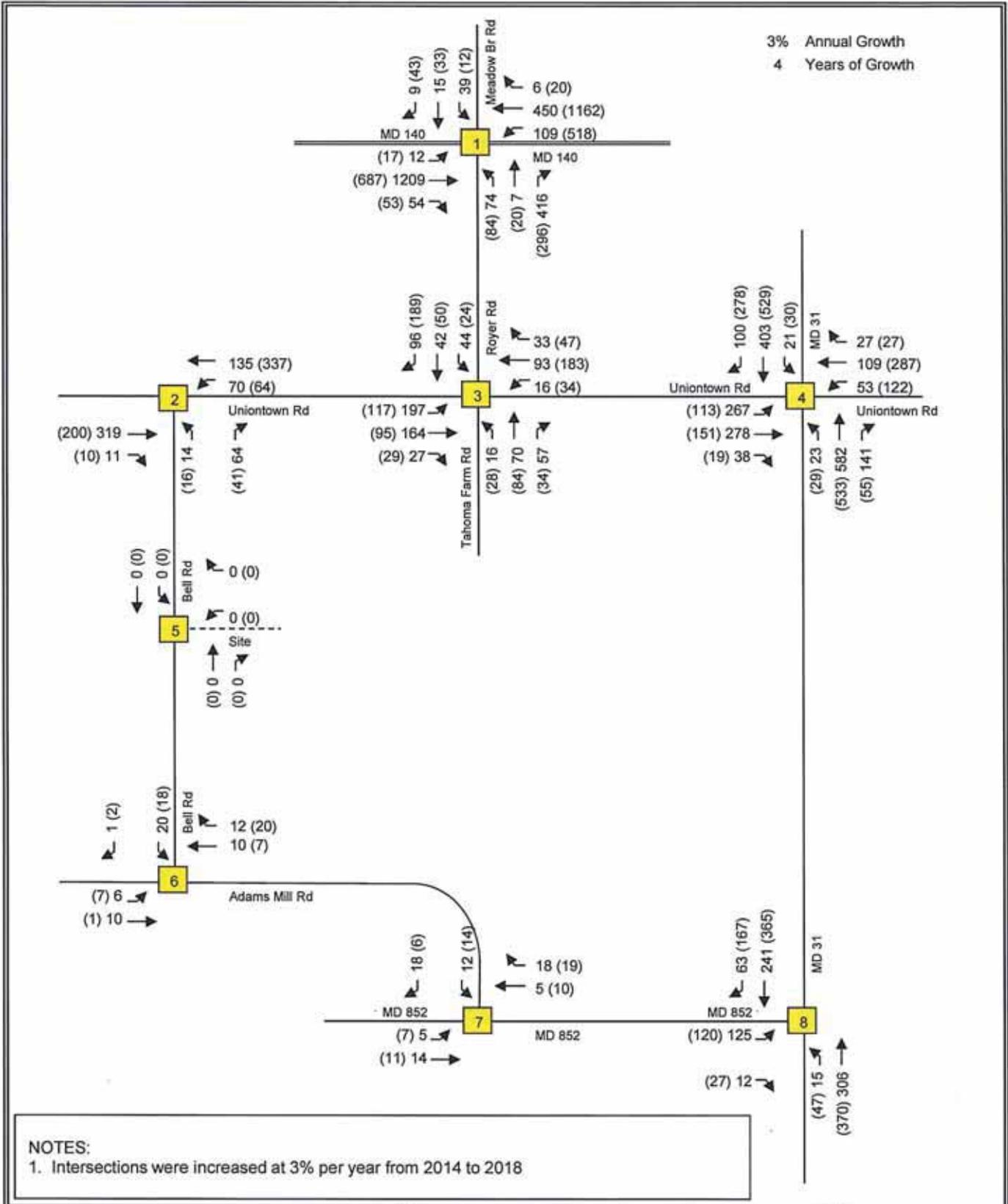
To be conservative, a three percent (3%) annual growth rate was applied in this report for a four (4) year study period.

3.2 Base/Background Traffic Volumes

Four (4) years of growth were applied to the traffic counts at 3% per year, and the resulting background peak hour traffic volumes are shown on Exhibit 4.

3.3 Results of Background Level of Service Analysis

The results of the CLV analyses are summarized on Exhibit 8 which reveals that all study intersections are projected to operate at a LOS "D" or better in the background traffic conditions.



NOTES:
1. Intersections were increased at 3% per year from 2014 to 2018

Traffic Impact Analysis	Base/Background (2018) Peak Hour Traffic Volumes	Exhibit 4
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning	Key: xx = AM Peak Vol's (xx) = PM Peak Vol's	

Section 4 Projected Conditions with Proposed Development

4.1 Site Trip Generation

The property currently developed with the Wakefield Valley Golf Course, however, the golf course is no longer in operation and is proposed to be re-developed with approximately 70 single family homes.

The trip generation rates were obtained from the 9th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. As typically required by Carroll County, the trip generation rates are based on the peak hour of the generator, not the peak hour of adjacent street traffic, which provides a conservative estimate of the trips generated by the site.

4.2 Site Trip Distribution & Trip Assignment

Exhibit 6 shows the trip assignment for the site.

4.3 Total Traffic Volumes

Exhibit 7 shows the total peak hour traffic volumes.

4.4 Projected Level of Service

The intersections were evaluated using the CLV and HCS analyses. The results of the CLV and HCS analyses are summarized on Exhibit 8 which reveals that all study intersections are projected to operate at a LOS "D" or better, with or without the proposed re-development.

Trip Generation Rates

Single-Family Detached (ITE-210, Units)

Morning Trips = $0.70 \times (\text{Units}) + 12.12$

Ln(Evening Trips) = $0.88 \times \text{Ln}(\text{Units}) + 0.62$

Trip Distribution (In/Out)

26/74

64/36

Trip Generation Totals

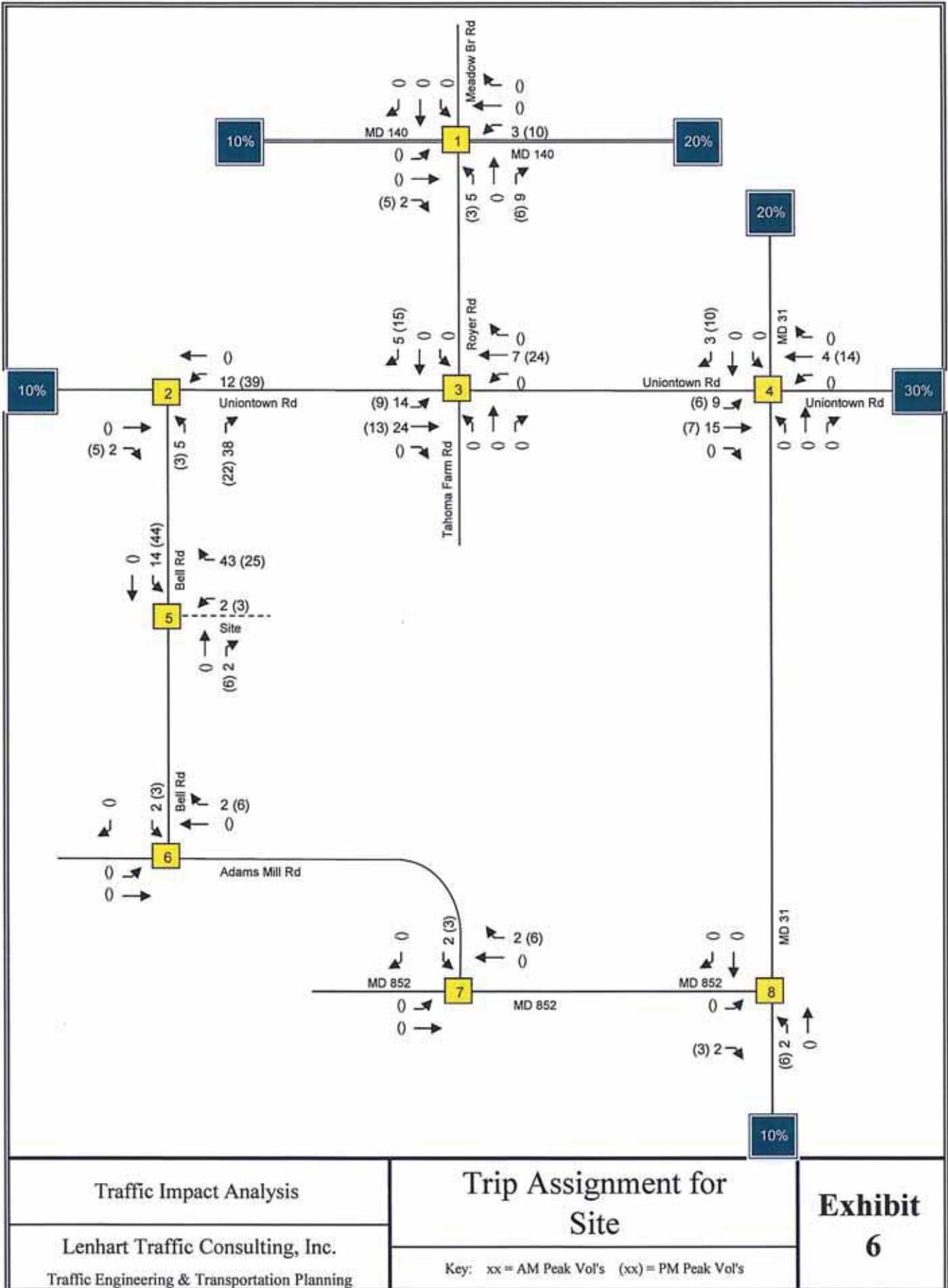
LU Code	Description	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
LU Code 210	Single-Family Detached (ITE-210, Units)	16	45	61	50	28	78
Total:		16	45	61	50	28	78

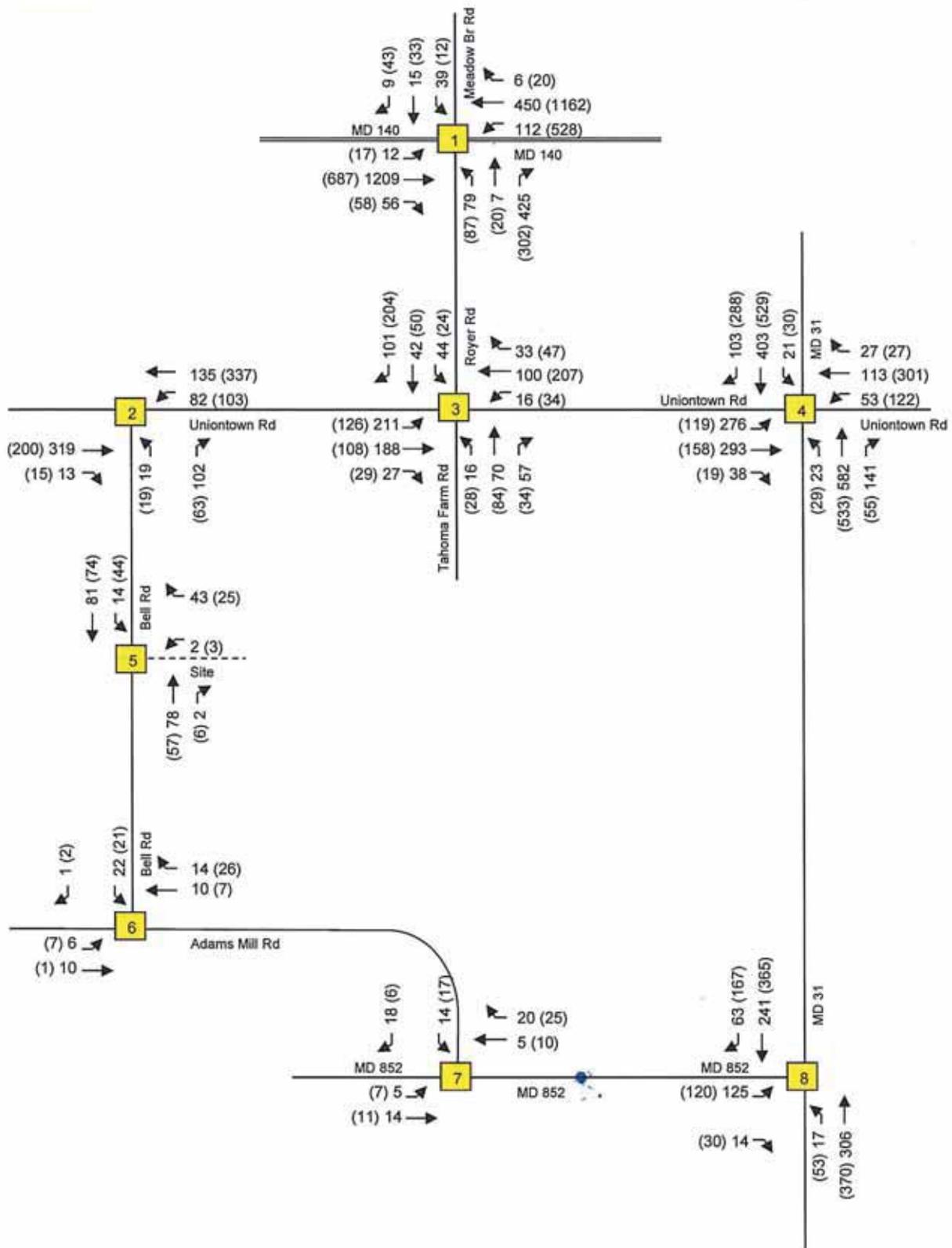
NOTE: Trip Generation Rates obtained from the ITE Trip Generation Manual, 9th Edition for Peak Hour of Generator

Traffic Impact Analysis
 Lenhart Traffic Consulting, Inc.
 Traffic Engineering & Transportation Planning

Trip Generation for Site

Exhibit 5





Traffic Impact Analysis	Total (2018) Peak Hour Traffic Volumes	Exhibit 7
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning		

Level-of-Service Results

Morning Peak Hour	Critical Lane Volume (CLV)			Highway Capacity Software (HCS) Total
	Existing	Background	Total	
1). MD 140 & Royer Rd / Meadow Branch Rd	C / 1258	D / 1416	D / 1424	D / 43
2). Uniontown Rd & Bell Rd	A / 424	A / 478	A / 535	B / 12.5
3). Uniontown Rd & Royer Rd	A / 532	A / 599	A / 643	D / 32
4). MD 31 & Uniontown Rd	A / 894	B / 1006	B / 1019	C / 22.8
5). Bell Rd & Site Access	-	-	A / 141	A / 8.9
6). Adams Mill Rd & Bell Rd	A / 44	A / 49	A / 53	A / 8.9
7). MD 852 & Adams Mill Rd	A / 51	A / 58	A / 62	A / 8.7
8). MD 31 & MD 852	A / 394	A / 443	A / 445	C / 16.9
Evening Peak Hour	Critical Lane Volume (CLV)			Highway Capacity Software (HCS) Total
	Existing	Background	Total	
1). MD 140 & Royer Rd / Meadow Branch Rd	C / 1212	D / 1365	D / 1378	D / 48.2
2). Uniontown Rd & Bell Rd	A / 463	A / 522	A / 625	B / 12.2
3). Uniontown Rd & Royer Rd	A / 602	A / 677	A / 725	D / 30.6
4). MD 31 & Uniontown Rd	B / 1122	C / 1263	C / 1293	C / 29.4
5). Bell Rd & Site Access	-	-	A / 150	A / 8.8
6). Adams Mill Rd & Bell Rd	A / 48	A / 54	A / 63	A / 8.9
7). MD 852 & Adams Mill Rd	A / 49	A / 56	A / 65	A / 8.8
8). MD 31 & MD 852	A / 497	A / 559	A / 568	D / 28.2

NOTES:

1. All intersections evaluated using MD SHA's Critical Lane Volume (CLV) methodology.
2. Intersection #1 and #4 are signalized intersections and were also analyzed using the Highway Capacity Software (HCS) signalized analysis. Results reported for overall intersection level of service.
3. Intersection #2, 3, 5, 6, 7, & 8 are unsignalized intersections and were also analyzed using the Highway Capacity Software (HCS) unsignalized analysis. Results reported for stop controlled street approach.

Traffic Impact Analysis	Results of Level-of-Service Analyses	Exhibit 8
Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning		

Section 5 Conclusions / Recommendations

5.1 Results of Analysis

This Traffic Impact Analysis was prepared for the re-development of Wakefield Valley Golf Course located to the west of Maryland Route 31 with access via Bell Road as shown on Exhibit 1.

The property currently developed with the Wakefield Valley Golf Course, however, the golf course is no longer in operation and is proposed to be re-developed with approximately 70 single family homes.

The results of this study are as follows:

- As required by Chapter 5 of the Carroll County's Design Manual and the Maryland State Highway Administration's (SHA) Guidelines, all of the study intersections will operate at a LOS "D" or better in existing, background, and total traffic conditions using the Critical Lane Volume methodology with no improvements.
- The Highway Capacity Methodology (HCS Software) was utilized to evaluate the detailed operations of each intersection. The HCS methodology further confirmed that the intersections will operate at a LOS "D" or better.

In conclusion, this report shows that the proposed re-development would have a minimal impact on the resulting levels of service, and that the road network would continue to satisfy the Carroll County Adequate Public Facilities requirements.

Chapter 164: ZONING AND SUBDIVISION OF LAND**Article III: C Conservation Zone****§ 164-11 General provisions.**

The following regulations shall apply in all C Conservation Zones.

§ 164-12 Uses permitted.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

- A. Accessory uses and buildings customarily incidental to any permitted use in this section.
- B. Agriculture, as defined in § 164-3, except that woodland intended to be cleared for cultivation or pasturing shall be subject to review by the Board of Appeals, and provided that any greenhouse heating plant or any building or feeding pens in which farm animals are kept shall comply with the distance requirements specified in § 164-140.
- C. Dwelling, single-family detached.
- D. Forests, forestation and wildlife preserves.
- E. Publicly owned or government-operated buildings and uses.
- F. Publicly owned or private parks of a nonprofit nature, including campgrounds, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property.
- G. Schools and colleges, subject to the approval of a site development plan by the Commission.
- H. Water supply works, flood control or watershed protection works and fish and game hatcheries.

§ 164-13 Special exceptions.

[Amended 10-26-1998 by Ord. No. 631]

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

- A. Antique shops.
- B. Home occupations.
- C. Public utility structures, other than essential utility equipment as enumerated in § 164-139.
- D. Riding stables, as defined in § 164-3, which are noncommercial and private in use and are located in a rear yard subject to the distance requirements specified in § 164-140.
- E. Telecommunications facilities, subject to the requirements of § 164-139.1.
- F. Trap, skeet, rifle or archery ranges, including gun clubs, provided that such use shall be five times the distance requirement specified in § 164-140.
- G. Veterinary clinics, animal hospitals or kennels, with or without runways, provided that the minimum area is 10 acres for any of the aforesaid uses, and provided that any structure or area used for such purposes shall be subject to twice the distance requirements as specified in § 164-140. In any event, such structure or use shall not be located closer than 200 feet from any property line of the subject property.
- H. Tourist homes (bed/breakfast).

Documentation from the PZC hearing process

§ 164-14 Dimensional requirements.

- A. Net lot area. Each single-family detached dwelling hereafter erected, together with its accessory buildings, shall be located on a lot or tract of land having an area of at least three acres. All other uses, including together principal structures and accessory buildings, shall be located on a lot or tract of land having an area of at least five acres.
- B. Percentage of lot coverage. Not more than 25% of the net area of the lot or tract of land may be covered by buildings, including accessory buildings.
- C. Lot width and yard requirements.
- (1) The following minimum requirements shall be observed:

Use	Lot Width at Building Line (feet)	Front Yard Depth (feet)	Side Yard Width (each) (feet)	Rear Yard Depth (feet)
Single-family detached	300	50	50	0
All other uses, except as otherwise provided in this section	300	50	50	50

- (2) A corner lot shall have a minimum width of 300 feet measured at the building line along each street front and shall have two front yards.

§ 164-15 Building height.

No principal structure shall exceed 2 1/2 stories or 35 feet in height, and no accessory building shall exceed two stories or 20 feet in length, except in the case of agricultural buildings, which shall have no height limitations.

§ 164-16 Off-street parking.

Off-street parking shall be provided in accordance with Article XVI of this chapter.

§ 164-17 Signs.

Signs shall be permitted subject to the provisions of Article XVII of this chapter.

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November 11, 2016

Westminster City Planning and Zoning Commission
C/O Margaret R. Bair, Chair
56 West Main Street
Westminster MD 21157

By Hand Delivery & Email Delivery

Re: 4th Amendment to Wakefield Valley Development Plan

Dear Ms. Bair,

I represent WV DIA Westminster LLC (Richard Kress) in connection with the above referenced application. We appreciate this opportunity to briefly summarize our position, as expressed in detail at the public hearing on 13 October 2016, in writing.

We believe the 4th Amended Development Plan for 53 lots should be approved for the following reasons:

1. There is clear and liberal statutory authority (Section 164-133 and Section 164-188(J) of the City's ordinance) for approval of amendments like this. The ordinances create no special barriers that hinder the City from approving this request, such as the change-mistake rule applicable to piecemeal rezonings.
2. Furthermore, the amendment clearly meets the standards established by the City's Zoning Ordinance.
 - A. It furthers the purposes and requirements set forth in the ordinance (See especially Section 164-2(B)).
 - B. It is in substantial compliance with the use and density indicated by the original Wakefield Development Master Plan. It honors and preserves the overall density goal of 1.6 units per gross acre or less.¹ It does not destroy or substantially impact the open space originally envisioned either in terms of substantial reduction in the percentage of open space, or in terms of the geographical

¹ Mr. Kress' proposed development itself has a density of about 1.4 units per gross acre.

integrity of the open space. That is, the parcel proposed for development is located along the top of the ridge and outside of the "central spine," which was the centerpiece of the original Development Plan. See attached *Density Calculations chart Exhibit A* and *Open Space Calculations chart Exhibit B*.

