1. PZC Agenda 2020-08-27 - Special Meeting

   Documents:

   PZC AGENDA 2020-08-27 - SPECIAL MEETING.PDF

2. PZC Meeting Summary 08 13 2020

   Documents:

   PZC MEETING SUMMARY 08 13 2020.PDF

3. Ordinance No. 926 Parks Board To Director Of Recreation And Parks

   Documents:

   ORDINANCE NO. 926 PARKS BOARD TO DIRECTOR OF RECREATION AND PARKS 08252020.PDF

PLANNING AND ZONING COMMISSION
SPECIAL MEETING
AGENDA

Thursday, August 27, 2020, at 6:00 PM
Virtual Meeting:
https://www.facebook.com/westminstermd/
www.WestminsterMD.gov

I. Call to Order

II. Approval of Minutes

August 13, 2020

III. New Business

Item A. Ordinance No. 926 – To replace references to the "Parks Board" in the City Zoning Ordinance with references to the "Director of Recreation and Parks". (Mr. Depo)

Applicant: Mayor & Common Council of Westminster

Request: The Planning and Zoning Commission forward a recommendation to approve proposed Ordinance No. 926, and forward to the Mayor and Common Council.

IV. Old Business

V. Information Item

VI. Planning Commission and Public Comments

VII. Adjournment

Posted August 25, 2020

Request for decorum and order

The Chair and Commissioners would like to thank you in advance for your respectful behavior and for your thoughtful consideration of the views of your neighbors, applicants, and the Commission.

Members of the public attending meetings of the Planning and Zoning Commission are asked to maintain propriety, decorum, and good conduct. Any person making personal, impertinent, or slanderous remarks, or who may become boisterous while addressing the Commission, or who may become boisterous in the room while attending the Commission meeting, will be asked to leave the room by direction of the presiding officer. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and other similar demonstrations will not be permitted by the presiding officer. Offending parties will be asked to remove themselves from the meeting room.

PLANNING AND ZONING COMMISSION
MEETING SUMMARY

Thursday, August 13, 2020, at 7 PM

Virtual Meeting via Zoom
Westminster, Maryland 21157

A meeting of the Westminster Planning and Zoning Commission was held virtually via Zoom, on August 13, 2020, at 7 PM. There was an intent to broadcast this meeting live on the City Facebook page however, due to technical difficulties the meeting was not broadcasted live, but can be found online at the City Agenda Center at the following link http://westminstermd.gov/agendacenter.

Chair Ross Albers, Vice-Chair Tom Herb, Commissioner Kevin Beaver, and Commissioner Lyndi McNulty were present. City staff members Mark Depo, Andrea Gerhard, Andrew Gray, and Samantha Schlitzer were also present. County Comprehensive Planner Cody Spaid was also in attendance.

The following members of the public were present: Robert Rosen, Alan Betten, Linda Alexander, Kelly Miller, Clark Shaffer, Wes Guckert, Brian Ditto, and Marty Hackett.

Chair Albers opened the meeting at 7:27 PM due to technical difficulties.

Chair Albers requested a motion to approve the meeting summary from July 9, 2020. Commissioner McNulty motioned to approve the meeting summary. Vice-Chair Herb seconded. The motion passed 4-0.

Chair Albers opened New Business Item A – Revised Development Plan for Carroll County Commerce Center. Ms. Gerhard stated that the Applicant is requesting to amend the previously approved Carroll County Commerce Center Development Plan to designate Condominium Unit 7 for a convenience store with gasoline pumps use to develop a Royal Farms convenience store, pursuant to City of Westminster Zoning Ordinance Article XII Section 164.75.D. and Article XXIII. Staff recommends that the Commission forward the revised Development Plan for Carroll County Commerce Center to the Mayor and Common Council with a favorable recommendation with the condition that the applicant provide and depict the required right-of-way to accomplish a 110 feet ultimate right-of-way for MD Route 97 consistent with the City of Westminster's Comprehensive Plan, Zoning Ordinance, and State Highway Administration's June 2011 Concept Design and Report, attached to the Staff Report.