- C. All public facilities are adequate, sufficient and available to this land. The traffic report reveals that the intersections will all operate at acceptable levels and that the volumes do not violate any of the published standards and criteria. Of course, we realize that there will likely be additional traffic studies and investigations required prior to final approval of the subdivision plat.
- D. The design of the subdivision is in accordance with the general type and style of development in the Wakefield Valley area. A simple look at the map (the General Development Plan and Density Plan for Wakefield Valley) makes this self-evident.
- E. Furthermore, the design does preserve 4.38 acres, more or less, of open space onsite in addition to the 187 acres next door and the 16.07 acres planned for dedication to Carroll Lutheran Village as open space, does preserve a copse of trees in the center of the development, and does provide for good vehicular and pedestrian circulation. Under his Memorandum of Understanding with the City, Mr. Kress had the right to retain as much as 64 acres of land, which would have allowed plenty of land (about 26 acres) to be retained for open space reserved exclusively for his development. Instead, he donated a full 187 acres. It would be unfair if this good deed were to be used against him.
- F. Importantly, this plan furthers and fulfills many of the explicit goals of the 2009 Master Plan. For instance, the Plan encourages infill development and other redevelopment options (Goal 5-Objective 1, p. 90), especially within the Growth Area Boundaries (Map 4.3) and the Priority Funding Area for Smart Growth (Map 7.2). The proposed development fits neatly as infill development on this relatively small edge of the former golf course property, a property which was previously mass graded to accommodate the golf course use. The proposal would likewise be in keeping with the Plan's stated necessity that "Westminster needs to look within the City boundaries first to plan for implementing the goals outlined in this Municipal Growth Element to accommodate future population growth in an efficient and orderly manner" (p. 48). In addition, the proposal furthers the goal of securing park lands to make linkages in development areas to connect open space and other neighborhoods (Goal L5-Objective 3, p. 90), and in conjunction therewith meets a goal of the Plan's Transportation Element by "creat[ing] a sidewalk and pedestrian trail network linking neighborhoods, Downtown, and key community destinations" (p. 263). The proposal also furthers the goal of providing additional land for residential density (p. 74). To the contrary, the Staff

Report's recommendation of twelve (12) lots conflicts with these goals and directions.

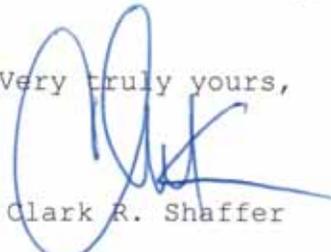
- G. An important factor of any consideration of an amendment to a development plan is whether or not there have been substantial changes in the character of the neighborhood since the adoption of the Development Plan. In this case, the original Development Plan was adopted in 1978. There have been many substantial changes in the character of the neighborhood since that time (some of them involving amendments to the Development Plan), but the most important and obvious one is the closing of the golf course and the golf course business, including the 3-story, 26,000 square foot Club House complex with ballroom, banquet facilities, restaurant and bars, and the conversion of the golf course property from private ownership to public ownership. Thus, there has clearly been a substantial change in the character of the neighborhood which supports and justifies the approval of these additional density units. The original Development Plan explicitly recognizes that as the Development Plan unfolds "it is anticipated that changes in the market may create demands for uses which were not anticipated at the time of the preparation of the general development plan" (General Development Plan Description, p. 3).
- H. There have been many changes in the Westminster area since 1978. Development, both commercial and residential, has waxed and waned over those years. Today, Westminster needs additional residential development within its growth boundaries, especially where public facilities are adequate and readily available. Westminster would benefit from the families that move into these 53 houses. It is true that those families would use the public roads, the public schools, and other public facilities. It is also true that those families would pay taxes, fill school seats that need to be filled, patronize downtown businesses that need their business, and otherwise become part of the Westminster Community and contribute to the community's vitality. The need for this growth is recognized in the 2009 Master Plan. (See F, above, and specifically p. 56 of the Master Plan that discusses Growth Management).
- I. Much of the opposition we have heard has been related, at least in part, to potential plans to develop the 187 acres into a recreational complex. Importantly, to whatever extent the Mayor & Council may determine to intensify development on the 187 acres of newly acquired public property, this should not be considered as a legitimate reason to deny Mr. Kress' application. Any such change in use or degree of development on this public property approved by the Mayor & Council will be a substantial change or practical amendment to the original Wakefield Valley Plan and hopefully one that is determined will be compatible with all adjoining residential neighborhoods including this application. Objections have been generally antigrowth and no specific and supportable reason has been brought forth to show that this application does not meet the criteria. With regard to specific concerns raised at

the hearing relating to flooding, we note that this site is located well outside the floodplain for Copps Branch, drains to the south and west (away from any existing homes) and will be subject to modern storm water management standards (unlike the golf course, which pre-dated those standards).

- J. This 38 acre parcel of ground is ideally and appropriately situated to fulfill the City's stated goals and objectives. The application meets the standards and criteria established by your ordinance and should be approved to allow this development to go forward.

Thank you for your consideration of our request.

Very truly yours,



Clark R. Shaffer

CC: WV Westminster, LLC C/O Richard Kress (via email delivery)
Martin Hackett (via email delivery)
William A. Mackey, AICP (via email delivery)

Density Calculations

	Original Dev. Plan 1978	Amended Dev. Plan 1989	Our Proposal 2016
<i>Total Acreage</i>	490.34 acres	516.28 acres	516.28 acres
<i>Accounted Density Units (DU)</i>	768 DU	608 DU	608 DU
<i>Proposed Density Units</i>	--	--	50 DU
<i>TOTAL Density Units</i>	768 DU	608 DU	658 DU
<i>Average Density Unites per Acre = total DU/total acreage</i>	1.57 DU/acre	1.18 DU/acre	1.27 DU/acre



Open Space Calculations

	Original Dev. Plan 1978	Amended Dev. Plan 1989	Our Proposal 2016
<i>Residential/Commercial Acreage</i>	290.2 acres	274.71 acres	308.17
<i>Open Space Acreage</i>	200.14 acres	241.57 acres	208.11 acres
<i>TOTAL acreage</i>	490.34 acres	516.28 acres	516.28 acres
<i>Percentage of Open Space = open space acreage/total acreage</i>	40.8%	46.8%	40.3%





October 12, 2016

David Deutsch
City Manager
56 West Main Street
Westminster, MD 21157

Dear Mr. Deutsch:

I am writing on behalf of Carroll Lutheran Village, Inc. (CLV) regarding the proposed development of residential housing to be constructed on a portion of the former Wakefield Valley Golf Course. It is our understanding that if such a development were approved, it would be adjacent to the approximately sixteen (16) acres of land which is slated to be deeded to CLV. The 16 acre parcel adjoins a portion of the property currently owned by Carroll Lutheran Village. Our intent would be to utilize that land as a potential nature park or variation thereof. CLV would work with the City of Westminster in order to maintain that area as a potential feature for walking trails, a bird sanctuary, green space or the like.

Accordingly, if the proposed development of no more than approximately fifty-three (53) single family homes is approved, CLV would have no objection. We would, however, expect to be given the opportunity to participate in the establishment of the work plan so as not to greatly inconvenience our residents. Moreover, CLV would like the opportunity to review and comment upon the covenants and restrictions that would be associated with this development.

Respectfully,

Geary Milliken
President/CEO
Carroll Lutheran Village

William Mackey

From: Robert Payne
Sent: Sunday, October 02, 2016 8:02 PM
To: William Mackey
Subject: Wakefield Valley Redevelopment

Dear Mr. Mackey,

Westminster has been the center of our family since 1953 when WTTR went on the air by my father-in-law, Russ Morgan. Our interest is and has always been in the best long-term interest of our community. Long range plans for Westminster did NOT include the eventual conversion of the Wakefield Valley property into residential use. Personally, we would endorse having the area as part of parks and recreation for our first choice with more walking trails and picnic areas. However, we might support a reasonable portion of upscale housing being so utilized (maximum 1/3). This amount of support MUST be accompanied by assurance that the planning and zoning officials in Westminster will not ease future guidelines allowing the eventual building of the whole current WV property.

As a side note, our previous family property adjoined another development represented by Mr. Shafer (Meadow Creek) and there were several building lots in that subdivision that should not have been permitted to have houses on them due to the aesthetics and their location relative to the total neighborhood. Houses were built anyway only to satisfy the greed of the developers. It would be our hope that any housing plans for WV allow for some kind of oversight review by neighboring concerned residents.

Thanks for "listening".

Sincerely,

Robert D. Payne

Linda A. Payne

287 Bell Road, Westminster, MD 21158

Sent from my iPad

Alan Stottlemyer
195 Bell Road
Westminster, MD 21158

Comments on requested change in zoning for Wakefield Valley

10/10/2016

1. The change of the Wakefield Valley golf course area has already had a major impact on housing values in the surrounding communities. Based on analysis of my own home, homes in the neighborhood have collectively lost tens of millions of dollars in value directly attributable to the projected changes in the area. The requested zoning for half-acre housing and for development of a high activity athletic facility together will ensure that these values do not improve. These are real losses for anyone who needs to sell in the foreseeable future.
2. Providing for more subsidized new housing in the area will further depress sales prices for existing family homes. Yes, both the city and the county have subsidized this housing by waiving fees that were specifically intended to discourage such development of open land.
3. The development will require substantial modification to roads in the area. I would think safety will require an additional entrance to the proposed housing. Further, the added traffic loads will require both road enhancement and traffic lights at intersections with Bell Road, at Bell and Uniontown Roads and at Uniontown and Royer roads. The only reasons for considering the two separately is to avoid having to pay for the cost of improvements.
4. The developer has already reached his desired profits through the development on the east end of town that was allocated the bulk of water rights from the golf course. The only reason for granting the change in zoning is so the developer can make money. The city does not owe him more profit at the expense of existing homeowners. While the city will see an increase in tax revenues from new housing, there will be losses from neighborhood impacts that need careful consideration. I do not see this as a net increase in value for the city, and is certainly a major impact on the current Valley residents.

FUTURE OF WAKEFIELD PROPERTY— PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

The failure of the Wakefield Valley Golf Course was devastating but it has resulted in a 187 acre tract of open land being acquired by the City of Westminster. Any mismanagement of this open space (Community Park) and the adjoining 38 acres being designated for a housing development will be unforgivable. Make sure the City of Westminster Planning and Zoning Commission and Westminster City Counsel hears your voice regarding the two proposals that are currently before them.

POSITION PAPER

(Readers, please feel free to critique, add to, amend or make suggestions for this position paper.)

The foreclosure deed lists \$2,000,000.00 as the amount paid by Mr. Kress (owner of WV DIA Westminster, LLC) to purchase the golf course property out of bankruptcy. The reason Mr. Kress purchased the property was to acquire the water rights to develop 225 units on another site. That deal is complete.

The 187 acres that Mr. Kress transferred to the city was a windfall for the City and it relieved Mr. Kress of the obligation to pay property taxes as well as insurance and maintenance expenses on the acreage and structures thereto. It was a good deal for both parties. The City accepted this transfer and must now determine how to best manage and maintain this site for the benefit of its citizens.

Mr. Kress has retained 38 acres for his own use but cannot develop this site without obtaining a waiver approved by City of Westminster Planning and Zoning Commission and City Council.

Mr. Kress has applied for a waiver to the current development plan to add 50 more housing units, which is his right, and the City of Westminster Planning and Zoning Commission is considering that request. Notice of a public hearing was set for October 13, 2016. At that hearing a motion was passed to extend the public written comment period until November 12, 2016. Since that date is fast approaching responses must be made with haste.

There is no commitment, contractual or implied, on the part of the City or the Planning Commission to approve or lobby for the approval of these additional density units as requested by Mr. Kress.

However, by virtue of approving additional units as requested in the waiver application, the value of the said 38.2934 acres will easily be increased by \$50,000.00 (?) per lot or by \$2,500,000.00. In other words, Mr. Kress will have recouped more than his initial investment for the purchase of the golf course and will have in effect gotten the water rights for free. What a deal for him and what a travesty for us.

If Mr. Kress is successful in obtaining approval of his waiver he stands to make a handsome profit on the houses he builds (as well he should). But a sum equal to this \$2,500,000.00 gain in value on the 38 acres needs to find its way into a perpetual trust for the care and maintenance of the park and be under the control of City Council.

If such an agreement is not acceptable to Mr. Kress, then the City should reject the request for waiver.

FOR THOUGHT:

- a. there are three density units available under the existing development plan that would allow Mr. Kress to develop three small 'farmettes', or
- b. build three homes with very large lots, or
- c. build three homes with an acre lot each and donate the balance of the acreage to the City to enhance the Park, or
- d. build three homes and make a reasonable offer to sell the balance of the acreage to the City to enhance the Park.

The City would be well advised to acquire this acreage in any way that it can. Once it is gone as open space it will be gone forever. It will be just like the right to our runoff water which was sold to Baltimore years ago.....gone for good!

Concurrent with this request for a Waiver to the current Land Development Plan the City Council is entertaining a proposal from an outside concern (Pinkard Properties, Inc.) to develop and manage the 187 acre Park. It seems Imperative that these two issues be viewed together to realize the impact they will have on the community.

Questions abound with the Pinkard Properties Inc. proposalfirst and foremost is how this startup concern plans to recoup their proposed 15 to 20 million dollars in up front expenditures to restore the historic Durbin House, renovate the club house facilities, build an indoor gymnastics center, amphitheater, aquatic center and cable park, turf fields and a host of amenities that someone (?) seems to think we need.

Keep in mind that Pinkard Properties, Inc. is a startup entity and has zero completed projects!! Also, this is a for-profit venture for them and it must generate substantial profits in addition to recouping the initial investment. How can this be done?

And why do we need upwards of a thousand parking spaces- mostly on open grass fields? Could it be that the innocuous appearing amphitheater with an immense footprint for a stage (as shown on the plan) may, in fact, be a full-fledged 'Merryweather' type amphitheater only downsized? Let that thought sink in for a moment!!

Remember in the presentation where Pinkard talked about the project being a 'regional draw from surrounding states'? Is that what we want - noisy crowds numbering in the thousands....drugs, booze and traffic? Treat yourself to an evening rock concert at the nearby Merryweather Amphitheater and judge for yourself.

Remember, Pinkard Properties must cover their investment plus a tidy profit. Would not such an amphitheater be one of the big money makers? Whatever is hidden in the very vague descriptions of *Technology, Collaborative, Agricultural, Retail and Dynamic Spaces* may be even more troublesome!! What kind of profit centers are these? Is this management company to be in control of all of this? What rights is the City abdicating? We live here....the proposed developers don't! WE NEED TO SEE A BUSINESS PLAN and our City Fathers need to get some top flight legal analysis to find the devil in the details before anything is signed.

What about traffic issues? Bell Road is hard to find at best and the locals want it to stay that way!! Dumping almost 900 cars out onto Bell Road after an event is not realistic. Look for a new entrance coming off Tahoma Farms Road, crossing the level ground below the proposed turf fields and culminating in pervious parking on fairways number Three and Eight of the old Green Course. Notice how close this is to the amphitheater and the 'regional tournament' turf fields. You just have to wonder where they will put the toll booth for collecting tickets sales and parking fees. None of this is indicated on the plan.

Isn't it amazing how quickly 187 acres of open space can disappear.....no deer, no wildlife, no ponds, no beauty.....all gone!Or will be!

So far we haven't touched upon the Aquatic & Cable Park proposal which will destroy Cobbs Creek along with its trees, aquatic life, wetlands, ponds, nesting areas and walking paths. And for what purpose...noise, ugly towers and cables? Honky-tonk USA!!! We must trust that our City Fathers along with The Army Corp of Engineers and other environmental agencies will stand in the way of this disastrous idea.

Just a short 50 years ago the 1978 General Development Plan did not exist. Nor did the golf course and the housing developments of Wakefield Valley, Carroll Lutheran Village, Fairways at Wakefield, Fenby Farm, Ridgeview at Wakefield, Avondale Run, The Woods at Avondale, Diamond Hills, Friendship Overlook, Greendale Mews, Legacy Farm, Essich, Jacobs Ridge, Cliveden Reach, Meadow Creek, Stoneridge Overlook, Meadow Ridge, Rockland Estates, Coventry at Westminster, Wakeford Green, Eagleview, Furnace Hills, and most of the housing along Bell Road. Look at the business parks and shopping centers that have been added. All of this gobbling up land and straining natural resources. It won't stop in the next 50 years to be sure. What will it be like then?

The point is that each year the value of this open land will become ever more precious. It must be protected. It is a treasure.

The efforts of the study committee that got us this far is truly to be appreciated. NOTHING IN THIS POSITION PAPER IS MEANT TO CRITICIZE THEIR EFFORTS. Their request for proposals just hasn't been as productive as it might have been.

The City is urged to do more thinking and further study.

If the hospital can raise millions of dollars in a fund raising campaign, how is it that protecting our parks, open spaces and environmentally safe recreational areas can be of less importance and less worthy of philanthropy? Hire a fund developer rather than bringing in an out of town profit making management company.

If the City raises the needed capital they can control, hire or fire a management company. When the management company is funding the venture it is a different situation entirely.

The main reason (possibly the only reason) Pinkard Properties, Inc. is in the picture is that they have access to cash to infuse in a project and want to grow their startup corporation.

LOOK CAREFULLY...there is no such thing as a free lunch. Cash can be found elsewhere with proper efforts.

William Mackey

From: Nick Delia
Sent: Friday, October 14, 2016 7:41 AM
To: Planning
Cc: Steve Powell
Subject: Wakefield Valley GC homes

Mr. Mackey

- The city engineering staff totally opposed Marty Hill building houses on the golf course for numerous valid reasons.
- The recent Task force wisely opposed home construction on the land given by Kress to the city.
- Mrs. Griswald testified at the Hill hearings that the original agreement with Majewski stated that the land would be evergreen in perpetuity.
- The city council voted unanimously against the Marty Hill housing project. The decision was supported by HOA's and Carroll Lutheran Village

The biggest blunder has been that the city and County decided to forego the once in a lifetime opportunity to obtain a first class municipal golf course to keep up with other MD counties while generating a real source of income.

Now another blunder appears on the horizon, namely the city staff recommending approval of the Kress housing project!

The proposed staff approval contradicts past history and the clear will and desire of voters and tax payers. Please do the right thing and keep the land free of houses.

Nick Delia
101 St. Paul CT.
Westminster

Jeanne and Art Mueller
One Bell Road
Westminster, MD 21158

[telephone and email contact information redacted]

To: Mackey@Planning

From: Jeanne and Art Mueller

Re: Wakefield Golf Course Property

October 18, 2016

It is with great regret that the residents of the city of Westminster and the residents of Bell Rd. are revisiting the potential for building 53 homes on the Wakefield Valley Golf course property. About 5 years ago, we fought Marty Hill's proposal for homes on that same property.

If memory serves me correctly, the new builder that purchased that property to donate it to the City of Westminster indicated it would be a park-like, environmentally friendly area (not 53 homes) in exchange for water rights for his development on route 97. I feel as residents we have been duped by the city which is considering allowing the building of homes there.

This letter states that we as residents of Bell Rd. totally reject the builder's proposal and know without question that building 53 homes with garages (for cars!!!) will impact the traffic on Bell Rd. as well as water consumption.

We purchased our home 22 years ago and have paid city taxes for all of those years but feel such a building project will devalue our property and disturb us with traffic these homes will bring to Bell Rd. Please reconsider the zoning approval with residents of the immediate area in mind.

William Mackey

From: Doug Reaves
Sent: Monday, October 31, 2016 9:33 PM
To: William Mackey
Subject: Proposed zoning change at Wakefield Valley Property

Mr Mackey

Based on the knowledge that I gained as a member of the Wakefield Valley Task Force, and the responses from my neighbor and friends in the area, I am opposed to the change from " Conservation " that would allow building 53 homes on that parcel.

I would like the opportunity, if available to speak to the planning and zoning committee and to the council as well if it gets to that point.

There will be major oppositional of this proposed change and I'll help organize it.

It goes against the spirit of the original purpose of the property and the direction we were given as a task force by the Council on their parcel as well.

Everything that has been said since the process of the purchase and donation of the property has been about green space and conservation and this is a major departure.

The roads and the area could not handle the traffic from the homes built in addition to the proposed field and park project for the city's parcel.

This would be a traffic and logistical nightmare.

Thank you

Doug Reaves

William Mackey

From: David Highfield
Sent: Sunday, October 30, 2016 12:48 PM
To: William Mackey
Subject: New Wakefield Valley Homes

Commission,

I live in Eagleview Estates.

Specifically on Bell Road, I believe the developer should be required to provide a walking/biking pathway from the entrance to Carroll Lutheran Village north to Eagleview Estates. Often used for walking and biking, this Road will become more dangerous with the increased traffic a new development brings. Given the curves and hills on Bell Road, it should be a requirement of the developer to provide for safe walking and biking on that stretch of Bell Road.

Sincerely,

David A. Highfield

942 Litchfield Cir.

Westminster, MD 21158

William Mackey

From: Diane Berry
Sent: Tuesday, October 25, 2016 4:22 PM
To: William Mackey
Subject: Wakefield Development

Hi Bill,

I received the Notice of Continuation for the Wakefield Development, next public meeting November 17th.

Are there any changes to the original proposal? If so, can you email me the updated proposal? If there are no changes, can you reply indicating that?

My only public, and written opinion concerning the development, is that I would appreciate if the development were smaller. Your proposal of 12 units is acceptable to me. I realize the Griswold Proposal is 17 units on about 15 acres, and there has been no outcry about that. So if the Kress proposal were even 24 or 25 units, it would be acceptable. I simply think less homes will be less distraction for me and other home owners in the area.

David Berry
1050 Fenby Farm Road

William Mackey

From: DANIEL STRICKLER
Sent: Tuesday, October 18, 2016 3:05 PM
To: William Mackey
Subject: Wakefield Valley new homes

Wakefield Valley has been planned approved as a recreational area. Putting in 53 new homes should not be a modification to the original plan! As I understand approximately ten years ago, Mr. Martin Hill was informed there were no remaining development rights to this property. It does not appear appropriate to somehow now find it appropriate or possible to develop a portion of this property.

Giving a large portion of this property to Westminster city was a kind gesture. However in addition to water rights to be used elsewhere I am sure the new owner took a full tax deduction for his gift, of which he is fully entitled.

I am thus requesting that in view of the above, the 53 home development is not appropriate use of the property. It is also note a traffic study found the new development not an impact to traffic. Until recently the lower portion of Bell Road and adjoining Adams Mill were not paved roads, and the lower portion of Bell Road is currently not two full lanes wide, which demonstrates its limited capacity.

Respectfully requested,

Daniel Strickler
546 Roops Mill Road
Westminster, Md. 21158

William Mackey

From: Ryan Barnett
Sent: Friday, October 14, 2016 10:58 AM
To: Planning
Subject: Wakefield Valley Rezoning

Good Morning,

I was not able to attend the rezoning meeting held on the topic of adding the 53 planned homes to the former Wakefield Valley Golf Course. I have been a resident of Westminster my entire life living 26 years on Weymouth St and now 3 years on Firestone Rd. Both of these roads connect to Bell Road which borders the planned new development. After reading that the plan was recommended for approval, I felt compelled to write to ask that that be reconsidered. The area around Bell Road and Fenby Farm roads are heavily trafficked currently not only by cars but by numerous runners, walkers, and bikers. The roads are also very narrow and winding. They are dangerous to drive on with the current pedestrian traffic. The new development adding 53 homes could add 106 cars to these roads for the daily commute along with more bikers, kids, and walkers. This also does not count the proposed 800 additional parking spots proposed by Pinkard Properties in their development at Wakefield for weekend tournament traffic. Vast changes would be needed to the infrastructure to support these plans. That will be a big expense on the tax base.

I also can't imagine having this much traffic from an aesthetic standpoint. I would not be as affected as the community members who own homes on the golf course border currently but my property backs to Bell Rd with a great view of Fenby Farm Road. My view on the weekends of a busy country Road could turn into a view of gridlocked traffic leaving sports fields trying to turn onto a busy street. This will vastly effect my property value and lifestyle. I can't imagine what those property owners who have invested in Golf Course property must feel like.

In closing, I would like to thank you for taking time to read my thoughts and ask you to please reconsider approving this development for the sake of the local property owners invested in the community.

Ryan W. Barnett
Westminster Resident

William Mackey

Gabrielle Bongers
11 Fannies Meadow Court
Westminster, MD 21158

Planning and Zoning Commission of the City of Westminster
City of Westminster
56 W. Main St
Westminster, MD 21157

William Mackey, Planning Director
City of Westminster Planning Department
56 W. Main St
Westminster, MD 21157

RE: Proposed amendment to the General Development Plan of Wakefield Valley to add 53 new homes on the former golf course

November 7, 2016

Dear Mr. Mackey,

The reason for this letter is to register my opposition to the proposed amendment to the General Development Plan of Wakefield Valley to add 53 new homes to the former golf course, which I will further refer to as the Kress Proposal. As mentioned in previous meetings, there are more development proposals for this property. These include the zoning already preliminarily approved for the Griswold proposal of 17 houses; the Pinkard Proposal for a Sports and Entertainment Complex; the Kress Proposal of 53 homes; and the future of the Carroll Lutheran Village expansion plans which have not been proposed yet, but will assuredly be forthcoming.

The pressure on this conservation area by developers is immense. Decisions made in the near future will affect the community's fabric, as well as the community safety. If these plans are not looked upon as a whole, but in a piece meal fashion, the dangers to the community of flooding, and fire and safety, can easily be diminished by one-off project facts and figures. Unfortunately, for the community, there will be cumulative, long-lasting impact if any of these projects are brought to fruition without careful forethought and planning. However, this letter will concentrate on the housing proposals and the management of water in the area.

The former Wakefield Valley Golf course sits on a huge floodplain that serves to direct and soak up storm water when the area gets hit with high amounts of rainfall. Intense development and increased impervious surfaces in the areas surrounding the Wakefield floodplain decrease the capability of these developed areas to soak up storm water. Therefore, when storms with heavy rainfall occur, the amount of water that rushes into the floodplain increases, and the water comes into the floodplain at a faster rate of speed because of these impervious surfaces. This reduces the capability of the floodplain to direct water out of the area, which will increase the danger of flooding to properties already in existence on Blue Swallow Court and Fannies Meadow Court.

Additionally, when heavy rain storms occur, water from Firestone, and Eagleview Estates, washes down onto the golf course in such a manner that it has cut a gully in the backyards of some of the houses on Blue Swallow Court. In some places, the gully that has been cut is over three feet deep. This is all caused by storm-water runoff that has not been correctly managed, and is currently affecting homeowners. This is just one example of poor storm water management caused by shortsighted planning and bad engineering.

My other concerns are for fire safety. October 2007, a house in Eagleview Estates burned to the ground. I watched this fire, and the valiant efforts of our fire department to put it out. During that time period we were not experiencing drought conditions; however, the water pressure was so low that firemen could not get enough water on the house to put the fire out. As the wind fanned the flames, the only thing the firemen could do was to try to keep the other houses from burning as well. It was touch-and-go for quite a while for the other houses, but the house that was the initial cause of the blaze was gone in about thirty minutes. In the end, one house was left a pile of charred ruin and several houses were severely damaged. I can tell you it was quite terrifying to watch this tragedy unfold. It was very obvious that had the water pressure been higher less damage would have been sustained.

Given the concerns listed above, I have the following questions for the planning commission:

- Will the effect on the 100-year floodplain be included in the Storm Water Management engineering studies for the Kress Development?
- Will the effect on the 100-year floodplain be included in the Storm Water Management engineering studies for the preliminarily approved Griswold development?
- Will there be an engineering study of Storm Water Management to include the combined effects both the Kress and Griswold developments on the 100-year floodplain?
- Will there be an engineering study to analyze the effect on the Wakefield community water pressure for fire suppression and safety purposes included with the Kress Development plans?
- Will there be an engineering study to analyze the effect on the Wakefield community water pressure for fire suppression and safety purposes included for the Griswold Development plans?
- Will there be an engineering study to analyze the effect on the Wakefield community water pressure for fire suppression and safety purposes on the combined effect of the Kress and Griswold Developments?
- What steps does the City of Westminster, and the Westminster Fire Department currently take to ensure that the water pressure in the Fire Hydrant systems that serve Wakefield Valley Communities meets the level of pressure required for fire suppression in the community?
- What steps does the City of Westminster plan to take to address and solve the current storm water run-off issues experienced on Blue Swallow Court?

As a resident of Westminster I understand why people would like to move to this area, however I am very concerned about the effects of over development of the Wakefield Valley conservation area. There may be irreversible effects to the current residents in the area if over development occurs. I urge the Planning and Zoning Commission to deny the proposed amendment for an additional 53 houses, and to respect the current zoning ordinance for Conservation zoning of Wakefield Valley.

Respectfully –

Gabrielle M. Bongers

William Mackey

From: William Mackey
Sent: Tuesday, November 08, 2016 10:52 AM
To: 'Eric Boyer'
Subject: RE: Position Paper

Eric Boyer,

Thank you for your email and your comments.

I'm writing to clarify that your comments will be forwarded to the Westminster Planning and Zoning Commission. The Task Force is no longer holding meetings.

The Commission is currently accepting public comment on the proposed amendment to the General Development Plan of Wakefield Valley to add 53 new homes on the former golf course. This is on private property, not City-owned property. The Commission will meet on Thursday, November 17, 2016, starting at 7 PM, in the John Street Quarters at 28 John Street in Westminster. The meeting on Thursday, November 17, is for the Commission to deliberate and is not for public input.

Members of the public are invited to attend the meeting on Thursday, November 17, 2016, and to submit comments by Saturday, November 12, 2016, when the record for public comment closes. Copies of the application and related materials are available for public inspection in the Department of Community Planning and Development at 56 West Main Street, Westminster MD 21157. If you would like to review the materials, please let me know. They can also be emailed as pdf files.

Please feel free to call, if you have questions.

Sincerely,

Bill

William A. Mackey, AICP, Director
Department of Community Planning & Development

City of Westminster
56 West Main Street
Westminster MD 21157

Office: 410-848-7967 (voice/relay)
Tele facsimile: 410-857-7476

Mr Mackey,

This is in response to the proposed development of Wakefield Valley Golf Course Property. I recently received a position paper in opposition and attached are my comments in regard to the entire proposal for housing and further development of the city's asset.

Thanks you for your involvement. If there is further steps that I need to take or additional information on this, please feel free to contact me.

Respectfully,

Eric Boyer
261 Bell Rd.
Westminster, MD 21158

11/7/2016

William Mackey,
City of Westminster Planning and Development,
Task Force Members

Ed Cramer, Task Force Chairman

Peggy Bair, Chairwoman, City of Westminster Planning and Zoning Commission

Dean Camlin, Dean Robert Camlin and Associates, Inc., Architects

Bob Coursey, Homeowner

Pat Cull, Homeowner

Jeff Degitz, Director, Carroll County Department of Recreation and Parks

Thomas Ferguson, Industrial Development Agency representative

Sam Koch, Baltimore Ravens

Nancy McCormick, Economic Development Director, City of Taneytown

Mike McMullin, President, Carroll County Chamber of Commerce

Eric Mersinger, Avondale Run Homeowner Association

Steve Potorti, Eagleview Homeowner's Association

Steve Powell, VP of Finance, Carroll Lutheran Village

Judy Powers, Avondale Run Homeowner's Association

Tom Rasmussen, President/CEO, New Windsor State Bank

Douglas Reaves, General Manager, Towson Sports Properties

Ethan Seidel, Professor, McDaniel College

Paige Sunderland, Business Development Manager, Carroll County Economic Development Department

I guess part of my disappointment with this whole process is how this "Task Force" was created and did it truly represent the views needed to bring forth a bias-free decision. Maybe it was assumed that these individuals could create a "big picture" solution to the acreage given to the city. The problem I see is that these people don't actually own the land as it belongs to the taxpayers that will live with this decision, but have no say in what happens.

I have lived on Bell Road for over 4 years and I can promise that I have never seen any mention of this task force prior to the September 2016 notice of the October 2016 meeting. There is no way that I received 2 letters in June of 2015 about this subject. I followed the news when Mr. Kress purchased the land for the water rights and was relieved to know that development was not a possibility since he took those water rights elsewhere.

The taskforce mentions that it sought input from the general public, the neighboring community, and potential investors. There is also mention of a neighbor meeting in November 2015 that I somehow missed hearing about. I would imagine that this would be a common theme among all of the neighborhoods and homeowners surrounding the property and should have been a public issue for all of the city's taxpayers.

Currently there seems to be a complete plan in place to add water back to the property to allow big business to transpire over this "protected open space" that our previous elected officials had the vision to set aside. 53 Kress + 17 Griswold homes along with 4 artificial turf fields, gymnastics building, amphitheater, acres of parking lot, permanent concessions!!! How can any of this be viewed as a protected open space.

I feel that we have the right and responsibility to uphold the current development plan and protect this wonder within the city limits. Every responsible and clear headed citizen will agree to the value of protecting this space for future generations and not agree to the value for a few by eradicating it as is being considered.

During the one meeting that I was aware of and attended in October 2016, it was mentioned that in the 1970's there was 734 acres in the original design and that the town's development plan protected 31% of it. By my math, 31% of 734 is 227 acres, so how could any of this development have ever been considered. Mr. Kress is only offering 187 acres, so his personal acreage should also be excluded from any potential development as well.

Once this space is developed in any way, shape or form,..it will be lost forever. The surveyors said that repairing the property into a public golf course was too expensive, but yet we can look for over \$200 million for this development nightmare. With 888 parking spaces in use with events, there will be over 1,000 cars easily dumping onto Bell and Uniontown Roads. I also envision tractor trailers, big box trucks, tour buses and lots of traffic as an everyday occurrence with this massive complex in place. The south end of Bell is too narrow and Davis is still a small country road. How well will this serve the residents of Carroll Lutheran to have all that noise and traffic on their end as well.

The right decision is to permanently stop the housing decision as we won't have 31% and technically there should be no water for this project. Secondly we need to stop this Pinkard Property Proposal nonsense and spend some quality time to make the right decision for the future of Westminster with the remaining 187 acres.

The City and People of Westminster need to truly be at the CENTER of this decision. We still have time to make the right decision, but once that natural wonder is developed IT' S GONE!!

Respectfully,

Eric & Janice Boyer

261 Bell Rd

Westminster, MD. 21158

FUTURE OF WAKEFIELD PROPERTY— PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

The failure of the Wakefield Valley Golf Course was devastating but it has resulted in a 187 acre tract of open land being acquired by the City of Westminster. Any mismanagement of this open space (Community Park) and the adjoining 38 acres being designated for a housing development will be unforgivable. Make sure the City of Westminster Planning and Zoning Commission and Westminster City Counsel hears your voice regarding the two proposals that are currently before them.

POSITION PAPER

(Readers, please feel free to critique, add to, amend or make suggestions for this position paper.)

The foreclosure deed lists \$2,000,000.00 as the amount paid by Mr. Kress (owner of WV DIA Westminster, LLC) to purchase the golf course property out of bankruptcy. The reason Mr. Kress purchased the property was to acquire the water rights to develop 225 units on another site. That deal is complete.

The 187 acres that Mr. Kress transferred to the city was a windfall for the City and it relieved Mr. Kress of the obligation to pay property taxes as well as insurance and maintenance expenses on the acreage and structures thereto. It was a good deal for both parties. The City accepted this transfer and must now determine how to best manage and maintain this site for the benefit of its citizens.

Mr. Kress has retained 38 acres for his own use but cannot develop this site without obtaining a waiver approved by City of Westminster Planning and Zoning Commission and City Council.

Mr. Kress has applied for a waiver to the current development plan to add 50 more housing units, which is his right, and the City of Westminster Planning and Zoning Commission is considering that request. Notice of a public hearing was set for October 13, 2016. At that hearing a motion was pasted to extend the public written comment period until November 12, 2016. Since that date is fast approaching responses must be made with haste.

There is no commitment, contractual or implied, on the part of the City or the Planning Commission to approve or lobby for the approval of these additional density units as requested by Mr. Kress.

However, by virtue of approving additional units as requested in the waiver application, the value of the said 38.2934 acres will easily be increased by \$50,000.00 (?) per lot or by \$2,500,000.00. In other words, Mr. Kress will have recouped more than his initial investment for the purchase of the golf course and will have in effect gotten the water rights for free. What a deal for him and what a travesty for us.

If Mr. Kress is successful in obtaining approval of his waiver he stands to make a handsome profit on the houses he builds (as well he should). But a sum equal to this \$2,500,000.00 gain in value on the 38 acres needs to find its way into a perpetual trust for the care and maintenance of the park and be under the control of City Council.

If such an agreement is not acceptable to Mr. Kress, then the City should reject the request for waiver.

FOR THOUGHT:

- a. there are three density units available under the existing development plan that would allow Mr. Kress to develop three small 'farmettes', or
- b. build three homes with very large lots, or
- c. build three homes with an acre lot each and donate the balance of the acreage to the City to enhance the Park, or
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The City would be well advised to acquire this acreage in any way that it can. Once it is gone as open space it will be gone forever. It will be just like the right to our runoff water which was sold to Baltimore years ago.....gone for good!

Concurrent with this request for a Waiver to the current Land Development Plan the City Council is entertaining a proposal from an outside concern (Pinkard Properties, Inc.) to develop and manage the 187 acre Park. It seems Imperative that these two issues be viewed together to realize the impact they will have on the community.

Questions abound with the Pinkard Properties Inc. proposalfirst and foremost is how this startup concern plans to recoup their proposed 15 to 20 million dollars in up front expenditures to restore the historic Durbin House, renovate the club house facilities, build an indoor gymnastics center, amphitheater, aquatic center and cable park, turf fields and a host of amenities that someone (?) seems to think we need.

Keep in mind that Pinkard Properties, Inc. is a startup entity and has zero completed projects!! Also, this is a for-profit venture for them and it must generate substantial profits in addition to recouping the initial investment. How can this be done?

And why do we need upwards of a thousand parking spaces- mostly on open grass fields? Could it be that the innocuous appearing amphitheater with an immense footprint for a stage (as shown on the plan) may, in fact, be a full-fledged 'Merryweather' type amphitheater only downsized? Let that thought sink in for a moment!!

Remember in the presentation where Pinkard talked about the project being a 'regional draw from surrounding states'? Is that what we want - noisy crowds numbering in the thousands....drugs, booze and traffic? Treat yourself to an evening rock concert at the nearby Merryweather Amphitheater and judge for yourself.

Remember, Pinkard Properties must cover their investment plus a tidy profit. Would not such an amphitheater be one of the big money makers? Whatever is hidden in the very vague descriptions of *Technology, Collaborative, Agricultural, Retail and Dynamic Spaces* may be even more troublesome!! What kind of profit centers are these? Is this management company to be in control of all of this? What rights is the City abdicating? We live here....the proposed developers don't! WE NEED TO SEE A BUSINESS PLAN and our City Fathers need to get some top flight legal analysis to find the devil in the details before anything is signed.

What about traffic issues? Bell Road is hard to find at best and the locals want it to stay that way!! Dumping almost 900 cars out onto Bell Road after an event is not realistic. Look for a new entrance coming off Tahoma Farms Road, crossing the level ground below the proposed turf fields and culminating in pervious parking on fairways number Three and Eight of the old Green Course. Notice how close this is to the amphitheater and the 'regional tournament' turf fields. You just have to wonder where they will put the toll booth for collecting tickets sales and parking fees. None of this is indicated on the plan.

Isn't it amazing how quickly 187 acres of open space can disappear.....no deer, no wildlife, no ponds, no beauty.....all gone!Or will be!

So far we haven't touched upon the Aquatic & Cable Park proposal which will destroy Cobbs Creek along with its trees, aquatic life, wetlands, ponds, nesting areas and walking paths. And for what purpose...noise, ugly towers and cables? Honky-tonk USA!!! We must trust that our City Fathers along with The Army Corp of Engineers and other environmental agencies will stand in the way of this disastrous idea.

Just a short 50 years ago the 1978 General Development Plan did not exist. Nor did the golf course and the housing developments of Wakefield Valley, Carroll Lutheran Village, Fairways at Wakefield, Fenby Farm, Ridgeview at Wakefield, Avondale Run, The Woods at Avondale, Diamond Hills, Friendship Overlook, Greendale Mews, Legacy Farm, Essich, Jacobs Ridge, Cliveden Reach, Meadow Creek, Stoneridge Overlook, Meadow Ridge, Rockland Estates, Coventry at Westminster, Wakeford Green, Eagleview, Furnace Hills, and most of the housing along Bell Road. Look at the business parks and shopping centers that have been added. All of this gobbling up land and straining natural resources. It won't stop in the next 50 years to be sure. What will it be like then?

The point is that each year the value of this open land will become ever more precious. It must be protected. It is a treasure.

The efforts of the study committee that got us this far is truly to be appreciated. NOTHING IN THIS POSITION PAPER IS MEANT TO CRITICIZE THEIR EFFORTS. Their request for proposals just hasn't been as productive as it might have been.

The City is urged to do more thinking and further study.

If the hospital can raise millions of dollars in a fund raising campaign, how is it that protecting our parks, open spaces and environmentally safe recreational areas can be of less importance and less worthy of philanthropy? Hire a fund developer rather than bringing in an out of town profit making management company.

If the City raises the needed capital they can control, hire or fire a management company. When the management company is funding the venture it is a different situation entirely.

The main reason (possibly the only reason) Pinkard Properties, Inc. is in the picture is that they have access to cash to infuse in a project and want to grow their startup corporation.

LOOK CAREFULLY...there is no such thing as a free lunch. Cash can be found elsewhere with proper efforts.

**Planning and Zoning Commission of City of Westminster
RE: proposed amendment to the General Development Plan of
Wakefield Valley**

I am writing to voice my opinion on this very contentious issue.

I believe based on my experience of having developed 2 subdivisions in the Wakefield Valley Addition I could be considered an expert on the subject. I believe this allows me to speak, not thru emotion, like most residents in the area but from a growth stand point.

A lifetime ago, remember this term, 20 years being an average lifetime for growth. I was provided an opportunity to limit the future growth of the area by having the City remove from play all remaining lots of the Wakefield Valley plan. My effort was to insure that the area left remain CONSERVATION zoned, including the now City owned former golf course. At the time there remained 177 building units and thru my own choice I developed the Fenby Farm Subdivision of only 54 ½ acre lots. This amounts to a reduction in access of 66%. This alone speaks to my belief in maintaining conservation land. The remaining 123 lots were subsequently removed from the development plan.

Fast forward a lifetime. The City of Westminster has had the good fortune of having Richard Cress purchase the former golf course and donate that land not withstanding a couple of hold back parcels to the City for the enjoyment of its citizens. Again keep this term in mind.” Citizens of Westminster.” Not just Wakefield Valley residents. Mr. Cress now proposes to develop 53 ½ acre lots on one of his hold back properties. Lots that are compatible with the surrounding areas in Wakefield Valley. I can find no reason why his request should be denied at this time. Not as a reward for his generous donation of the property but as an opportunity to allow him to recoup his investment. The property once developed would have a far less impact on the surrounding area than the proposal by the City to develop the planned Pinkard proposal. In addition it would also provide a tax base increase.

I’m aware that 2 council members and the Mayor, through collusion and their own personal agendas have tried desperately to separate Mr. Cress and the City owned former Golf course property. A person would have to be a complete idiot to think that possible. At the last public meeting that was made clear to the planning commission by the sheer numbers of speakers that comingled the parcels in their opinions.

In summation I believe the planning commission, hopefully an independent body, would recommend to the Mayor and council the following.

- 1. Approval of the Cress submission.**
- 2. A strongly worded disapproval of any further plans for the City to develop the remaining Golf course property for the next lifetime. 20 years remember that term from earlier.**
- 3. Joining this effort to keep the remainder of the Wakefield Valley property CONSERVATION zoned a friend through a "completely anonymous" donation is willing to absorb the cost to demolish the existing clubhouse and restore that piece of ground to grass.**

In her infinite wisdom, she would also like to present a view of the proper and further use of the remaining property.

- a. no further commercial endeavors by the City shall be undertaken.**
- b. Restoration of the old Durbin House into a quaint visitor center.**
- c. Small covered picnic areas for public use**
- d. A minimal impact public restroom building.**
- e. Keep in mind the City was given an immense gift of this property and it should choose wisely its future lifetime use.**

The above terms would be set for a lifetime 20 years and are non negotiable. They have set these terms as such because of the unscrupulous dealings that the Mayor and some council members have shown to the citizens of Westminster.

**Thank you for your consideration
Michael Oakes**

MAKE YOUR VOICE HEARD!!

Written comments must be received by Nov. 12, 2016. This POSITION PAPER has already been delivered to the City of Westminster Planning. You can simply mail in this form.

Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Henry + Melissa Sikorski
Address: 431 Sawgrass Ct.
Westminster MD
21158

Comments:

We have lived in this community for 25 years. The development proposals for the Wakefield Property are definitely not what is needed nor wanted for the community.

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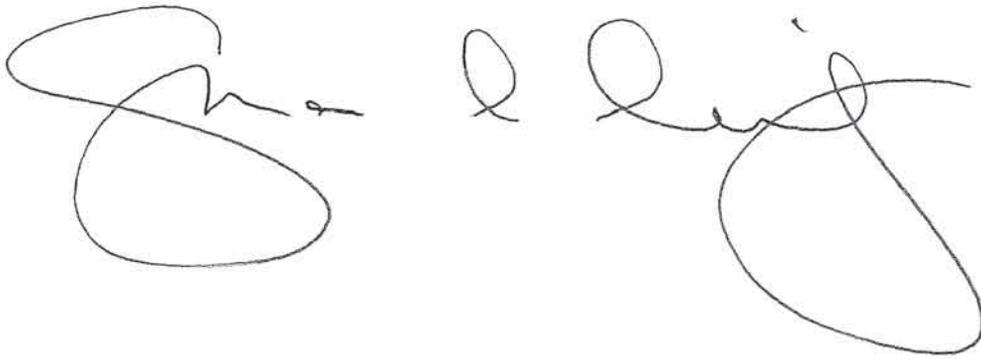
I have sent my comments under separate cover.