Chair Albers recognized Ms. Miller, legal counsel to the applicant, who presented information about the project. Ms. Miller stated that the site plan was approved in April 2019 by State Highway Administration with no additional conditions required. In April 2020, the applicant was informed to provide an amended development plan, which would result in redesigning the project.

Chair Albers asked if the request from Staff was required. Ms. Gerhard stated that the City's 2009 Comprehensive Plan noted the future proposed widening of Route 97, which would result in additional improvements to the Carroll County Commerce Center.

Ms. Miller added that the Center's development plan was originally approved in 1991 and the current site development plan amendment was for only Unit 7 to build the gas pumps and a new convenience store for Royal Farms. The property owner, Mr. Rosen, had already paid for major improvements to Route 97 to give a larger right-of-way for State Highway Administration.

Chair Albers asked if City staff was aware of the approval from State Highway Administration. Mr. Depo stated that State Highway Administration indicated no additional requests unless there was additional access necessary to Route 97 from the proposed development. Therefore, the final approval was up to the City.

Mr. Shaffer, legal counsel on behalf of the property owner, stated that the future widening of Route 97 was listed only on a concept plan and had no funding in place. He stated that if the State required acquisition of the property in the future, then the State could approach the property owner at that time. If the condition of approval for the current amended site plan was required, he believes the entire plan will be undevelopable. Ms. Gerhard noted that the condition would only eliminate nine parking spaces and require the stormwater management facilities to be relocated. Mr. Shaffer stated that it would require additional funding and time to completely change the layout and design of the site development plan if the applicant were required to comply with the condition

Mr. Guckert, on behalf of the Traffic Group, stated that the future widening of Route 97 was not included in the State Consolidated Transportation Plan at this time.

Commissioner McNulty made a motion that the Planning and Zoning Commission recommend that the Mayor and Common Council approve Development Plan DP-20-01 as originally presented by the applicant with no conditions. Vice-Chair Herb seconded the motion. The motion passed 4-0.

Chair Albers opened New Business Item B – Carroll County Liaison Report. Mr. Cody Spaid reported that the County is still in the process of completing its comprehensive rezoning process. He stated that the public can visit www.carrollrezoning.org for more information.

Chair Albers opened Planning Commission and Public Comments.

Mr. Depo stated that PD-4 Planned Development Open Space requirements currently state that the Parks Board is the approving body. An Emergency Ordinance is in review to change that approval to the Director of Recreation and Parks instead of the Parks Board.

Ms. Schlitzer stated that comments and questions regarding the meeting can be emailed to Planning@westgov.com.

Commissioner Beaver moved to adjourn. Commissioner McNulty seconded. The Commission adjourned at 8:27 PM.

To: Planning and Zoning Commission

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

Date: August 25, 2020

Re: Proposed Ordinance No. 926, amending Chapter 164, "Zoning and Subdivision of Land", of the Westminster City Code, Article XIII, "PD-4 Planned Development – 4 Zone", Section 164-82, "Open Space" and Article XXIV, "Subdivision Regulations", Section 164-197.1, "Residential Cluster Subdivision" to replace "City Park Board" with "Director of Recreation and Parks".

The Department of Community Planning and Development (CPD) staff is requesting that the Planning and Zoning Commission ("Commission") review and provide a recommendation to the Mayor and Common Council ("Council") regarding proposed Ordinance No. 926.

BACKGROUND

Pursuant to the City of Westminster Zoning Ordinance ("Zoning Ordinance") Article XIII, PD-4 Planned Development – 4 Zone ("PD-4"), Section 164-82.C., "*In determining the type and location of common open space, the* [Planning and Zoning] *Commission, in consultation with the City Parks Board, shall review the area's needs for parks and recreational sites in the area. Open space required in a PD-4 Zone project shall have access to a street by a fee simple right-of-way or easement and be located so as to be reasonably accessible from all dwellings within the PD-4 Zone project. In all instances, a minimum of 50% of the recreational land shall be suitable for dry-ground active recreational uses*." [*Emphasis added*]