Name: Jim Hook; Shary Lewis
Address: 810 Ryder Ct
Westminster, MD 21158

Comments:

We have lived in Westminster for 10 years. One of the top reasons we moved to this area is the small, town rural feel and amazing charm. More importantly the top reason we purchased our house on Ryder Ct was the amazing tranquility ~~from~~ ~~the~~ the view from our deck gives us. We work in the D.C. area and feel our Ryder Ct property is our retreat. The abundance of wild life we see daily has educated our daughter and taught her about nature 132 and the important →

Role it plays in our daily lives and the role it plays in the world. I am all for economic progress and feel it is great ~~from~~ ^{for} our community. But this land is such a rare and unique treasure we have in our community. If we destroy this beautiful ecosystem this small charming town becomes like any other random town in Maryland. I beg you to reconsider the proposal.



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Name: Mr. and Mrs. Martin Whelan
Address: 192 Bell Rd
Westminster, MD 21158

Comments:

No additional housing of any kind needs to be constructed.
Traffic will be an issue.
The whole Pinchard Properties proposal needs to be revisited. Current proposal isn't good for city or community.

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Name: Nick & Jeanne Zoulias

Address: 1176 Long Valley Rd.

Westminster, MD 21158

Comments:

My Father built our home here on Long Valley Road and we moved in June 1978. Westminster is truly a special place. Neighborhood communities like ours in Wake Field, are gems! For the sake of future generations to come; please maintain this tradition. Thank you,

Jeanne Zoulias

November 6, 2016

Dear Mr. Mackey,

I am writing to express my horror regarding the proposed use of the former Wakefield Valley Golf Course land. I implore you to consider leaving the property open for the health of our community. Please consider allowing the property to remain wild and open for

children to ride bikes,
families to walk and run together,
bus loads of **senior citizens** from Carroll Lutheran Village seeking a natural place to experience,
joggers,
walkers,
charity running events,
and, of course the inhabitants of the property, the **wildlife** (deer, herons, fox, rabbits, groundhogs, eagles, hawks, wild turkeys and more that I personally have not seen).

I have witnessed so much beauty and joy in the short time I have been walking on the paths of the property. It is a treasure to be honored and preserved. We must preserve whatever land we can for the health of our community now and certainly for future generations. We must do this now, as we can never reclaim what we relinquish for commercial gain.

Just today in the *Carroll County Times* an article by Minda Tetlin touted the term "rewilding" to describe the effects of being in nature. According to Tetlin, the measurable health benefits include improved health, sharpening brain functions at work, brightening one's mood, and increasing the quality of sleep.

The priority must be for our citizens, our wildlife, our quality of life, and our future well-being. We can, and will, support fund raising efforts to maintain the property. We have a history of doing that in our community and will most certainly get behind any effort proposed for the retention of this priceless property.

Again, I implore you to make the right decision in the name of the health of our community. Thank you.

Sincerely,



Susan Nash Travetto

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Name: SUSAN N. TRAVETTO
Address: 200 BELL RD
WESTMINSTER, MD 21158

Comments: Please see attached.

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Name: Bill Troxell
Address: 1087 Long Valley Rd
Westminster, MD 21158

Comments:

For:

Turf fields and cross country course

Against:

Amphitheater and Cable Park

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Name: Beverly & Joe Mitchling
Address: 302 Avalon Lane
Westminster, Md.
21157

Comments:

Dear Mr. Mackey -
We wholeheartedly agree that Mr. Kress was successful in obtaining his goals at Wakefield Valley's expense and the City of Westminster's expense. It seems like a classic case of "bait and switch." We strongly oppose the Pinhard Properties proposal and agree that the outcome could be disastrous to our entire community. Pinhard Properties has no credibility or loyalty to our community. We are hopeful that a wise decision will be made with incredible respect to the homeowners and community.

Sincerely -
Beverly Mitchling

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Name: DAVID Keller
Address: 406 CASSELL Close
Westminster MD 21158

Comments:

I would like to see both the 187 Acres and 38 Acres described in the position PAPER to remain as open space with walking trails maintained by the City of Westminster unless or until a golf course can be restored on the property. Thank you.

Jeanne and Art Mueller
One Bell Road
Westminster, MD 21158

To: William A. Mackey

From: Jeanne and Art Mueller

Re: Wakefield Golf Course Property

November 7, 2016

Our comment in response to the position paper regarding the future of the Wakefield Property:

1. Mismanagement of the open space is unforgiveable and once it is gone it will be gone forever.
2. Mr. Kress provided a windfall for the city but he in turn received exceptional benefits – no obligation for property taxes, insurance or maintenance expenses AND WATER RIGHTS FOR PROPERTYS ON THE OTHER END OF TOWN!
3. Approval for Mr. Kress's rights to build 50 housing units on the site need to be REJECTED by the City of Westminster Planning and Zoning Commission.
4. It appears that Mr. Kress never had the best interest of the city and its residents in mind but rather duped us into believing that he did when his real intention was to net a substantial profit for himself.
5. Please consider rejecting both the offer by Mr. Kress for building houses and the absolutely ridiculous proposal from Pinkard Properties – group only interested in making money from a project totally inappropriate for the Wakefield Property.
6. The city of Westminster needs to keep what little open space there is available as open space. As city residents, we implore you to make this happen.

Please think long and hard and do some serious study of the impact these ideas will have on our city now in the coming decades.

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Name: James Art Mueller
Address: 1 Bell Rd 21158

Comments:

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Concurrent with this request for a Waiver to the current Land Development Plan the City Council is entertaining a proposal from an outside concern (Pinkard Properties, Inc.) to develop and manage the 187 acre Park. It seems Imperative that these two issues be viewed together to realize the impact they will have on the community.

Questions abound with the Pinkard Properties Inc. proposalfirst and foremost is how this startup concern plans to recoup their proposed 15 to 20 million dollars in up front expenditures to restore the historic Durbin House, renovate the club house facilities, build an indoor gymnastics center, amphitheater, aquatic center and cable park, turf fields and a host of amenities that someone (?) seems to think we need.

Keep in mind that Pinkard Properties, Inc. is a startup entity and has zero completed projects!! Also, this is a for-profit venture for them and it must generate substantial profits in addition to recouping the initial investment. How can this be done?

And why do we need upwards of a thousand parking spaces- mostly on open grass fields? Could it be that the innocuous appearing amphitheater with an immense footprint for a stage (as shown on the plan) may, in fact, be a full-fledged 'Merryweather' type amphitheater only downsized? Let that thought sink in for a moment!!

Remember in the presentation where Pinkard talked about the project being a 'regional draw from surrounding states'? Is that what we want - noisy crowds numbering in the thousands....drugs, booze and traffic? Treat yourself to an evening rock concert at the nearby Merryweather Amphitheater and judge for yourself.

Remember, Pinkard Properties must cover their investment plus a tidy profit. Would not such an amphitheater be one of the big money makers? Whatever is hidden in the very vague descriptions of *Technology, Collaborative, Agricultural, Retail and Dynamic Spaces* may be even more troublesome!! What kind of profit centers are these? Is this management company to be in control of all of this? What rights is the City abdicating? We live here....the proposed developers don't! WE NEED TO SEE A BUSINESS PLAN and our City Fathers need to get some top flight legal analysis to find the devil in the details before anything is signed.

What about traffic issues? Bell Road is hard to find at best and the locals want it to stay that way!! Dumping almost 900 cars out onto Bell Road after an event is not realistic. Look for a new entrance coming off Tahoma Farms Road, crossing the level ground below the proposed turf fields and culminating in pervious parking on fairways number Three and Eight of the old Green Course. Notice how close this is to the amphitheater and the 'regional tournament' turf fields. You just have to wonder where they will put the toll booth for collecting tickets sales and parking fees. None of this is indicated on the plan.

Isn't it amazing how quickly 187 acres of open space can disappear.....no deer, no wildlife, no ponds, no beauty.....all gone!Or will be!

So far we haven't touched upon the Aquatic & Cable Park proposal which will destroy Cobbs Creek along with its trees, aquatic life, wetlands, ponds, nesting areas and walking paths. And for what purpose...noise, ugly towers and cables? Honky-tonk USA!!! We must trust that our City Fathers along with The Army Corp of Engineers and other environmental agencies will stand in the way of this disastrous idea.

Just a short 50 years ago the 1978 General Development Plan did not exist. Nor did the golf course and the housing developments of Wakefield Valley, Carroll Lutheran Village, Fairways at Wakefield, Fenby Farm, Ridgeview at Wakefield, Avondale Run, The Woods at Avondale, Diamond Hills, Friendship Overlook, Greendale Mews, Legacy Farm, Essich, Jacobs Ridge, Cliveden Reach, Meadow Creek, Stoneridge Overlook, Meadow Ridge, Rockland Estates, Coventry at Westminster, Wakeford Green, Eagleview, Furnace Hills, and most of the housing along Bell Road. Look at the business parks and shopping centers that have been added. All of this gobbling up land and straining natural resources. It won't stop in the next 50 years to be sure. What will it be like then?

The point is that each year the value of this open land will become ever more precious. It must be protected. It is a treasure.

The efforts of the study committee that got us this far is truly to be appreciated. NOTHING IN THIS POSITION PAPER IS MEANT TO CRITICIZE THEIR EFFORTS. Their request for proposals just hasn't been as productive as it might have been.

The City is urged to do more thinking and further study.

If the hospital can raise millions of dollars in a fund raising campaign, how is it that protecting our parks, open spaces and environmentally safe recreational areas can be of less importance and less worthy of philanthropy? Hire a fund developer rather than bringing in an out of town profit making management company.

If the City raises the needed capital they can control, hire or fire a management company. When the management company is funding the venture it is a different situation entirely.

The main reason (possibly the only reason) Pinkard Properties, Inc. is in the picture is that they have access to cash to infuse in a project and want to grow their startup corporation.

LOOK CAREFULLY...there is no such thing as a free lunch. Cash can be found elsewhere with proper efforts.

MAKE YOUR VOICE HEARD!!

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Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: _____

Address: _____

Comments:

Mr. Mackey,

I respectfully recommend we ask the proposed developer of the 38 acres, Mr. Kress, for an additional \$1 million for the granting of his waiver. That money, put in trust, will be more than enough to maintain the existing property for many years. These other decisions can be avoided or put on hold and the land can remain open space for the community.

Kevin Bobrow, Managing Partner,
948 Westcliff Ct, 146
KSB Enterprises LLC

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 / I agree with the POSITION PAPER as amended herewith.

 / I have sent my comments under separate cover.

Name: TAMARA FOLKERTS
Address: 368 WINGED FOOT DR
WESTMINSTER MD 21158

Comments:

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I have sent my comments under separate cover.

Name: MARGARET & HOWARD JAHN
Address: 1079 LONG VALLEY ROAD
WESTMINSTER MARYLAND
21158

Comments:

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I have sent my comments under separate cover.

Name: BARBARA W. JOHNSON
Address: 364 Doral Ct.
Westminster, MD
21158

Comments:

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_____ I have sent my comments under separate cover.

Name: RALF + JAN NIES
Address: 446 SAWGRASS COURT
WESTMINSTER, MD
21158

Comments:

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Name: _____
Address: _____
 R Dana F. Rice
 1000 Weller Cir., Apt. 101
 Westminster, MD 21158

Comments:

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Name: Sally & Richard Steelman

Address: 1200 Weymouth St
Westminster

Comments: 21158

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I have sent my comments under separate cover.

Name: **Ronald & Margot Swanson**
Address: **1072 Long Valley Road**
- **Westminster**
- **MD 21158**

Comments:

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Name: Rosemarie + Michael Thackston
Address: 898 Summer Ct
Westminster MD 21158

Comments:

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I have sent my comments under separate cover.

Name: Charlie & Margaret Wise
Address: 1269 Weller Way
Westminster Md.
21158

Comments:

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I have sent my comments under separate cover.

Name: Janet E. Olier
Address: 247 Bell Rd
Westminster, MD
21158

Comments:

In addition to the \$2,500,000 Mr. Kress stands to profit from homes built on the Wakefield Property, isn't he entitled to a significant tax write off for the 187 acres he unloaded or "gifted" to the City of Westminster?

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Alexander G. Ober *Alexander G. Ober*
Address: 247 Bell Rd
Westminster, MD
21158

Comments:

William Mackey

From: Amy Miranda
Sent: Wednesday, November 09, 2016 5:48 PM
To: William Mackey <WMackey@westgov.com>
Subject: Wakefield Valley Golf course

I would like to take this opportunity to express my sincere concern over the proposal by Pinkard Group regarding their proposal for a recreation complex on the Wakefield Valley property that includes 4 lighted outdoor turf fields, an indoor sports arena, a 3 season outdoor amphitheater, aquatic cable park and parking lot for 888 vehicles. As a resident of Fenby Farm community I am strongly opposed to this use of the property. In a residential neighborhood with children and nearby elementary school the increased traffic as a result of 888 new parking spaces and attractions puts our children at risk. Further, the recreation complex itself will bring added noise, light and disruption our community. Finally in a time where our properties have just begun to recovery their value we are threatened with a potential unsightly complex that stands to drop property value again.

I also oppose the building of the 53 homes on this property. I'm not sure how an area that was originally deemed to be a conservation area and had strict guidelines on what could not be done, can now be subject to such heavy development between Pinkerd and Mr. Kress. If the land couldn't have been developed before what happened that now someone can build on it? If it was conservation why isn't it still? Who changed the rules and who is looking the other way?

There are other options such as working with project open space that have not thoroughly been considered. This area is being used by the community now and the community has a right to keep their open space.

Sincerely,
Amy Miranda

November 10, 2016

William A. Mackey, AICP Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

*RE: FUTURE OF WAKEFIELD PROPERTY
PREVIOUSLY WAKEFIELD GOLF COURSE*

Sir:

This Position Paper upset me considerably.

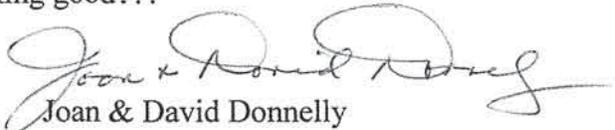
It has no resemblance to any suggestions Carroll countians made at any of the past meetings.

To put this wonderful gift into the hands of a so-called Pinkard Properties, Inc., which has no viable experience and seems to want to do things the county doesn't need or want, is ludicrous!!!!!! No one wants the Wakefield property turned into a "sip line" course, a Merryweather Post Pavilion look alike, which attracts undesirable audiences, (and if you don't believe that see for yourself and attend one of their events), or 50 new houses contributing at least 100 additional vehicles in a neighborhood that could not handle the congestion. We don't want "regional draw from surrounding states" As far as indoor gym, we have Gold's Gym, Planet Fitness, the "Y", senior center and at least three other types of gyms in the region, we do not need any of their proposals and shouldn't even be considering them as viable.

In addition, I really can't believe one of the proposals will actually destroy Cobbs Creek and all the beauty flora and fauna that surround it....is the task force insane? Our open land is precious and must be protected!!!

As far as Mr. Kress in concerned, he seems to be in a position to take back the gift he gave the county and make a considerable profit in the short run. I am okay with the three farmettes, but to take the "windfall given to the City" for his own profit and our loss is crazy. I am definitely against it one hundred percent! Mr. Kress's hearing should be denied as was a similar suggestion of multiple housing was rejected a couple years ago in the city's best interest.

I have lived in Westminster for most of my life. I enjoy the peace and serenity of rural life and feel now the life I love and most others love is being threatened. I think the task force's motivation is money, money and more money and the h---- with what is going to be good for the residents. We live here and pay the higher taxes because we love our surroundings and want to "keep it county." Please do not give our gift to someone else....wake up and smell the land grabbers...Where is the mayor in all this...is he letting others call the shots to keep himself looking good???



Joan & David Donnelly
800 Ryder Court
Westminster, MD 21158

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: DAVID & JOAN DONNELLY

Address: 800 RYDER CT.
WESTMINSTER, MD 21158

Comments:

SEE ATTACHED

William Mackey

From: Gary Wagner
Sent: Thursday, November 10, 2016 12:11 PM
To: Planning
Subject: FUTURE OF WAKEFIELD PROPERTY-PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

Regarding the future of the Wakefield property/golf course, and due to the fact that we are homeowners on Bell Road, we are very concerned about the decisions to be made. For all the homeowners, Westminster Elementary School, two local churches, and an assisted living facility in this area, the amount of traffic is a consideration not to be taken lightly.

As far as the number of houses, we would suggest 12 to perhaps 18 on the 38 acres, with good size lots and plenty of open space. Also, these houses should be built similar to the ones already on Bell Rd and Long Valley Rd. so they would blend well with the houses that are already there. Why cram 50+ houses on 38 acres when there is no need to do so?

As far as the rest of the area, and the Pinkard Properties proposal. This would cause traffic problems on Bell and the surrounding areas. The newest addition to Bell Road is an assisted living facility which is just across from the old entrance to the golf course. Coming in from Uniontown Rd. is a church, also a busy, high traffic area, with extra events, not just on Sundays. These bring more traffic to the areas of Bell, Uniontown and Royer Roads.

Why doesn't the city partner with the county to take care of the old Wakefield property? After all, it has historical value. The Durbin House on this property was built in 1767 and is protected by the MD Historical Trust inventory and is a Carroll County Historical Site. An unlikely place for a sports arena. But a great spot for picnic pavilions for groups and families to use; you could even charge a small fee for the usage. Build a playground for the children of the community. Take a look at Christmas Tree Park in Manchester as one example. This would be a huge benefit to both Westminster City and Carroll County families. You would make so many people happy with this decision. We feel that people throughout the county, particularly in the Bell and Long Valley Roads area would wholeheartedly support this idea.

Thank You for your consideration,

Gary Wagner & Judy Wagner
352 Bell Road
Residents of Carroll County for 66 and 69 years respectively.

William Mackey

From: Sherri Botsford
Sent: Thursday, November 10, 2016 4:08 PM
To: William Mackey
Subject: proposed amendment to Wakefield Valley to allow 53 new houses on Parcel W

Mr. Mackey –

I am opposed to the 53 houses.

The addition of these houses will cause more traffic on the already overpopulated roads in Westminster. Traffic from 7:30 – 8:30 am and especially from 5:00 – 6:00 pm on Route 140 is horrendous. Trying to exit on to Route 31 in the evening and traveling on 31 towards Tahoma Farms Road (maybe a 3 mile stretch) can take as long as 15 – 20 minutes. With approximately 100 extra cars (2 cars per house), it will take even longer.

Has an official traffic study been performed? And if so, what hours was the study performed?

I am not opposed to new growth in Westminster but the traffic situation has quadrupled since I moved here about 13 years ago. Westminster is no longer a small, quiet, farming community that I, as a homeowner moved here for.

Sherri Botsford



William Mackey

From: Michael Marques
Sent: Thursday, November 10, 2016 4:21 PM
To: William Mackey
Subject: 53 homes on wakefield valley

Dear Mr. Mackey,

Hello my name is Michael Marques, I live at 189 Bell Road Westminster, MD 21158 I am writing in protest of the 53 homes proposed to be built on wakefield valley. Our peaceful quiet country neighborhood does not need this amount of added congestion, Traffic, Light pollution (if street lamps plan to be added to this proposed community) we have our fair share of traffic a lot of which is going to Carroll Lutheran Village. Another concern, is all of the animals which call the former golf course home, we do not want these homes in our neighborhood it's just too much. Please consider the people in the surrounding communities Royer Road will get much more traffic as will Uniontown. I would love to stop this building if possible if not at least cut back the amount of house by at least half saying that the new community will go with the existing community is a lie I have 1.35 acres my neighbors at least 1 plus acres. Thank you for your time sir.

Sincerely
Michael Marques

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_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: David B. Scott
David B. Scott
Address: 1260 Weller Way
Westminster, MD
21158

Carole P. Scott
Carole P. Scott

Comments:

We do NOT Need COLUMBIA Md Here
in WESTMINSTER !!

We need to RETAIN OPEN SPACE
FOR FAMILIES !!

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_____ I have sent my comments under separate cover.

Name: Ellen + Perry Levin
Address: 383 Winged Foot Dr

Comments:

*Thank you all for the time and
commitment you have given to
this project
We agree there are many questions
to be answered before this project
comes to fruition
Our preferred use for this property
is another golf course.*

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_____ I have sent my comments under separate cover.

Name: Diane Berry
Address: 1050 Fenby Farm Rd
Westminster, MD
21158

Comments:

Please don't build all those houses across from me. Please don't turn this land into a recreation for the City. I would like Mr Kress to make a profit but not with so many houses. Please consider this position paper. Few houses, lots of land.

Thank You

Diane Berry

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_____ I have sent my comments under separate cover.

Name: George H Thomas
Address: 1263 Weller Way
Westminster MD
21158

Comments:

I also suspect that Mr Kress may receive a significant tax write-off (deduction) for the 187 acres "gifted" to the city of Westminster.

George H Thomas

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_____ I have sent my comments under separate cover.

Name: WILLIAM B. DIEDRICH *WBDiedrich*
Address: 1243 Weller Way
Westminster, MD 21158

Comments: My wife and I have been residents at Carroll Lutheran Village for over 10 years. We have lived in all four corners of the U.S. plus Hawaii, and in all those locations were close to natural outdoor habitats that were free and open to the public. We are in good health, and enjoy walking and observing wildlife and native plant life. We were delighted, then, when the Wakefield Valley property was turned over to the city and opened to the public for walking and just plain enjoyment of its natural features. (We're not golfers.)

We drive to and from Carroll Lutheran Village by way of Bell Road, as we don't like to tangle with the high-speed traffic on MD 31. We cannot imagine what a mess it would be along Bell Road, though, if the Pinkard Properties proposal is approved.

There is more to life than money.

Sincere thanks go to you who are tasked with making the right decision for your fellow Westminster citizens.

November 7, 2016

Seventeen years ago, my husband and I made a tough decision to move to Carroll Co. Tough because it would mean we would both be driving 40+ miles one way to work and because we were moving farther from our families. We lived in a townhouse in Howard Co. and wanted to upgrade to a single family home. After looking for months, we couldn't find anything decent within our price range - mostly houses that were foreclosed on and need to be gutted or those \$600,000 homes on .5 acre lots that are being proposed for Wakefield. Big houses so close to each other, you could literally reach out your side window and almost touch your neighbor's house. By a fluke, we found ourselves driving further out Rt. 70 to look at a house in Carroll. To our surprise, we pulled up to a house that not only had land around it but that exceeded our expectations in its features. We also unexpectedly fell in love with the area. Nestled in a cul de sac community of 20 houses, surrounded by a golf course across the street, farms on 2 sides and Carroll Lutheran Village at the end of the road, we felt that we could finally escape from the over development of counties like Howard. Even with driving an hour or more each day to work, we grew to appreciate the tranquility of our neighborhood - the ability to wake up and see the Cactoctin Mountains in the distance, to walk outside on a clear night and see a universe of stars in complete silence. There is simply no price you can put on this and yet, it seems that greedy developers are always trying to. The stadium lights that are being discussed to light the exciting action on the playing fields and the speakers that will be used to amplify the sounds coming from the amphitheater will certainly ruin any chance of enjoying a quiet starry night ever again.

The scope of the plans for the Wakefield Valley area are unrealistic and damaging for many reasons:

1. Bell Road cannot absorb the increased traffic that would result with the development of not only 53 houses, but also the new assisted living center that is being completed right across from Fenby Farm Rd., the additional 25 which have already been approved for the land where the donkey farm is and the community/water park plans. We are already dealing with people who drive too fast on this 2 lane road - it already isn't safe for children, the older people who live in Carroll Lutheran, and the many walkers and bikers who take advantage of the area for exercise.
2. The scope of the development is too much for this area. In addition to the traffic, the environmental changes to the landscape and ecosystem would be irreparable. The animal life, vegetation and water supply would be damaged by increased population, noise and trash pollution. Further, the county just closed 3 schools for lack of projections for population growth. Yet, this is being proposed in an area where the schools are now at or above capacity.
3. Anyone who has been to tournaments and concerts know the impact of having large numbers of people converge on an area. These events are generally not held in venues that are smack in the midst of residential communities on all sides. What protection will the homeowners whose properties border these venues be given against damage and intrusion? The upkeep and maintenance of these areas also generate additional costs. Who will cover these? The taxpayers? Why not use the empty facilities and fields that are now available as a result of the school closures, especially New Windsor and North Carroll? It seems these properties would lend themselves well to the need for playing fields and even concerts with much less cost and disturbance to surrounding neighborhoods.

4. Water has been an ongoing concern for as long as we can remember in this area. For those of us on wells, what will be the impact of increased water usage with almost 80 new houses, a water park and sports fields? When the golf course was in operation, we were told they were already tapping into our water supply to irrigate their greens. What will it be used for with all of the proposed development?
5. The comps for this area do not support \$600,000 homes. Anyone who has driven up and down Bell Road for the past 1-2 years knows there have been houses for sale for over a year at least and that sell in the \$300,000's if we're lucky.

The only people who stand to benefit from the over development of this land do not live in this community, especially the "generous" Mr. Kress, and Pinkard Properties, who has never even completed a project like this before. They will potentially make millions from what they will take from those of us who moved here to enjoy the beauty of this area, who have paid taxes for many years and voted for people who we thought would protect our rights as property owners. We are not fooled by the lies and empty promises that were presented to us at the community forums. We see through them for what they really are - bribes, pure and simple. We can only hope and pray that those of you who are about to decide the fate of our community can see this too!

Development has to make sense - it has to be balanced with the area around it. Parks and protected public land are proven to improve water quality, protect groundwater, prevent flooding, improve the quality of air we breathe, provide vegetative buffers to development, produce habitat for wildlife, and provide a place for families and children to connect with nature and recreate outdoors together. This is what we're asking for the Wakefield Valley community.

Ann and Paul Hynson

1205 Weymouth Street

Sent from my iPad

MAKE YOUR VOICE HEARD!!

Written comments must be received by Nov. 12, 2016. This POSITION PAPER has already been delivered to the City of Westminster Planning. You can simply mail in this form.

Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Ann & Paul Higson
Address: 1205 Weymouth St -
Westminster, Md 21158

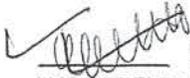
Comments: see attached

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_____ I have sent my comments under separate cover.

Name: Harry & Becca Sizinakis
Address: 1216 CHADWICK DRIVE
WESTMINSTER, MD
21158

Comments:

PLEASE REVIEW options again!

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_____ I have sent my comments under separate cover.

Name: FRONZIE Q. WILLIAMS
Address: 297 BELL RD
WESTMINSTER, MD 21158

Comments:

There has to be a way to maintain the existing property and develop something which enriches the community. Bell Rd is not conducive to an increase in traffic; with few remaining farms, farm equipment on the road alone can delay traffic flow and I'd rather be delayed by community farmers than a development which overpopulates the area. Many people walk Bell road, I could foresee a well planned walking trail on the existing property and a revitalization of the club house.

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Charlotte C. Diedrich
Address: 1243 Welles Way
Westminster, MD
21158

Comments:

In this day and age "green spaces" are extremely valuable to the ^{community} community and to the City of Westminster.

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56 West Main Street
Westminster, MD 21157

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I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: George Beckwith
George Beckwith, JR.
Address: 1267 Waller Way
Westminster, MD
21158

Comments:

Good job!

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I have sent my comments under separate cover.

Name: _____
Address: _____



Comments:

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_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: ARTHUR + MYRA COHN
Address: 517 Ryder Ct
WESTMINSTER, Md 21158

Comments:

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City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

X yes I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: DAVID HALL
Address: 301 LUTHER DR
WESTMINSTER MD 21158

Comments: Resident Carroll Lutheran Village
DJ Hall

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K I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: _____ Mr. William Hilgartner
Address: _____ 1268 Weller Way
_____ Westminster, MD 21158

Comments:

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I have sent my comments under separate cover.

Name: Juan Myers
Address: 447 Sawgrass Ct
Westminster 21158

Comments:

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I have sent my comments under separate cover.

Name: Terry Powers
Address: 366 Winged Foot Dr
Westminster, MD
21158

Comments:

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Melisa and Jason Trayer

Address: 373 Winged Foot Drive
Westminster MD 21158

Comments:

William Mackey

From: on behalf of Eric Boyer
Sent: Thursday, November 10, 2016 8:09 PM
To: William Mackey
Subject: Wakefield Valley Zoning Concern

11/10/2016

Mr. Mackey,

Just a few comments about the proposed RE-ZONING issue currently facing the residents surrounding Wakefield Valley Golf Course property. I had addressed the overall issue of the entire property in an earlier e-mail, but I still feel the need to address this one singular issue by itself.

I still feel that there is really no issue of a decision about this facing the city council, in that, it was addressed in the late 1970's when the overall development plan for this area was established. The original plan was mentioned, in the town meeting, as requiring 31% of the land to remain open space. 31% of that 734 total acres is 227.5 acres that MUST remain as open space. I haven't been presented with any information that allows those percentages to remain with this development proposal. After all, this is just a proposal. It is a proposal to change what was put in place about 40 years ago by the citizens of Westminster. This is and always should be "open space", we have an incredibly unique opportunity to do some amazing things with this land. This should not become, just another development zone.

It was also mentioned that there was a traffic study done on the area. I know for a fact that the lower end of Bell Road is not wide enough to accommodate constant passing of traffic on that narrow stretch. Additionally, Davis road is mostly a gravel road, also not wide enough and in very poor shape for increased traffic. I would imagine that this would be a very significant expense to the residents of Westminster to improve this stretch of road. This will have to be improved with the added traffic. I think that 53 houses are about double the amount of dwellings that currently utilize these roads and reside along Bell Road.

Mr. Kress is a private citizen who is requesting a rezoning to the city charter and planning. I truly hope that there was nothing implied in his donation of the other land. He made the original purchase to allow the water to be used on his other development project on the other side of Westminster. To feel the need for reciprocity from his donation would be a terrible statute to set. He may always own the 35 acres that he

kept in this deal, but *we don't owe him the ability to develop it*. It's a beautiful parcel inside an "open space" zoned area. I hope we can see it as just that and leave it as beautiful as it stands now. 53 houses will destroy the beauty and ruin the views for the city. It does not need to be developed.

If the water rights were transferred to another area, then where is the water for this project coming from. I realize that there is a strong water source running under the golf course, but how many other events will occur, in the county, if that resource is tapped into. When I picture premium housing at the \$600k price range, I also image quite a lot of water consumption. There will likely be chemically treated lawns with elaborate sprinkler systems and quite a few swimming pools and even jetted tubs. All of which will amount to a great deal of water use and a lot of polluted run-off into that same water source underground. I also have concern for the existing houses in the immediate area (mine included), as they are mostly on wells from these same sources.

I am still concerned that the donated land is a consideration that SHOULD NOT cloud the decision of what is the right thing to do here. If there was not a donated parcel attached to this proposal, would we even be having this proposal at this time being given consideration. My hope is that clearer heads will prevail and keep a clear view of what is truly in the best interest for the city of Westminster. By remembering what previous generations thought was prudent and by having a vision for future generations and their need for open space;.. *those are the people we owe and not Mr. Kress and his legal team*.

Respectfully,

Eric & Janice Boyer

261 Bell Road

Westminster, MD.

William Mackey

From: on behalf of Kevin Carter
Sent: Thursday, November 10, 2016 7:24 PM
To: William Mackey
Subject: Wakefield Valley Development

Mr. Mackey:

I am a property owner, 301 Coldstream Close, in the Wakefield Development. The proposed development will include tree clearing and home building on the former golf course. I am concerned that the proposed building and development will cause flooding and other related issues for those living in the Wakefield development especially those living at the bottom of the flood plain. How will the builder and the Planning Commission ensure that the proposed building will not result in flooding or property damage to families living in the Wakefield development.? What is the plan for water run off and flood prevention? What recourse will property owners have if the development of Parcel W contributes to flooding or home damage to existing homes? When will the EPA study be completed and will it address this potential problem?

Kevin Carter
301 Coldstream Close
Westminster, Md 21158

William Mackey

From: on behalf of Steve Tokarz
Sent: Thursday, November 10, 2016 8:26 PM
To: William Mackey
Subject: Kress Development - Wakefield Valley Property

Mr. Mackey,

I am a resident of Fenby Farm, a development adjacent to the former Wakefield Valley Golf Course. I empathize with those homeowners on Bell Rd. believing the open space behind them would remain open and now they face the possibility at looking at 53 rooftops.

My first recommendation is to keep the property at 3 residential lots. My second choice is your suggested compromise of 12 lots. Both would keep some openness and would better assure that the houses built will be at least comparable to the those on Bell Rd. and those in Fenby Farm. I think Mr. Kress' plan for 53 houses in the \$600,000 range is not based in reality. Houses in Fenby Farm (~\$400,000 to \$600,000) are now selling at **significantly reduced prices** and have not recovered since the downturn of 2009!

I strongly oppose the proposed 53 residential lots. According to Homes.com, there are currently 1,504 homes for sale in Carroll County: 1,171 resale, 266 new and 67 foreclosures. Why do we need 53 more new houses to drive prices down even more, especially when our County's growth is so minuscule. We have County citizens and builders currently struggling to sell existing homes.

Thank you for your giving us the opportunity to express our concerns!

Steve Tokarz
2 Fannies Meadow Court

William Mackey

From: on behalf of Richard Huss
Sent: Friday, November 11, 2016 12:40 PM
To: William Mackey
Subject: Parcel W Comments for Planning/Zoning

Mr. Mackey,

At this time, the Fenby Farm HOA Board is not opposing the request for Parcel W. Our expectation would be, if approved, the plans shared by Mr. Kress would be followed. He indicated the development would be estate type homes (\$600,000) governed by covenants of a Home Owner's Association. If those plans are not to be implemented, approval of a smaller number along the lines of your staff recommendation (12-14) would be more appropriate.

Sincerely,
Richard Huss, President
Fenby Farm HOA
947 Westcliff Ct.
Westminster, MD

William Mackey

From: on behalf of Jeff Selig
Sent: Friday, November 11, 2016 2:11 PM
To: William Mackey
Cc: Jeff Selig
Subject: FW: Wakefield Valley Property Proposals
Attachments: 11-6-16 Wakfield Valley Letter.docx

Importance: High

Mr. Mackey,

Hopefully this finds you well, again.

I got a return on the first one I sent you, made a mistake in your e-mail address, please see below.

Regards,
Jeff

From: Jeff Selig
Sent: Friday, November 11, 2016 11:36 AM
To: 'WMackey@west.gov'
Subject: Wakefield Valley Property Proposals
Importance: High

Mr. Mackey,

Hopefully this finds you well and looking forward to a nice weekend. Attached you will find a letter drafted by my wife and I regarding what is going on in our back yard.

Per the requirements to get this to you by the 12th, as we will mail a hard copy also, we have decided to send this electronically. This will also allow us to quickly communicate with a few other parties who are involved, as it is all inter-connected.

Have a nice weekend and looking forward to seeing you again on the 17th, we will be there.

Regards
Jeff Selig

William A Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster MD, 21157

11-9-16

Dear Mr. Mackey,

We wanted to take this opportunity to write to you and other relevant parties whom might read this, regarding the development of the Wakefield Valley Golf Course Property. As we live right on the course, whatever is being considered affects us directly and, in turn, we appreciate being able to communicate openly about this. To quell any doubt here, yes, we do consider the Pinkard Proposal AND the houses Mr. Kress would like to build to be intertwined at the core. They are on the same piece of property, so by definition related to each other. In turn, we don't feel citizens should have to craft two letters regarding the same conversation, and thank you in advance for your understanding.

Westminster's various processes has afforded us the opportunity to attend meetings regarding this property all the way back to when Mr. Hull wanted to develop it and we haven't missed any, including the most recent regarding the Pinkard Properties proposal. We are also regularly reading the notes from zoning meetings to stay updated, as there appears to be no other reliable way to stay informed on some city-related business. This is especially true with the Carroll County Times choosing not to cover much of these events, a fact we find peculiar in itself. The task force website has done an OK job keeping us informed; however, does appear to be late posting news or choosing not to post news at all.

This is evident by twice receiving flyers on our mailbox in the last few months, both of which had new information we were not aware of, one of which I am including when I mail you this letter. We are assuming these were handed out by concerned citizens? We mostly agree with the latest such letter, "Future of Wakefield Property" on bright yellow paper, and it has inspired this letter. It makes a lot of good points and certainly represents the tone of the citizens involved; however, we felt the need to spell out our own concerns regarding this property and appreciate your taking the time to consider them.

At the core of our feelings is that we just don't understand why the city wants to develop the land to such a degree and why so quickly. Not only are you actively seeking proposals for outsiders to develop it, for mostly their own profit, but you are also considering building houses on it now too? This 180 degree change in direction from the city just makes no sense, especially for those who remember the Hull housing proposal open meetings.

At that time the city was animate about NEVER building on that property, as we all wanted open land and were told that was what we were going to get and keep. At the time the city was citing not only zoning laws in our founding paperwork but every concern possible from water to resources to traffic to police, etc.. The proposal to build homes died at the meeting level and it was VERY clear to me where the city and citizens stood on developing Wakefield Valley, much to our relief, and we still had faith in the city and why we lived here.

We would encourage you to research these meeting's notes or even videos if available and review them carefully if possible. Some enlightenment is to be gained on our position here and how dramatic the city's opinion has changed since then. So, what changed from then to now for us to be looking so hard at such grand proposals? We feel the base option of only maintaining the trails and the historic house while demolishing the golf club facility was never reviewed, even when the city first got the property as a bare minimum option.

As this is what the vast majority of the people want and it's what the city said it was going to do when Hull tried to build on it, this fact bothers us very much. Proof this wasn't considered was evident when it was asked during the most recent meeting if anyone even knew how much it costs just to maintain the property annually (mowing). No one in the room had an answer...how is that possible? Without a baseline cost, how can one really consider "all options on the table"?

If the city was truly starting from the ground up, considering all options, then only maintaining the paths and historic house should have been considered and, frankly, is the only place to have started this process. Due to the current state of affairs, we feel this step was skipped and the city forgot it can always add things slowly later but big changes can't be undone. With an overwhelming majority of the sentiment from the people being against the proposed housing development and Pinkard Property "destination spot", this contingency should have been calculated from the start. We feel there are many options available keeping the property as natural and open as possible while making enough money to maintain it, and are still confident you guys could figure that out.

For example, it appeared as though the grass was being mowed for hay during the summer, so how much did that make? How much could be made by letting outside groups use the property for temporary purposes like track and field events or even festivals and carnivals? There are other even lower community-impact options out there too like flower farms harvested for profit or various fund-raising possibilities to cover the costs. Why was no research done concerning a lowest maintenance cost proposal to keep the open space for the people of Westminster and beyond, as was the original intent of the property? Perhaps the city has always seen this land as a potential profit center and that is part of the problem here.

To be blunt, that doesn't reflect well on the city's original intentions when acquiring the property. The same guy who "gave" Westminster the property is now requesting our zoning laws be re-written so he can build on the portion he kept? Furthermore, it was a surprise to committee members at the last meeting regarding Pinkard that "someone" has come to Zoning requesting to build on the property. Either this information was kept from them or perhaps they are not as engaged as they should be to stay on top of things, either way not good. We hope you can appreciate how these things are NOT a good look for the city and how people might be questioning this process now. It's our opinion that if the original idea was to conserve the property and make a minimal negative impact on the surrounding community, as we were all lead to believe, other alternatives could have been researched instead of these huge proposals. This brings us the "destination spot" proposal of Pinkard Properties.

To be frank, this proposal is beyond anything we could have imagined would even be considered. We don't think it should qualify as a way forward just because it was the only way forward, as was pointed out during the meeting multiple times. We realize the process put forth by the city hasn't resulted in many qualified self-funded candidates, and adding the lavender fields was a nice thought; however, the people don't want it. Can't we find a solution that eases our way in the pool, if you will, instead of this massive "destination spot"? It's understandable the land has to generate enough money to cover maintenance and long-term care; however, this proposal is WAY beyond that and has too much negative effect on the community you're dropping it into.

It just doesn't make sense for the city to build this "destination spot", the profit and enjoyment of which will be largely had by people well beyond not just Westminster and Carroll County but beyond Maryland for that matter. Especially egregious against real interest of the people of the city are the inclusion of a cable water park and an amphitheater to go along with the lighted fields. To be objective, given consideration to the input received at the meeting, the sports fields would have some use; however,

there are other properties in the area that could easily be built right now with much less impact to the surrounding parties, even with lights. This fact was also mentioned during the meeting, and the fees charged to teams to use them would likely be enough to build them today. We don't want or need a "destination spot", as the vast majority of citizens made very clear; we just want some fields to play on.

We aren't going to spend a lot of time in this letter on the sink holes, flood zones, abundant wildlife, environmental impact studies or potential adverse possession or distressed property lawsuits that could come of this. We aren't going to spend a lot of time on the eventual issues that will arise when this endeavor fails, and eventually it will, leaving the city with even more problems to take care of. We do hope everyone appreciates the fact that there isn't enough information to fully understand the true impacts here and the long-term ramifications to the area, especially given the nebulous nature of the Pinkard proposal lacking any true details. Again, just because it was the only choice doesn't make it a good one. Not to repeat ourselves here; but the city fought so hard to keep Hull from building but now we are going to let Kress drop a bunch of houses AND Pinkard build a "destination spot" in our backyard, even changing the city zoning laws to do it?! So, what changed?

In closing, a quick story about why we moved to Westminster! I have the kind of job that we could live and work anywhere we want as long as we are relatively close to a major airport. When my company asked us to move to the East Coast we chose Maryland after careful consideration of all our options. We could have lived anywhere on the East Coast but rented a spot in Maryland until we got a better feel for the area, knowing this was where we wanted to be.

Eventually we hired a realtor and ended up going inside and touring 43 homes all within 1.5 hours of BWI airport. Yes, we did a lot of homework and were meticulous about our process, eventually choosing Westminster. Openly, it reminded us of the Midwest, where we came from, reminded us of the kind of place we wanted to raise our kids and grow family roots. Even talking about some of what is being discussed is very hard for us when we think about how much we have invested here in our Westminster, how the city could change dramatically now some 13 years later. We could have moved anywhere.

It would be a shame for this very happy life we have built here to come to an end, now with two great young kids (ages 12 & 9) having known nothing else but Westminster their whole lives, perhaps come to an end because if you allow either of these projects to move forward, you will likely force us to move, to put some distance between us and the selfish will to expand or the greedy "destination spot". Drive around and notice as there are homes for sale already, and ours could be another one of them soon.

The vast majority of people have made it very clear that they aren't interested in either of these projects, as we have attended every meeting possible and have heard first-hand. The question is has the city heard, do they even care, or have promises already been made? We truly hope the city does what the majority of the people want instead of what a small minority might make money pulling off.

Thank you again for reading this through and we hope you strongly consider its contents.

With Great Concern,

Jeff & Alyssa Selig
306 Avalon Lane
Westminster, MD 21158

William Mackey

From: on behalf of Alan
Sent: Friday, November 11, 2016 5:54 PM
To: William Mackey
Subject: Further comments on Wakefield Valley zoning change request
Attachments: further-comment-on-wakefield zoning request.pdf

Dear Mr. Mackey,

Attached is a PDF file with further comments on the request for zoning change for the parcel next to Bell Road. I hope these are clear, and fairly concise. Thank you for your work on this exercise.

Alan Stottlemyer

195 Bell Road

Alan Stottlemyer
195 Bell Road
Westminster, MD 21158
410-857-7564

Comments on requested change in zoning for Wakefield Valley

11/11/2016

1. Attorney Clark Shaffer, representing Mr. Kress, asserts that the changes in ownership of the former Wakefield Valley golf course mean that zoning can be ignored. This would imply that the new owner can use the property effectively any way he wishes. If that is deemed true, then the only recourse for existing property owners will be the legal system. I find that a novel, and unlikely, interpretation. I hope that doesn't contain an implied determination to take this to the court system

2. Mr. Shaffer also said that the housing density, 3,000 to 5,000 sq. ft. homes on less than a half acre, is consistent with density in the area. He then used as his reference the one area across the valley where this might be true. Certainly the homes in the immediate area of the proposed development are on larger lots, and are smaller homes.

3. The idea that putting in expensive homes will improve area property values, as asserted in the presentation, runs counter to much past research on such factors. According to that research, the only time that values increase is when the improved area is adjacent to a deteriorated neighborhood, and is based on the expectation that the deteriorated area will be gentrified. Such is not the case in Wakefield Valley.

4. The traffic model is less than useful, as is. The reasons are that the modeling depends on the assumed traffic flows, and the presented model has NO assumption for traffic from any city development. The model also does not provide any clear guidance.

For example, what are the criteria identifying a need for road improvements? Average traffic flow? Peak traffic flow? Congestion at the intersections of Uniontown Road with Bell and Royer roads? Something else? It may be one or more of the above, or yet another set, such as the number of fatal accidents at intersections.

In the face of such uncertainty, the only way to really provide some substantive guidance is to do sensitivity analysis to try to identify what changes and combinations of change can lead to requirements for road improvements, and then to assess how likely such conditions are.

5. One issue for those of us on Bell Road is the uncertainty of the existing ponds. As these are the primary source for water in the event of a house fire, provision must be made to ensure a water supply for fire safety of the homes on Bell Road.

William Mackey

From: pauline coker
Sent: Saturday, November 12, 2016 11:18 AM
To: William Mackey
Subject: Re: REMINDER: Westminster Planning and Zoning Commission - Continuation Meeting on November 17 at 7 PM in John Street Quarters

Mr Mackey,

I am commenting just in case you did not get my mailed letter in time.

I am a resident located exactly across the street from the proposed driveway to the proposed housing development. I am opposed to this large housing development. First, because of the traffic impact it will have on Bell Road and second, because the neighborhood is not made up of high density homes and the current neighborhood should be respected. To desecrate the beautiful acreage, that was once the Wakefield golf course, with a housing development is just a crime. This was gifted to the city as a potential park. The developer got his water rights for his other development by doing this and should not now be furthering his greedy agenda. We are the residents who have built our homes in this tranquil part of Bell Road and we should not have our lives and our investments upturned by some developer who just wants to make more money without any care to the environment. The land should be preserved as the peaceful parkland it is where people can enjoy nature by walking and biking the trails. There is no place like this in the city or the county and the Planning and Zoning Commission should take this opportunity to do something great for our citizens and for future generations. Please do not carve this property up strictly for city revenue.

Pauline Coker

William Mackey

From: Kristan Zylka
Sent: Saturday, November 12, 2016 5:21 PM
To: William Mackey
Subject: Position paper Wakefield valley
Attachments: IMG_8242.JPG

Thank you for this opportunity. I do hope there is more thoughtful decision making coming. We love this wide open space and makes me really question the message that is sent when the words "conserve or protect" are used. Money talks too loudly to some. Hopefully these comments might help a small bit.

MAKE YOUR VOICE HEARD!!

Written comments must be received by Nov. 12, 2016. This POSITION PAPER has already been delivered to the City of Westminster Planning. You can simply mail in this form.

Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

 I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

 I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Scott & Kristen Zylka
Address: 253 Bell Road
Westminster, Md 21158

Comments:

I agree with the position paper, and please consider these comments ->

① As a born and raised citizen of Carroll Co., we should pride ourselves in the rural beauty we are known for. I want to live in a county that still admires and appreciates the beauty and value of SIMPLE.

② This is a residential area - we can go to any surrounding county and see how this despoils neighborhoods - traffic, litter, concrete everywhere. No Thank You.

③ These spaces are becoming a rare find. Don't we want one of those? I will drive to Hagerstown city park, Gettysburg parks... and all my stops along the way will be there.

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: RICH + CAROL WEAVER
Address: 369 WINGED FOOT DR
WESTMINSTER, MD 21158

Comments:

We have been fortunate to live in this area for 25 years. Although we don't live right on the old golf course, we do live across the street from it. It's specifically bought our lot because of the view of the open space.

What a shame it would be to have the beautiful scenery, ponds and trails replaced by parking lots, glaring lights and possibly "rock" shows in the amphitheater.

This is a treasure in our midst - for Westminster to enjoy. Please don't let greed influence the decisions, ^{made} for its future.

Keep it simple and green. Thank you, Carol Weaver

To Whom it may concern: Documentation from the PZC hearing process Mr. William Macky, ACP, Director

All due respect, please take time to consider our concerns in Wakefield Valley Golf Course Land that is open land at this time.

My husband and I raised 5 children now adults on Ryder Ct for 20 years. We have enjoyed raising our family in this safe community along with many other families whom have raised their families.

It has been our pleasure to have had the opportunity to have built our home in this small but close knit community.

It has come to our attention that the land has been sold (congratulations to the owner) and is under great consideration for various projects to be established.

Building more homes, building an amusement park, shopping stores is not a valuable consideration for our families, and more to come in the future. These propositions will only cause chaos and lead to potential crime. Along with the added traffic will be dangerous and detrimental to this beautiful open land.

Building in this area will not be a value to the families of Westminster.

We want our community, and town a safe place for families to come together. A community park would be an excellent solution to eliminate

undo construction costs / renewations and would be valuable resource for our community.
I propose ^{possibly} to add to the already added walking paths in the open area. Families would be able to come together with children and or pets and relax and build relationships with other people otherwise may not cross paths.

Please consider all the families of Westminster, not just ours but the entire town and residing towns.

Our town would be an area where people come together and possibly be profitable for nearby shops and restaurants, and hotels. Lets make this a landmark for families to be united!!

Thanks for your careful consideration; Sincerely The Noonan's

Documentation from the PZC hearing process

Thanks Again! The Noonan's and many
more families on Ryder Ct Westus Ct and
may more concerned!

MAKE YOUR VOICE HEARD!!

"Let's keep our Community United", and safe!! 😊 Please Hear Us!

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_____ I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith. *and added comment*

_____ I have sent my comments under separate cover.

Name: Edward + Donna Noonan
Address: 801 Ryder Ct
Westminster, MD 21158

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Westminster, MD 21157

WAG I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: _____

Address: _____

Comments:

*This position paper is well thought out.
We (the city) needs to undertake a "fund raising" project so that they^{we} can hire and maintain the control of this wonderful acreage's development. This is a once in a life-time opportunity. Once this property is no longer available for use as a "park", etc. we will all be crying crocodile tears.
Marion Auld Geyer*

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: David & Ting Fisher
Address: 106 Masters Ct.
Westminster, MD 21158

Comments:

We moved here 10 years ago because it was peaceful and beautiful views. We are not ready to give all that up.

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I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: Bill & KATHY HEILMAN
Address: 20 FANNING'S MEADOW CT
WESTMINSTER MD 21158

Comments:

I MOVED here to be AWAY from
COMMERCIAL DEVELOPERS AND ENJOY
A more rural life style - NOT LIKE COLUMBIA MD
Pavilions / ballfields are more appropriate

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Sandra Zelensky
Address: 1151 Long Valley Rd
Westminster, MD 21158

Comments:

The wildlife need their space!

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Michael C. Zelensky
Address: 151 Long Valley Rd
Westminster, MD 21158

Comments:

With respect to the Wakefield Property, I agree with the positions of the Leebby Farm HOA.

I would like to take this opportunity as a resident to further define my reasons for rejecting an aggressive commercialization of a residential area. This city is great as is. What has been done previously cultivating the entire area has been successful.

However, the Pinkard proposals are unnatural with the growth and spirit of the community to this point. It seems forced and contrary to common sense. This proposal for an amusement center with lighted sports fields, an amphitheater, and a zip line water park is based on the presumption that these are sustainable activities that the general public will continue to want, use, and support.

Much of this is only a fad. When the fad ceases to be amusing (in a short period of time), the properties become less of a jewel, do not make money, and will eventually require subsidy. They will become vacant, under-utilized eye sores and a source of discontent. The people who would have used these amusements (Generation X) are all getting older and are using them less and less. The Millennials have no real interest. The population is changing. The demand for this will not be increasing, rather it will be decreasing.

One only needs to travel around the city at night. There are lighted fields near the Westminster Golf Course on Rt. 97 north of the city limits, on Uniontown Road near the elementary school, back near Target, the McDaniel College Stadium, and of course there is the community college and high school fields. The fact remains that these are often idle, with the lights on. There is plenty of capacity around town already.

With regard to the amphitheater, again, that is a fad. Gone are the days of concert events. People just are not into that any more. Bands don't exist as they did. There is too much competition elsewhere. The area is too far behind.

In short, to accept the Pinkard proposal, would be to accept a one-time windfall of tax dollars while eventually holding the town hostage when the fad goes away. Also, these activities are subject to the whims of the economy and discretionary income. Sooner or later, the tax dollars will go away and the property will again become a siphon on the community's resources. After a time, the effect on the city accounts will be a net loss.

Parks and residential areas have proven timeless. If the area were allowed to become a residential one instead, steady tax flows would be consistent and predictable. People take pride in their homes. The area is already used somewhat as a park.

The idea in planning a town would be to have residential, commercial, industrial, and community areas separate but readily accessible. However, in most cases, they must be kept separate. Clearly, no one believes that area would be good to have a meat packing factory. The Pinkard proposal creates the same effect as a meat packing factory.

There are other areas around town that would be more appropriate to host the type of atmosphere proposed such as the high school and community college area somewhere around the Ag center. The area is more open and the traffic flow could handle it or even be expanded. **Recreation already occurs there in the form of sporting events and performances.**

There are three courses of action more sensible for the property: 1) continue to use as an outdoor preserve, 2) return to previous use as a golf course, or 3) build a stable revenue stream with single family dwellings in a home ownership association. Again, to crowd Pinkard's proposal in that area, for what it will bring to the community is not worth it. The negatives far outweigh the positives.

Do not waste natural resources for that which is unbeneficial to the community.

Thank you for your time.

Art Rehn

950 Westcliff Ct

Westminster, MD 21158

artrehn@hotmail.com



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56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Art Rehn
Address: 950 Westcliff Ct
Westminster, MD 21158

Comments:

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY – PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE.

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

William A. Mackey, AICP, Director

City of Westminster Planning and Development

56 West Main Street

Westminster, MD 21157

Name: Brooks and Christine Hoffman

Address: 1077 Long Valley Rd.

Westminster, MD 21158

Comments:

187 acres owned by City of Westminster should remain as an 18 hole golf course. The City should improve and reopen what is already in place. All profits from the new course would directly go to the City of Westminster as a city owned course. "Fenby Farm Country Club." This new 18 hole course will be much easier maintained than the old 27 hole course. This will boost profits for the City of Westminster. Plus added value in that it could be used as a wedding venue. Local couples will again have a place to get married instead of out sourcing to PA, Baltimore, and further locations. My contact information is listed below if there is more to discuss.

Brooks and Christine Hoffman

Bhoffman0814@gmail.com

410-984-8413

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Daniel P. Andrews
Address: 397 Doral Ct.
Westminster, Md. 21158

410-857-4129

Comments:

Within the position paper I agree with "thought" c. "build three homes with one acre lots and donate the balance of the acreage to the City, to enhance the Park."

Mr. Kress should not get off too well with this whole scheme. This is not what I call good limited government. - 208 Daniel Andrews

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Kathy & Mike Sullivan
Address: 372 Dorae Ct
Westminster, MD 21158

Comments:

Kathy Sull. M. Sullivan
NO Extra Footcords
NO Large Amp; Theatre
For thought - better C

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Thomas Stull
Address: 50 Westworth Ct.
Westminster, MD 21158

Comments:

I hope you please consider the homeowners in the community when making a decision. We bought in our current neighborhood due to the fact that it was a quiet neighborhood and a great place to raise my children. I don't think I would think of this community the same way if you approve the proposal by Pinkard Properties. Please base your decision on what's best for the community and not what's best financially. This proposal would ruin many of the communities surrounding this property.

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: _____

Address: _____



Mrs. Betty Thomas
1263 Weller Way
Westminster, MD 21158

Comments:

As a Grandmother, I pray that we can keep this wonderful natural resource & ^{open} space for our children & future generations.

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X I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: Nicholas Delia
Address: 101 ST PAUL CT
WESTMINSTER MD

Comments:
The City & County Missed the opportunity To have a
Municiple Golf course - high quality & Revenue producing.
What a shame! Nearby courses like Challedon are prospering!!
Mrs Griswald testified that the G-to-W course was agreed
with MAJESKI to ^{be} evergreen in perpetuity. City Council
Voted UNANIMOUSLY to oppose houses (Maltill project) -
NOW - Kress wants to build houses on Green to White - Totally
oppose & so should the City.
The PINKARD proposal appears to have numerous flaws with
questionable Benefit to Residents & the City.
Our loss of a premier Golf course is a disaster that
could have been prevented. Please don't MAKE
ANOTHER MAJOR ~~error~~ error!! TAXPAYERS VOTE! ^{check the} Recent
Electron
Nick Delia 11/9/16

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_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: EDWARD J. CRAMER JR.
Address: 371 WINGED FOOT DRIVE
WESTMINSTER, MD 21158

Comments:

First, Mr. Charlie Brown didn't "own" his proposed position paper, i.e., put his name and address on it.

Second, he personally delivered them through our neighborhood – Wakefield Valley – putting them in our mail/newspaper boxes, which is not allowed by our HOA, and maybe be counter to postal regulations.

Third, the three options omitted the option to disagree overall, which I do.

Fourth, to the extent that I would amend the position paper, I totally disagree with combining the proposed property development by Mr. Kress and the development of Wakefield Valley property, formerly the golf course. They are two separate actions and deserve fair and equal separate consideration by the mayor and council.

Lastly, the tone of the position paper is mostly a NIMBY - not in my back yard – rebuttal. The tone gives little to no consideration to the value of the property from the City's perspective. There's plenty of room for thoughtful consideration of development and retention of open space while maintaining compliance with planning and zoning requirements. Implying that the property will be developed to the point that it will be a nuisance to area residents is an over-reaction with no merit. The one redeeming aspect of the position paper is the idea of the city soliciting a fund raising/philanthropic approach to provide funding to the city to maintain the Wakefield Valley Property – less, of course, the parcel owned by Mr. Kress – as a totally open space. There are several other alternatives including the city further looking for other proposals beyond the Pinkard proposal recommended by the Wakefield Valley Task Force. Again, this should be a totally separate action to ensure the kind of thoughtful consideration by all concerned stake holders.

NEITHER }

Marilyn Cramer

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Marilyn A Cramer
Address: 371 Winged Foot Dr
Westminster MD 21158

Comments:

*Open Space, such a gift for our
children and grandchildren!
And a gift to our hearts
and to our planet!
Please, please keep as much
as possible! Thank you.* 

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Ed & Erin Bradley
Address: 46 Bell Road
Westminster, MD 21158

Comments:

As residents of Bell Road we urge the City of Westminster to retain the 187 acres under their control and use it as a park. Do not waste a windfall. Save our ever dwindling precious resources. We don't need more pollution, more traffic, and more people. We need an open space to walk our dogs, to watch the sunset, or to play catch with our children. Please consider other options 215 and make that a reality.

Thank you!
Erin
Bradley

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Pauline Coker
Address: 1210 CHADWICK DRIVE
WESTMINSTER, MD. 21158

Comments:

I am not in favor of having 50 some houses on the golf course directly in front of my house. The traffic will be unbearable and will change the entire neighborhood. The developer got his water rights for his other development by donating the golf course to the city. The city should respect the neighborhood and leave the acreage as a park for people to enjoy.

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I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: Gay Tenda
Address: 60 Blue Swallow Ct
Westminster, MD
21158

Comments:

I'm not bothered with Mr. Kress making money.

NO BALL FIELDS. OR ANYTHING
WITH PINKARD! KEEP IT THE
WAY IT IS- NATURAL. ONCE
DESECRATED, YOU CAN'T GET IT
BACK!

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I have sent my comments under separate cover.

Name: Robert D & Linda A Payne
Address: 2817 Bell Rd.
Westminster, MD 21158

Comments:

We're in support of a nature park with trails, picnic tables and a playground for children. Lots of green area that would be maintained.

November 10, 2016

Planning and Zoning Commission Members

56 West Main Street

Westminster, MD 21157

Re: Kress Development Proposal for Wakefield Valley

Planning and Zoning Commission Members:

While we strongly oppose the Pinkard Properties Proposal currently being considered by the mayor and council members, we support the approval of the Kress Development proposal. The plans for the development of the 53 homes as we understand them will likely enhance the character of our neighborhood.

Sincerely, -

Handwritten signatures of Ed Shilling and Doris Shilling in cursive script.

Doris Shilling Ed Shilling

64 Blue Swallow Court

Westminster, MD 21158

November 9, 2016

Reference: Future of Wakefield Property Position Paper

To Whom It May Concern,

I'm writing to voice my strong opposition to both of the plans outlined in the Wakefield Property Position Paper. As a resident of the Eagleview community for the past 23 years I feel that either of these proposals would have a seriously detrimental impact on my neighborhood.

As a retired Howard County Police Officer I have seen first hand how the increase in traffic, noise, and crime related to Merriweather Post had a negative impact on the quality of life of those residing around the venue.

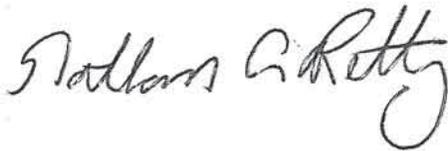
In regards to the housing development proposal, I seriously question if the existing infrastructure is up to the task of supporting the increase in population. An over tasking of existing infrastructure could also lead to a greatly reduced quality of life.

I would ask does the City plan to increase police, fire, and public works staffing to handle the increase demand for services that either of these proposal would require?

In contrast I would propose that the 187 acres remain as a green/open space and be maintained by the City as a community park. I would further propose that the existing cart paths be incorporated into the series of footpaths that surround Furnace Hills and parallel Rt. 31. This tract of land with minimal effort could be turned into another Hashawa Nature Center.

In closing I would strongly urge that City officials take their time and closely examine the impact that these proposals would have on the good citizens of Westminster.

Respectfully,



Nathan A. Rettig
937 Litchfield Circle
Westminster, MD 21158
410-751-6683

MAKE YOUR VOICE HEARD!!

Written comments must be received by Nov. 12, 2016. This POSITION PAPER has already been delivered to the City of Westminster Planning. You can simply mail in this form.

Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

_____ I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

_____ I agree with the POSITION PAPER as amended herewith.



_____ I have sent my comments under separate cover.

Name: NATHAN RUTLEY
Address: 937 Litchfield Circle
Westm, 21157
21158

Comments:

See Attached

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I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: John + Alice Kennan.
Address: 1270 Weller Way
Westminster MD
21158

Comments:

Pinkard proposal would be devastating to environment + quality of life for area. Traffic, noise, Pollution who benefits?? maybe some politicians.

Kress development unfortunate but fear can't be stopped.

Please, please do what you can to keep golf property from being developed short-sightedly

Alice + John

MAKE YOUR VOICE HEARD!!

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: _____

Address: 107 MASTERS CT

Comments:

I vote to NOT have anything built. This area is too small to handle the traffic.

I vote to NOT have any type of housing built either.

Sounds like no plans for traffic or parking has been reviewed.

MAKE YOUR VOICE HEARD!!

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Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: DEAN + LOAN DITMAN
Address: 1179 LONG VALLEY RD.

WESTMINSTER, MD. 21158

Comments:

1. THIS IS A GOLDEN OPPORTUNITY FOR THE CITY TO ACQUIRE THIS BENEFIT OF OPEN SPACE NATURAL HABITAT FOR ITS CITIZENS TO ENJOY FOR MANY YEARS TO COME. HOWEVER 50 HOMES AND THE INFRASTRUCTURE REQUIRED IS NOT IN KEEPING WITH THE "PARK" THEME. UNDER THE CURRENT PLAN, 3 HOMES IS ACCEPTABLE.
2. IN THIS SITUATION CITY TAXPAYERS SHOULD NOT HAVE THE FULL BURDEN OF MAINTAINING THIS PROPERTY. MR. KRESS IS IN A "WIN, WIN" POSITION AND CERTAINLY SHOULD BE RESPONSIBLE FOR MAINTENANCE COST - IF NOT ALL, CERTAINLY A LARGE PORTION.
3. ABSOLUTELY NO OUTSIDE "FOR PROFIT" COMPANIES (PINKARD PROPERTIES) SHOULD HAVE A VESTED INTEREST IN THIS PROPERTY

MAKE YOUR VOICE HEARD!!

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William A. Mackey, AICP, Director
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Westminster, MD 21157

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Patricia Cull
Address: 50 Blue Swallow Ct.
Westminster, MD
21158

Comments:

I have faithfully attended all meetings, task force and otherwise and I don't remember any mention of the 38 acres being approved for a sub. division. We were always told that the developer would give the land to the city in exchange for the water rights to develop 225 units on another site.

MAKE YOUR VOICE HEARD!!

Written comments must be received by Nov. 12, 2016. This POSITION PAPER has already been delivered to the City of Westminster Planning. You can simply mail in this form.

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William A. Mackey, AICP, Director
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Westminster, MD 21157

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_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: James + Virgie Miller
Address: 227 St Mark Way
Westminster MD 21158

Comments:

Please - NO large Commercial
venues

J.M. Miller

MAKE YOUR VOICE HEARD!!

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City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name:

Address:

Charles Aler
36 Glen Oak Ct
Westminster MD 21158

Comments:

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Westminster, MD 21157

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_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: Colleen McElroy
Address: 310 Glen Oak Ct
Westminster, MD
21158

Comments:

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City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: MARGARET Y. EDLEMAN
Address: 1257 WELER WAY
WESTMINSTER
MD 21158

Comments:

MAKE YOUR VOICE HEARD!!

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56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: SAMUEL W. EDLEMAN
Address: 1257 WELLS WAY
WESTMINSTER
MD 21158

Comments:

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City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

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_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: _____
Address: _____  MARTIN & GEORGIA FRANK
1083 LONG VALLEY ROAD
WESTMINSTER, MD. 21158

Comments:

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William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: JAMES R. HUFF
Address: 205 ST MARK WAY APT 129
WESTMINSTER, MD 21158

Comments:

MAKE YOUR VOICE HEARD!!

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William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Jennifer Johns
Address: 118 Clear Ridge Rd
Union Bridge, MD 21791

Comments:

MAKE YOUR VOICE HEARD!!

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William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: SANDRA LEITCH
Address: 1171 Long Valley Rd
Westminster MD
21158

Larry L. Leitch
1171 LONG VALLEY RD
WESTMINSTER MD
21158

Comments:

MAKE YOUR VOICE HEARD!!

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Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Craig / Sally Lyons
Address: 930 Litchfield Circle
Westminster, MD 21158

Comments:

MAKE YOUR VOICE HEARD!!

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Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Eloise W. McDowell
Address: 1275 Weller Way
Westminster, MD 21158

Comments:

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City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE *Well written, objective presentation*

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Robert B. McDowell
Address: 1275 Weller Way
Westminster
MD 21158
11-9-16

Comments:

As passed on by George Thomas

MAKE YOUR VOICE HEARD!!

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City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Amy and Rick Miranda
Address: 8 Fannies Meadow Ct.
Westminster, Maryland 21158

Comments:

MAKE YOUR VOICE HEARD!!

Documentation from the PZC hearing process

Written comments must be received by Nov. 12, 2016. This POSITION PAPER has already been delivered to the City of Westminster Planning. You can simply mail in this form.

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William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

✓ we I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

[Signature] I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

Name: HARVEY & Joyce Muller
Address: 402 Leigh Master's Ln
Westminster MD 21158

Comments:

Joyce Muller
Harvey Muller

MAKE YOUR VOICE HEARD!!

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William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

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I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Patty C. Schroeder Ph.D. Schroeder
Address: 1062 Long Valley Rd
Westminster 21158

Comments:

MAKE YOUR VOICE HEARD!!

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Please complete and mail this form or send your comments to:

William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

DS I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

_____ I agree with the POSITION PAPER as amended herewith.

_____ I have sent my comments under separate cover.

DS
Name: DANIEL STRICKLER
Address: 546 ROOPS MILL ROAD
WESTMINSTER MD. 21158
8 NOV 2016

Comments:

MAKE YOUR VOICE HEARD!!

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Please complete and mail this form or send your comments to:

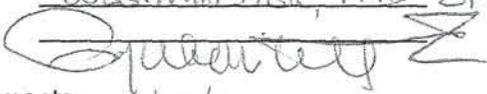
William A. Mackey, AICP, Director
City of Westminster Planning and Development
56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: PAUL WOHKITTEL
Address: 924 LITCHFIELD CIR.
WESTMINSTER, MD 21158


Comments: 11/10/2016

MAKE YOUR VOICE HEARD!!

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56 West Main Street
Westminster, MD 21157

I agree with the POSITION PAPER titled FUTURE OF WAKEFIELD PROPERTY - PREVIOUSLY WAKEFIELD VALLEY GOLF COURSE

I agree with the POSITION PAPER as amended herewith.

I have sent my comments under separate cover.

Name: Charlene E. Woodhull
Address: 226 St. Mark Way
Westminster, MD
21158

Comments:



**CITY OF WESTMINSTER
PLANNING AND ZONING COMMISSION
MEETING SUMMARY**

**Thursday, October 13, 2016, at 7 PM
John Street Quarters, 28 John Street**

A meeting of the City of Westminister Planning and Zoning Commission was held at the John Street Quarters, 28 John Street in Westminister, Maryland 21157, on October 13, 2016, at 7 PM.

Chair Peggy Bair, Council Member Suzanne Albert, Commissioner Kevin Beaver, Commissioner Lori Welsh-Graham and Commissioner Thomas J. Rio were present. City staff Bill Mackey and Andrew Gray were present. City Attorney representative Patrick Thomas was present. Carroll County Planning Liaison and Comprehensive Planner Scott Graf was present.

The following were present and signed-in to speak: Ms. Jan Ober, Mr. Alan Stottlemyer, Mr. Gary Wagner, Mr. Richard Huss, Ms. Gabrielle Bongers, Mr. Chuck Brown, Ms. Barbara Shirh, Mr. David Berry, Mr. Sam Johnson, Mr. Michael Oakes, Mr. Jack Curran, Mr. Joe DaVia, Ms. Kristen Coker, Mr. Michael Marquess, Ms. Cindy Lockard, Ms. Shari Saslaw, Mr. Chris Mudd, Mr. Richard Kress, Ms. Cheryl Kress, Mr. Brian Augustine and Mr. John Maguire. A sign-up sheet for email updates was separately provided. Names and email addresses are on file in the Commission's records.

Chair Peggy Bair opened the meeting at 7 PM. Council Member Albert moved approval of the minutes of the September 8, 2016 meeting. Commissioner Rio seconded. The motion passed.

Chair Peggy Bair opened Old Business. There were no items scheduled under Old Business.

Chair Peggy Bair opened New Business. Mr. Graf informed the Commission that the County is reviewing commercial and industrial zoning for the County Master Plan. Mr. Graf also briefed the Commission on the status of bicycle and pedestrian maps and the Energy Saver Loan Program.

Chair Peggy Bair opened the public hearing on a proposed amendment to Wakefield Valley to allow 53 new houses on private property identified as Parcel W. Mr. Mackey reviewed the staff memo including notice, the proposal, staff review and a recommendation. Staff recommended that the Commission consider "approval with recommended modifications," pursuant to § 164-188 H. (1), in order to allow nine new density units and transfer the existing three units for a total of 12 density units with the condition that a cluster design be undertaken to maintain a minimum of 24 acres in open space land to preserve the required 31% open space.

Adopted November 17, 2016

Chair Peggy Bair recognized Mr. Clark Shaffer, representative for applicant, Mr. Richard Kress. Mr. Shaffer provided background on the project including water rights, density units and the process for obtaining the former golf course property. Mr. Shaffer also offered a critique of the staff report, stating it should have included that Mr. Kress donated 187 acres of land to the City.

Mr. Marty Hackett presented information describing the layout, density and desired price point of the proposed 53 new houses on Parcel W. Mr. Hackett described topography, land use and sewer connections for the proposal. Mr. Hackett noted that there could be the potential for other existing homes to connect, if there were problems with the existing well and septic for homes in the area. Mr. Hackett discussed his calculations related to density and open space.

Mr. Shaffer introduced Ms. Melanie Moser as a landscape architect. Ms. Moser, responding to questions by Mr. Shaffer and Mr. Hackett, offered examples of how goals from the Westminster 2009 Comprehensive Plan support the proposal. Mr. Shaffer opined that the proposal complied with the 1970 Development Plan for Wakefield Valley.

Commissioner Beaver raised a question on the denominator for the calculation of open space.

The Chair opened the hearing up to public comment. The Chair explained the comment time period for individuals and groups.

Ms. Jan Ober raised concerns over potential changes in traffic on Bell Road, the ongoing issue of water availability, effects on the floodplain in the area and resulting environmental changes.

Mr. Alan Stottlemeyer raised concerns with negative effect on land value, cumulative effects of traffic from this proposal and the proposal located on City-owned land as well as overall effects on the open space.

Mr. Richard Huss introduced himself as president of Fenby Farm Homeowners Association and requested that the Commission review the additional parking and traffic for this proposal along with the proposal for the City-owned property, stating that impacts to his community would be massive. Mr. Huss raised concerns over the credibility of the prices cited by the applicant, since prices in the Fenby Farms neighborhood have fallen dramatically. Mr. Huss stated that he is strongly opposed to both this proposal and the proposal for the City-owned property, stating that the recommendation for only 12 new houses, per the staff report, might be acceptable.

Ms. Gabrielle Bongers thanked Mr. Kress for the donation of Wakefield Valley to the City. Ms. Bongers raised concerns about flooding and how unchecked development may cause problems.

Mr. Chuck Brown raised concerns about the proposal for the City-owned property becoming a Merriweather Post Pavilion. Mr. Brown state that the City owes the developer nothing for the donation of land, citing the water the developer is able to utilize for Stonegate is valuable. Mr. Brown stated granting 53 houses would more than reimburse the gift of land to the City.

Mr. David Berry inquired about ownership of the public rights-of-way and a utility line running into the subject property. Mr. Berry inquired about the acreage and the potential to connect to water and sewer. Mr. Berry inquired about house and lot size. Mr. Berry prefers a golf course to new housing, also stating that 12 houses is better than 53 which is better than 70.

Mr. Sam Johnson noted some speakers, referring to the applicants and their representatives, do not live in the neighborhood. Mr. Johnson raised concerns over effects on home values, effects on traffic and children waiting for school busses on Bell Road, and citing the houses at the top of the hill. Mr. Johnson supported the new houses not being located on Belle Road. He would prefer fewer houses, citing something in between the 53 proposed and the 3 allowed.

Mr. Michael Oakes introduced himself as the father of the forest conservation law in Maryland. Mr. Oakes raised concerns over the previous process related to Mr. Kress and the City-owned property. Mr. Oakes requested that the Commission hold the record open for 30 more days.

Mr. Jack Curran informed the Commission that he was told there were no more development rights on Wakefield. Mr. Curran expressed that the Commission should take into consideration that the Wakefield Aquifer is the largest and most valuable in the County and there should be no development on the aquifer.

Mr. Joe DaVia raised concerns with traffic and requested a copy of the traffic study from staff.

Ms. Kristen Coker raised concerns that adding 53 new houses on a scenic vista is detrimental to the enjoyment of the natural landscape. Ms. Coker also questioned the prices of the proposed houses requesting comparables. Ms. Coker expressed that 12 houses would be acceptable.

Mr. Michael Marquess raised concerns with additional traffic on Bell Road being added to the traffic from Carroll Lutheran Village. Mr. Marquess also raised concerns over ruining the natural view and destroying animal habitat, requesting consideration of his viewpoint.

The Chair invited anyone who had not signed up to speak an opportunity to do so. An audience member inquired about and offered support for the City staff recommendation for 12 houses.

Council Member Albert made a motion to extend the public comment period until Tuesday. Commissioner Welsh-Graham proposed an amendment to leave the record open for 30 days. The amendment was accepted. Commissioner Beaver seconded. The motion passed. The Chair referred citizens to make comments to the Planning Director at planning@westgov.com.

Chair Peggy Bair opened the public hearing on Annexation No. 62 Barron for property near College View Drive. Mr. Mackey reviewed the staff memo and annexation process. Staff recommended that the Planning and Zoning Commission recommend approval with the condition that the property be limited to two, single-family residences in keeping with the surrounding context.

John McGuire, representing the petitioner, raised concerns with the staff recommendation that the property be limited to two single-family residences, requesting no more restrictions on the property other than R-10,000 zoning. The petitioners asked the Commission to support this.

Commissioner Beaver asked how many units could be placed on the property. Chair Peggy Bair requested that a site plan for the property be submitted at a later time. Commissioner Welsh-Graham asked about historical zoning for annexations in the area. Mr. Mackey noted that the City is able to place restrictions on properties as part of annexation under Maryland State law.

Commissioner Welsh-Graham made a motion to recommend approval of the petition, as presented, including the potential for five, new residential dwelling units per the standards in the R-10,000 Residential Zone. Council Member Albert seconded. The motion passed.

The Chair opened the public hearing on Annexation No. 63 Bollinger for property located at 528 Ann Drive. Mr. Mackey reviewed the staff memo and annexation process. Staff recommended approval with the conditions that (1) the property be limited to five, single-family residences in keeping with the surrounding context on either side of the subject property and (2) the currently licensed nursing home use not be expanded.

Mr. Maguire reported that there are currently five beds at the existing assisted-living facility, and that the property owner wants to preserve their rights under the annexation. Vicky Ryan, property owner and operator, confirmed the facility is currently operating with five beds.

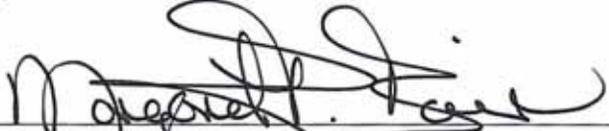
Council Member Albert made a motion to recommended approval of the petition, as presented, including the potential for ten, new residential dwelling units per the standards in the R-10,000 Residential Zone. Commissioner Rio seconded. The motion passed.

The Chair requested a motion for continuance of the Public Hearings to Thursday, October 20, 2016, at 7 PM in City Hall for Proposed Annexation No. 67 Schulte for two parcels at MD 140 and Market Street, Proposed Rezoning and Site Plan for Medical Cannabis uses at 1234 Tech Court, Proposed Ordinance for wireless technology on certain commercial properties, and Proposed Ordinance to allow for larger building signs in certain circumstances. Commissioner Welsh-Graham made the motion to continue. Commissioner Rio seconded. The motion passed.

Chair Peggy Bair opened the comments section of the agenda. Commissioner Welsh-Graham offered kudos for Fall Fest. Chair Peggy Bair recognized Mr. Chris Mudd of Venable. Mr. Mudd asked to re-open discussion on the proposed ordinance for wireless technology on certain commercial properties. Brian Augustine provided materials for the Commissioners' review.

Council Member Albert made a motion to adjourn. Commissioner Beaver seconded.

The Commission adjourned at 9:57 p.m.


Margaret R. Bair, Chair
Westminster Planning and Zoning Commission

Memorandum

Re: Disapproval of Ordinance No. 869 – Amending Chapter 164 “Zoning and Subdivision of Land” to address wireless technology on certain private property

To: Mayor and Common Council

From: Bill Mackey, AICP, Planning Director

Date: December 8, 2016

Background

On August 8, 2016, the Mayor and Common Council introduced proposed Ordinance No. 869 for the deployment of wireless technology on private properties in certain commercial zoning districts.

On October 20, 2016, the Planning and Zoning Commission reviewed the proposed ordinance and recommended approval with changes to proposed language and adding two more zoning districts.

On November 14, 2016, the Mayor and Common Council held a public hearing regarding proposed Ordinance No. 869.

During the public hearing, members of the industry raised concerns regarding the interpretation of screening requirements, the historic district review procedures and visibility from the rights-of-way, which were addressed in the ordinance, but with which the members of the industry disagreed.

Other members of the industry raised concerns regarding the deployment and screening of *fixed wireless internet access*, which were not addressed in the proposed ordinance, and which the members of the industry would like to see addressed.

The Mayor and Common Council voted to hold the public record open until Friday, December 2, 2016, so anyone could comment further on the proposed ordinance. The comments received are attached.

Recommendation

Staff recommends that the Mayor and Common Council vote to disapprove the proposed ordinance, so further research related to the issues raised may be undertaken and a revised ordinance introduced.

Attachments

- Public Comments received as of Friday, December 2, 2016

From: Theresa Bethune
Sent: Wednesday, November 16, 2016 10:23 AM
To: William Mackey
Cc: Thomas Bethune
Subject: Monday's Council Meeting - Wireless Ordinance

Good morning, Mr. Mackey

First, I wanted to apologize if our feedback seemed untimely. Because most of our business is focused outside City limits, we are not always as diligent as we should be about reading agenda and minutes.

Here is a brief background to better explain the context of our comment:

InfoPathways has been located in downtown Westminster (25 Liberty Street) since 2005/2006 (I would need to look up the exact date when we moved into our facility). We operate an Information Technology business, as well as a "last mile" Internet service provider called Freedom Broadband. Our 3 primary lines of business are:

- Technology Projects and Consulting
- Managed Services
- Broadband Internet

As InfoPathways, one of our areas of expertise is implementing wireless networks. We currently manage over 100 different wireless networks, commonly known as "Wi-Fi." These are either completely private networks, or in some cases, as with the Carroll County Farm Museum and Carroll County Agriculture Center, there is a private and public aspect. Some of our private networks include point to point wireless connections. (Frequently, people confuse the term "Wi-Fi" with Internet Access. Not all "Wi-Fi" networks are connected to the Internet, and not all wireless providers are cellular carriers).

Under our Freedom Broadband brand, we operate a network that spans most of Carroll County, portions of Howard County, Baltimore County, Frederick County, and a small part of York county. This network consists of fiber optic circuits leased through carrier grade service providers such as Comcast, Four Rings Fiber, and Cogent Communications, and are located at various towers. From those towers, we connect to users as well as serve additional "towers" or access points. A tower might be a comm tower (we serve a small number of City clients from our tower off old Gorsuch Road), municipal water tower (we currently partner with Manchester, Mt. Airy, and Taneytown), grain elevators, silos, windmills and at times, we even use private homes to serve customers. As stated, most customers are located outside Westminster City Limits.

While I truly appreciate the need to consider the aesthetics of our town, I wanted to share insight into our industry in the hopes it will help make the final ordinance one that meets your desired outcome (which is assumed to be managing the aesthetics of your roofline) while at the same time not making it harder for local companies like us, and Quantum Internet, to grow our businesses in downtown Westminster, or reduce the roof value of downtown building owners.

- **Pole Usage/Availability:** Mention was made of the ability to use poles to mount equipment. Mounting equipment to poles is generally not the best solution for a Wireless Internet Service Provider (WISP), especially in an urban area. An ISP's success is very linked to the ability to build economies of scale. In order for an access point to be worth building, it has

to be able to serve enough customers to make the ROI work. By the time you address costs associated with pole licensing, possible pole remediation, coordination of street shutdown, flagging operations, not to mention getting power and bandwidth to the pole, it most likely wouldn't have a feasible ROI.

- **Screening/Stealth/Camouflaging, Zoning and more:** The scale of a WISP access point is typically pretty small. A rooftop mounted access point might only be able to serve 5-10 customers due to sight lines, or even due to less technical issues such as tenants vs. landlord requirements. For example, if a WISP had rights to the Albion building rooftop – while it has height, the heights of the buildings surrounding it might only make it suitable to serve 5-10 other buildings. Within those buildings, there may be tenants, but now you have to come to an agreement with the landlord, and sell to the tenants to pay for the Access Point.
- **Roof values:** One of the side benefits to antenna placement, is that it gives building owners a source of additional revenue. While rents associated with the WISP business tend to be small stipends or bartered services, I imagine the City is well aware of the values that the large Cellular carriers will pay for antenna placement. By restricting zoning, and increasing installation costs, the City is restricting many building owners from this opportunity.

I want to assure you we are not trying to be adversarial – we have been actively engaged in downtown Westminster for many years – first as residents and later as business owners. We appreciate the City staff, and try to do what we can to support City initiatives. We have been financial sponsors of City events, and provided temporary festival wireless infrastructure for various events free of charge. We value the Mayor and Council, who give so much of their time to keep moving the City forward.

At the same time, we have a business to run. That business includes managing wireless networks and acting as a “last mile” Internet service provider. With the utmost respect, we ask you to consider the following:

- Whether by size or purpose (distinguishing antennas used by the WISP industry vs. cellular carriers) that the City consider viewing gear used by a WISP (Wireless Internet Service Provider) differently than a cellular carrier
- The City allow for installation of WISP antennas to be installed in more areas to enable us to compete for customers. In order to provide service in town, we need the ability to build infrastructure downtown.
- The City re-evaluate its screening requirements, particularly in light of the type of gear installed by a WISP.

We thank you for your time, consideration, and attention. We appreciate your efforts to date, and are happy to provide additional information should you have questions.

Regards,

Theresa Bethune
410-751-9929x700
866-808-0523x700
InfopPathways.com
Fwbnet.net



December 2, 2016

Mayor and Common Council
City of Westminster
56 W. Main St
Westminster, MD 21157

RE: Proposed Ordinance No. 869

At the council meeting on November 14, 2016, I expressed our desire to offer a high-speed, low-cost, fixed wireless Internet service within the City of Westminster. The placement of the equipment and antennas needed to offer this service is currently not feasible under the City's existing zoning codes. While this Ordinance is a step in the right direction, it does not enable our deployment of this new service. With some modification, we believe a balance can be achieved that will allow us to bring our service to market and preserve the aesthetic character of the City.

Our antennas and associated equipment are much smaller in size than what has been installed and what is proposed to be installed by the major wireless carriers and site management companies. Fixed wireless technology is used to provide Internet access and local telephone service to business and residential customers using small receiving antennas on or near the roofs of their buildings. The small base station antennas would typically be mounted on the roof or sides of buildings that are taller than the surrounding buildings. Since the connectivity is essentially made "roof-to-roof", the base station antennas do not need to be placed within full view of the City right-of-way. Careful placement of the base station antennas can minimize their visibility while maintaining line-of-sight and distance requirements to the receiving antennas.

After consulting with Verizon Wireless, we generally support their proposed definition of a Telecommunications Installation. This should allow us to begin offering our new service in many parts of the City immediately. In order to make our new service available to the entire City, we need the ability to install base station antennas in residential areas. Currently, the City allows monopoles up to 199 feet in height to be approved in residential areas by special exception. We propose that Telecommunications Installations also be allowed in residential areas by special exception.

We feel that a tweak should be made to the satellite television dish exclusion, since the FCC's Over The Air Reception Devices rules, as of 5/25/2001, require municipalities to treat customer-end devices used for fixed wireless Internet service the same as satellite dishes or over-the-air TV antennas. Adding fixed wireless to the exclusion will prevent customer confusion over whether these devices are allowed to be installed on their buildings.

Finally, we propose that a new definition of a “Small Wireless Installation” be adopted, whether as part of this Ordinance, or in a separate proceeding, that streamlines the process for making fixed wireless Internet service available throughout the City. Due to the unobtrusiveness and low-visibility nature of a “Small Wireless Installation”, we feel that its use should be allowed in all zones and without a need to obtain a permit. We propose to define a “Small Wireless Installation” as follows:

SMALL WIRELESS INSTALLATION

An unstaffed installation, excluding a satellite television dish antenna or customer-end fixed wireless device, established for the purpose of providing wireless voice, data, and image transmission within a designated service area and consisting of one or more antennas and related equipment attached to or contained on or within a building. The antennas and outdoor enclosures housing related electronics, excluding any enclosures used solely for power meters, power supplies, and batteries, shall not exceed 8 cubic feet in volume and shall not be affixed to the front façade of the building. Antennas may not exceed a height of 12 feet above the highest point of the building to which they are attached.

We greatly appreciate the consideration that you will give to our requests. Making these changes will allow us to offer faster Internet access that our customers desire and will help us stay competitive with the big cable company.

Sincerely,



Kevin Brown
CEO

COMMENTS OF KEVIN W. BROWN
QUANTUM INTERNET AND TELEPHONE

My name is Kevin Brown, and I am the CEO of Quantum Internet and Telephone. We have been providing Internet access and telephone services in Westminster and the surrounding area for the past 21 years. Westminster's existing zoning rules have not kept pace with technology, which is the reason for the proposed Ordinance 869. While it is a step in the right direction, it falls short in some respects and will limit Westminster from becoming the technology hub it desires to be.

In particular, I am troubled by the restriction that antennas that are attached to an existing building not be visible from the public rights-of-way. The antennas and associated equipment that we use in our business for deploying next-generation Internet access are very small – not much larger than a coffee can or a tin of popcorn. They are not the large, ugly antennas that the big cellular carriers use. They are aesthetically pleasing by their compact nature, and are no worse than the multitudes of satellite dishes and over-the-air antennas that are mounted to many, if not most, buildings.

The City recently approved Ordinance 868, which allows for wireless equipment to be installed on utility poles in the public rights-of-way. It allows for antennas to be 4 feet high and 16" in diameter, with the primary aesthetic requirement that they be painted to blend in with their surroundings. The City should adopt a similar regulation for antennas attached to buildings. Antennas that exceed such dimensions could be required to be screened or camouflaged to not be visible.

Additionally, the City should allow these small antennas to be allowed in more zoning areas than what is being proposed by this ordinance. If a 199 foot monopole could be contemplated and approved in a residential area, why not allow a small wireless Internet antenna? Our small antennas look very similar to outdoor weather stations or ham radio antennas, and are very unobtrusive and won't change the character of a neighborhood.

From: Augustine, Brian J
Sent: Friday, December 02, 2016 1:06 PM
To: William Mackey; David Deutsch
Cc: Shari Saslaw; Mudd, Christopher D.
Subject: Public comment on proposed Ordinance 869

Mr. Mackey,

Dear Members of the Council:

Thank you for the opportunity to present testimony regarding proposed Ordinance 869 at the November 14th public hearing, and thank you for agreeing to keep the record open to allow for the submission of additional information. As we explained at the hearing, prior to that evening, we did not have the benefit of reviewing the Staff Report following the Planning & Zoning Commission, nor had we seen the minutes of the Commission meeting. We have now reviewed both, and we would like to make a few points and to propose a few amendments to the Ordinance.

First of all, we want to acknowledge again the great discussion that we had with the members of the Planning & Zoning Commission regarding our concerns with the Ordinance, and we appreciate their efforts to improve the Ordinance. We fully support their recommendations to expand the zones in which the Telecommunications Installation use are permitted and to confirm that the Installations (including antennas and equipment) may be installed “on or within” buildings. We are also generally okay with their recommendations regarding “screening”; however, we think that the Council can improve upon it by using more precise language in the Ordinance. There are also a couple of additional changes to the Ordinance that are important, in order to make the use of the technology feasible in Westminster.

I have attached to this email an edited version of Ordinance 869, which includes newly proposed language designed to address the following:

- 1) The Ordinance, as proposed by the Commission, prohibits Installations that are “visible from the public-rights-of-way” unless they are “screened.” Given the topography of Westminster, we think that the “visible from the public-rights-of-way” language is overbroad and it could unintentionally prohibit Installations that are not at all visible within close proximity to the building on which it is to be installed, but are technically “visible,” for example, from an elevated view ½ mile away. We think the photo examples that we provided demonstrate that, even if technically “visible” from such a great distance, the telecommunications antennas and equipment simply would have no detrimental aesthetic impact. Thus, it is closer views and vistas that the Ordinance should seek to protect. To address this concern, we propose that the language state “visible from the **portions of the public rights-of-way adjacent to the building on which the installation is to be installed,**” which think will be respectful of the vistas that are intended to be preserved. If this language does not go far enough, we would request that the Council consider limiting the distance from the subject building where “visibility” would preclude installation (e.g., within 100 feet of the subject building, or some other appropriate distance).
- 2) The use of the language “screened” is nondescript and, while it could be interpreted broadly, it could also be interpreted narrowly. We think that this language should be more precise, and we

propose that it be replaced with **“screened, stealthed, or covered with a substrate application, where necessary.”** There are no two buildings or sites that are alike for purposes of small cell technology installation, and there are many different ways to mitigate the potential “impact” of an installation, including placement of a physical screen/barrier in front of it, painting it, and otherwise installing it in a way so as to “stealth” it (or hide it). In fact, in certain circumstances, it may make sense for certain parts of the antenna/equipment to be screened, stealthed, or covered, but not other parts (e.g., a cable that is attached to a roof). We think that the telecom industry needs to maintain this flexibility in order to build a meaningful and effective network. Mr. Mackey indicated at the hearing that he felt the Commission has somehow already rejected this language. While it is true that we advocated for similar language to be included in their recommendation to the Council, we do not think that they expressly or implicitly rejected the stealthing/painting/substrate options; rather, their use of the word “screened” was intended to be broad. Indeed, at least some members of the Council, on first read, likewise thought the language would be read broadly, but Mr. Mackey interjected at the meeting that screening would not include painting. The minutes of the Commission meeting do not reflect any “rejection” of the painting option by the Commission, and we think that Ms. Albert may be able to shed some light on this issue. Finally, regardless of the Commission’s position, we still wish to advocate before the Council the need for the flexibility, in order to make the technology feasible and functional.

- 3) The Planning & Zoning Commission recommended that the Director of Community Planning and Development and/or Historic District Commission determine whether “screening” is acceptable. We respectfully request that the Ordinance be amended to require that the Planning & Zoning Commission be the body responsible for making this determination (or the Historic District Commission, where applicable). Given the highly subjective nature of this determination, we think that a panel of individuals should be given the duty, in order to capture numerous viewpoints, rather than potentially leave the decision in the hands of one individual.
- 4) For proposed installations on a historic building or within an historic district where a State Historic Preservation Office (SHPO) concurrence review is required by the Federal Communications Commission (FCC), we request that the determination of adequate screening/stealthing/substrate be made by the SHPO Officer assigned for the review. As we explained during the hearing, every Installation proposed in these areas will be reviewed by the SHPO, and they will reach their own decision as to how the Installation should be made, regardless of what local zoning/development ordinances may or may not dictate. If the Westminster decision is made by a local Westminster body, that leaves open the real possibility of conflict between the SHPO and the City representatives who review it, and, ultimately, if the SHPO is not satisfied with what a local government requires, then the Installation would not be permitted. We have seen this too many times in other jurisdictions. Therefore, we propose that deference be provided to the SHPO. If the Council is uncomfortable with this, we would at least propose that the Ordinance require that the applicant provides a completed SHPO concurrence along with the initial zoning application such that the City has opportunity to directly view why the SHPO may prefer a particular type of application/installation over another.

Thank you again very much for the opportunity to participate in this process. Notwithstanding some of the comments that were made at the November 14th public hearing, we do view this Ordinance adoption exercise as a collaborative effort between government and the industries and constituents that it seeks to serve through this Ordinance. We recognize that the Council has a difficult task to

balance the interests of Westminster citizens with those of the industries that will be installing Telecommunications Installations. However, we think it is critical that the Council work to include flexibility within the workings of the Ordinance (subject, of course, to reasonable aesthetic checks and balances), or else the telecommunications industry will not be able to build reliable networks to solve the connectivity issues that Westminster citizens experience every day.

Warmest Regards,



Brian Augustine
Engr III Spec- Regulatory/Real Estate
Network | Washington & Baltimore

7600 Montpelier Road, Floor 2 South
Laurel, MD 20723

O 301-512-2403 | M 443-618-4708
brian.augustine@verizonwireless.com

Sponsored by: Kevin R. Utz,
Mayor Robert P. Wack, Council President

ORDINANCE NO. 869

AN ORDINANCE AMENDING CHAPTER 164, “ZONING AND SUBDIVISION OF LAND”, OF THE CODE OF THE CITY OF WESTMINSTER, ARTICLE I, “GENERAL PROVISIONS”, SECTION 164-3, “DEFINITIONS AND WORD USAGE”, TO DEFINE CREATE A CATEGORY OF TELECOMMUNICATIONS EQUIPMENT THAT MAY BE PERMITTED AS OF RIGHT IN CERTAIN ZONES AND AMENDING ARTICLES TO PROVIDE FOR THE USE AS OF RIGHT OR BY SPECIAL EXCEPTION FOR CERTAIN TYPES OF TELECOMMUNICATIONS EQUIPMENT.

WHEREAS, pursuant to the Local Government Article of the Annotated Code of Maryland, § 5-213, the Mayor and Common Council of Westminster, Maryland (the “City”) has the authority to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections; and

WHEREAS, pursuant to Sections 11 through 18 of the City Charter, the City has, for the purpose of promoting the health, security, general welfare and morals of the community, the authority to divide the City into zoning districts and to regulate therein the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, in accordance with a comprehensive plan and for enumerated purposes, which include the control and direction of municipal expansion and development, provided that such regulations are to be made with reasonable consideration of the character of the districts and their peculiar suitabilities for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, pursuant to the aforesated authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, “Single Jurisdiction Planning and Zoning”, Title 4, “Zoning” (formerly, Md. Code Ann., Art. 66B, § 4.01 *et seq.*), the City has enacted Chapter 164, “Zoning”, of the City Code; and

WHEREAS, pursuant to Chapter 164, § 164-183, the City’s Planning Commission is charged with reviewing proposed amendments to the text of that chapter and submitting a report and recommendation to the Mayor and Common Council with respect to such proposed amendments; and

WHEREAS, the telecommunications industry is continuously involving and developing new technologies and methods of delivering telecommunications services, most particularly wireless telecommunications services, which services are becoming increasingly indispensable to modern living; and

WHEREAS, the City’s Zoning Ordinance as currently configured has not advanced to accommodate changing telecommunications technologies; and

WHEREAS, the Mayor and Common Council wish to amend the Zoning Ordinance in order to prescribe appropriate zones and conditions for the installation of .

Section 1. NOW THEREFORE BE IT ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, Article I, "General Provisions", § 164-3, "Definitions and word usage" be and is hereby amended to read as follows:

§ 164-3. Definitions and Word Usage.

A. For the purpose of this chapter, certain words and phrases used herein are defined as follows:

ACCESS

A means of approach or admission.

* * *

TELECOMMUNICATIONS FACILITY

[A] An unstaffed facility, excluding a satellite television dish antenna located at a private home for individual use, established for the purpose of providing wireless voice, data and image transmission within a designated service area[. Telecommunications facilities consist], consisting of one or more antennas attached to a support structure and related equipment[.] and mounted on a freestanding monopole in accordance with § 164-139.1. Antennas are limited to the following types and dimensions: omnidirectional (whip) antennas not exceeding 15 feet in height and three inches in diameter; directional or panel antennas not exceeding eight feet in height and two feet in width. A telecommunications facility may include [Equipment may be] related equipment located within a building, an equipment cabinet or an equipment room within a building.

TELECOMMUNICATIONS INSTALLATION

An unstaffed installation, excluding a satellite television dish antenna located at a private home for individual use, established for the purpose of providing wireless voice, data and image transmission within a designated service area and consisting of one or more antennas and related equipment, attached to or contained in a building, where no portion of any antenna or equipment is visible from the public rights-of-way.

on or within . No

may be

the portions of the

***adjacent to the building on which the installation is to be installed, unless screened, stealthed, or covered with a substrate application, where necessary, to the satisfaction of the Planning and Zoning Commission or, in the case of a FCC regulated antenna in an historic building or district, the State Historic Preservation Office.**

Section 2. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, Article VIIA, "Mixed Use Infill Zone", §164-39.2, "Uses permitted", shall be and hereby is amended as follows:

§164-39.2 Uses permitted

A. No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the uses listed in this Subsection A of this section and one or more of the uses listed in Subsection B of this section.

Underlining : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from existing law.

***Alternative to language shown in blue above: "that are within 100 feet of the building on which the installation is to be installed, unless screened, stealthed, or covered with a substrate application, where necessary, to the satisfaction of the Planning and Zoning Commission, or in the case of an FCC regulated antenna proposed in an historic district or on a historic building, the State Historic Preservation Office."**

Notwithstanding the requirements above, telecommunications installations may be permitted, subject to the facility limitations in § 139-28.2(A)(3)(a)-(f), and the provisions of Article IXA.

(1) Accessory uses and buildings customarily incidental to any permitted uses in this section.

(2) Antique/collectible shops and arts and craft shops.

* * *

(40) Taverns and nightclubs.

(41) Telecommunications Installations, subject to the facility limitations in § 139-28.2(A)(3)(a)-(f).

[(41)](42) Theaters and private assembly halls.

[(42)](43) Upholstery shops.

[(43)](44) Video rental establishments, with the exception of adult entertainment.

Section 3. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, “Zoning”, of the Westminster City Code, Article Article VIII, “B-Business Zone”, §164-41, “Uses permitted”, shall be and hereby is amended as follows:

§164-41 Uses permitted

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

* * *

(48) Telephone central offices or service centers.

(49) Telecommunications Installations, subject to the facility limitations in § 139-28.2(A)(3)(a)-(f).

[(49)](50) Theaters and private assembly halls.

[(50)](51) Tourist homes.

[(52)](52) Upholstery shops.

Underlining : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from existing law.

[(41)](53) Video rental establishments, with the exception of adult entertainment.

Section 4. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, “Zoning”, of the Westminster City Code, Article Article VIIIA, “C-C Central Commerce Zone”, §164-45.2, “Uses permitted”, shall be and hereby is amended as follows:

§164-45.2 Uses permitted

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Antique and arts and crafts shops.

* * *

(30) Tailor establishments.

(31) Telecommunications Installations, subject to the facility limitations in § 139-28.2(A)(3)(a)-(f).

[(31)] (32) Telephone central offices or service centers.

Section 5. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, “Zoning”, of the Westminster City Code, Article VIIIB, “D-B Downtown Business Zone”, §164-45.8, “Uses permitted”, shall be and hereby is amended as follows:

§164-45.8 Uses permitted

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Accessory uses and buildings customarily incidental to any permitted use in this section.

(2) Antique and arts and crafts shops.

* * *

(47) Taxi stations, for the pick up and discharge of customers.

(48) Telecommunications Installations, subject to the facility limitations in § 139-28.2(A)(3)(a)-(f).

Underlining : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from existing law.

- [(48)](49) Telephone central offices or service centers.
- [(49)](50) Theaters and private assembly halls.
- [(50)](51) Tourist homes.
- [(51)](52) Upholstery shops.
- [(52)](53) Video rental establishments, with the exception of adult entertainment.

Section 6. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, “Zoning”, of the Westminster City Code, Article Article IX, “C-B Central Business Zone”, §164-47, “Uses permitted”, shall be and hereby is amended as follows:

§164-47 Uses permitted

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

- (1) Accessory uses and buildings customarily incidental to any permitted use in this section.
- (2) Antique and arts and crafts shops.

* * *

(52) Taxi stations, for the pick up and discharge of passengers.

(53) Telecommunications Installations, subject to the facility limitations in § 139-28(A)(3) (a)-(f).

- [(53)](54) Telephone central offices or service centers.
- [(54)](55) Theaters and private assembly halls.
- [(55)](56) Tourist homes.
- [(56)](57) Upholstery shops.
- [(57)](58) Video rental establishments, with the exception of adult entertainment.

Section 7. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, “Zoning”, of the Westminster City Code, Article Article X, “I-R Restricted Industrial Zone”, §164-54, “Special Exceptions”, shall be and hereby is amended as follows:

§164-54 Special Exceptions

Underlining : Indicate matter added to existing law.
 [Brackets] : Indicate matter deleted from existing law.

INSERT SECTION TO ADD TELECOMMUNICATIONS INSTALLATIONS AS A BY RIGHT USE IN THE GENERAL INDUSTRIAL ZONE (164-61)

A. Any use permitted in § 164-41A (7), (9), (11), (17), (19), (33), (35), (39), (40), (41), (42), (45), (47), and (48) and (49).

* * *

Section 8. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, “Zoning”, of the Westminster City Code, Article Article XII, “P-I Planned Industrial Zone”, §164-66.1, “Special Exceptions”, shall be and hereby is amended as follows:

§164-66.1 Special Exceptions

INSERT SECTION TO ADD TELECOMMUNICATIONS INSTALLATIONS AS A BY RIGHT USE IN THE PRSC Planned Regional Shopping Center Zone (164-100)

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

A. Telecommunications facilities, subject to the requirements of § 164-139.1.

B. Telecommunications Installations, subject to the facility limitations in § 139-28.2(A)(3) (a)-(f).

Section 9 BE IT FURTHER ORDAINED by The Mayor and Common Council of Westminster that this Ordinance shall take effect (10) ten days after its passage and approval.

INTRODUCED this ____ day of _____, 2016.

David J. Deutsch, Interim City Administrator

PASSED this ____ day of _____, 2016.

David J. Deutsch, Interim City Administrator

APPROVED this ____ day of _____, 2016.

Kevin R. Utz, Mayor

APPROVED AS TO FORM AND SUFFICIENCY
this ____ day of _____, 2016:

Elissa D. Levan, City Attorney

Underlining : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from existing law.

Memorandum

Re: Introduction of Ordinance No. 873 – Amending Chapter 164 “Zoning” to allow a new use, *Indoor Dog Training and Event Facility*, as a special exception in the I-R Restricted Industrial Zone

To: Mayor and Common Council

From: Bill Mackey, AICP, Planning Director

Date: December 8, 2016

Background

On September 15, 2016, Mr. Clark Shaffer, attorney for the petitioner, Marta Coursey, submitted a cover letter and petition for text amendment to the zoning ordinance (attached). The applicant is requesting the Mayor and Common Council to consider a text amendment to add *indoor dog training and event facility* as a special exception in § 164-54, *Special Exceptions*, in Article X, *I-R Restricted Industrial Zone*, of City Code.

Process

As a proposed amendment to Chapter 164, *Zoning and Subdivision of Land*, the proposed ordinance would be reviewed by the Westminster Planning and Zoning Commission, in order for the Commission to provide its recommendation to the Mayor and Common Council. Per § 164-187 E. (below), members of the Council may not engage in *ex parte* or private communication regarding the proposal or the proposed ordinance.

- E. A member of the Common Council shall not consider any *ex parte* or private communication from any person, whether oral or written, which he knows is or reasonably may be intended to influence unlawfully the decision on the merits of any application pending before the Common Council. Any such *ex parte* or private communication received and considered shall be made part of the public record by the recipient and, if made orally, shall be written down in substance for this purpose by the recipient. A communication to the Common Council concerning the status or procedures of a pending matter shall not be considered an *ex parte* or private communication. Alternately, upon receipt of such *ex parte* or private communication, a member of the Common Council may abstain from participating in the decision. This subsection shall not apply to legal advice rendered by the City Attorney or his staff and shall not apply to technical advice or explanation by governmental agencies at the request of a member or members of Common Council.

Recommendation

Staff recommends the proposed ordinance be introduced for consideration and then forwarded to the Planning and Zoning Commission for its review and recommendation to Mayor and Common Council.

Attachment

- Proposed Ordinance No. 873
- Applicant’s letter and petition

SHAFFER AND SHAFFER, LLP
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September 14, 2016

Mr. William Mackey
Director of Community Planning & Development
Winchester West
56 West Main Street
Westminster, Maryland 21157

BY HAND DELIVERY

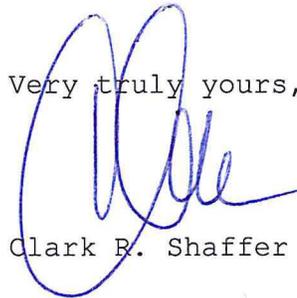
RE: Coursey Text Amendment Application

Dear Mr. Mackey:

Enclosed please find a Petition for a Text Amendment filed on behalf of my client, Marta Coursey. Ms. Coursey wishes to amend Section 164-54 of the City Zoning Ordinance to provide for an indoor dog training and event facility.

Also enclosed, please find the filing fee in the amount of fifteen hundred dollars (\$1,500.00). Please do not hesitate to contact our office with any questions or concerns.

Very truly yours,



Clark R. Shaffer

Enclosures

Cc: Marta Coursey

Memorandum

Re: Proposed Rules of Order and Procedure for Quasi-Judicial Hearings
To: Mayor and Common Council
From: Bill Mackey, AICP, Planning Director
Date: December 8, 2016

Overview

In anticipation of a quasi-judicial hearing scheduled for December 12, 2016, the proposed *Rules of Order of The Mayor and Common Council of Westminster and Procedure for Quasi-Judicial Hearings* have been prepared by the City Attorney. Adoption of the *Rules* would provide for a convenient and orderly process.

Recommendation

Staff recommends that the Mayor and Common Council consider amending the agenda so New Business would be handled prior to Public Hearings. In this way, the proposed *Rules* could be adopted in advance of the Public Hearing and then utilized by the Mayor and Common Council during the Public Hearing.

Attachments

- Proposed Rules of Order and Procedure for Quasi-Judicial Hearings

RULES OF ORDER AND PROCEDURE
OF THE MAYOR AND COMMON COUNCIL
OF WESTMINSTER
FOR QUASI-JUDICIAL HEARINGS



Kevin R. Utz, Mayor
Robert Wack, Council President
Suzanne P. Albert, Council President, Pro Tem
Tony Chiavacci, Council Member
Mona Becker, Council Member
Greg Pecoraro, Council Member

Acting City Clerk

David J. Deutsch

City Attorney

Elissa Levan

Adopted: December 2016

RULES OF PROCEDURE FOR QUASI-JUDICIAL PROCEEDINGS
THE MAYOR AND COMMON COUNCIL OF WESTMINSTER

- Section 1. Introduction.
- Section 2. Order of evidence.
- Section 3. Rules of evidence.
- Section 4. Who may appear.
- Section 5. Representation by counsel.
- Section 6. Applicant's burden of proof
- Section 7. Exhibits of record.
- Section 8. Amendment of rules.

Section 1. Introduction.

These Rules have been adopted to assist the Mayor and Common Council of Westminster in discharging its responsibilities under the City Code in the conduct of quasi-judicial hearings, including applications for zoning map amendments. They are intended to supplement and not to replace the Rules of Order and Procedure of the Mayor and Common Council for the general conduct of business.

Section 2. Order of evidence.

Evidence at public hearings shall be presented in the following order, unless the parties by mutual agreement stipulate otherwise, or unless the Board rules otherwise:

- (1) Government officials and agency representatives.
- (2) Appellant or petitioners.
- (3) Other supporting testimony.
- (4) Organizations or groups opposing appeals or petitions. Organizations or groups are encouraged to designate a single person to speak on their behalf.
- (5) Individuals opposing the appeal or petition.
- (6) Other persons seeking to testify.
- (7) Rebuttal testimony.

The Council may question any witnesses. At the conclusion of the testimony of each witness, opposing parties may cross-examine each witness. Cross examination shall be limited to the information presented by the witness. The Mayor may limit the number of questions to one or more representatives of each side.

Section 3. Rules of evidence.

- (a) The rules of evidence applicable in the courts of Maryland shall apply. These rules may be relaxed by the Mayor in accordance with customary rules of evidence in administrative hearings, as in its judgment the ends of justice may require. The Mayor shall give effect to the rules of privilege recognized by the laws of Maryland, and the Mayor may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Any evidence that the Mayor does not admit shall be so identified.
- (b) The Mayor may require witnesses to testify under oath. The witness is asked to raise his or her right hand: “Do you affirm, under the penalties of perjury, that the testimony you are about to give is the truth and nothing but the truth?”

Section 4. Who may appear.

Any person or organization having an interest in a particular case may appear in person or through an attorney and may present witnesses in his or its behalf. This paragraph shall be liberally construed in order to develop a complete and orderly public record.

Section 5. Representation by counsel.

All parties, including corporations, but excepting individuals appearing on their own behalf, shall be represented by attorneys at law, who are duly admitted and enrolled to practice before the Court of Appeals of Maryland.

Section 6. Applicant’s burden of proof.

The applicant for relief, if any, shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board.

Section 7. Exhibits of record.

All evidence and exhibits presented to the Mayor and Common Council shall be duly numbered, made a part of the case record and included in the case file. In order to facilitate the compilation of a complete file, the Mayor may require photographs or reductions to be substituted in lieu of physical or bulky exhibits.

Section 8. Amendment of rules.

These rules may be amended from time to time by a majority vote of the Board.