Pursuant to Zoning Ordinance Article XXIV, Residential Cluster Subdivision, Section 164-197.1.E.(2), "*In determining the type and location of common open space, the* [Planning and Zoning] *Commission, in consultation with the City Parks Board, shall review the area's needs for parks and recreational sites in the area. Open space required in a cluster subdivision project shall have access to a street by a fee simple right-of-way or easement and be located so as to be reasonably accessible from all dwellings within the cluster subdivision project. In all instances, a minimum of 50% of the recreational open space shall be suitable for dry-ground active recreational uses, as determined by the Commission*." [*Emphasis added*]

The requirement for the Commission to consult with the City Parks Board regarding open space in the PD-4 zoning district was initially established with the adoption of the 1979 City of Westminster Zoning Ordinance, under Section 21-21(h)(3), now Section 164-82.C. The Residential Cluster Subdivision option, along with the requirement for the Commission to consult with the City Parks Board regarding open space in a residential cluster subdivision, was initially established with the

adoption of Ordinance No. 664 by the Council on July 9, 2001. The Zoning Ordinance does not require the Commission to consult with the City Parks Board regarding open space requirements for any other zoning district of the Zoning Ordinance. On June 11, 2007, the Council adopted Ordinance No. 765 renaming the "Parks Board" to the "Recreation and Parks Advisory Board".

On August 10, 2020, proposed Ordinance No. 926 was introduced to the Council. The Council referred proposed Ordinance No. 926 to the Commission for its review and recommendation.

PROPOSED AMENDMENT

During the review of a recently submitted Site Development Plan proposing development in the PD-4 zoning district, it was discovered that the City Parks Board (Recreation and Parks Advisory Board) is no longer active. As opposed to reestablishing the Recreation and Parks Advisory Board, City Staff recommends that the Director of Recreation and Parks provide input regarding the need, type, and location of open space for PD-4 and Residential Cluster Subdivision developments to the Commission. The Director of Recreation and Parks is qualified to provide input regarding the City's current and future recreation needs and has knowledge of recreational regulations, requirements, and practices.

PROCESS

Pursuant to Section 164-177.A., Text Amendments, "*An application for an amendment of the text of this chapter may be filed by an interested party or any officer, department, board, commission or bureau of the City*." Text amendments filed by any interested party or any officer, department, board, commission, or bureau of the City must first be approved via introduction to the Council. Upon introduction and formal referral by the Council, the Commission will hold a public meeting to review the proposed text amendment and make recommendations to the Council, pursuant to the provisions of Zoning Ordinance Article XXIII. Pursuant to Zoning Ordinance Section 164-187 E., members of the Council may not engage in *ex parte* or private communication regarding the proposal or the proposed ordinance.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation to approve proposed Ordinance No. 926, as provided in Attachment 1 of this report, to the Mayor and Common Council.

ATTACHMENT

1. Proposed Ordinance No. 926

cc: Barbara B. Matthews, City Administrator
Elissa D. Levan, City Attorney

Sponsored by: Joe Dominick, Mayor
Gregory Pecoraro, Council President

EMERGENCY ORDINANCE NO. 926

AN ORDINANCE AMENDING CHAPTER 164, "ZONING", OF THE CODE OF THE CITY OF WESTMINSTER, ARTICLE XIII, "PD-4 PLANNED DEVELOPMENT – 4 ZONE", SECTION 164-82, "OPEN SPACE", AND ARTICLE XXIV, "SUBDIVISION REGULATIONS", SECTION 164-197.1, "RESIDENTIAL CLUSTER SUBDIVISION", TO REPLACE REFERENCES TO THE "PARKS BOARD" WITH REFERENCES TO THE "DIRECTOR OF RECREATION AND PARKS"

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 aforestated 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 on or about August ___, 2020, the Planning Commission considered a proposal from the Common Council to amend the zoning ordinance to replace certain references to the "City Parks Board" with references to the Director of Parks and Recreation; and

WHEREAS, an amendment to the text of Chapter 164 of the City Code to incorporate the proposal was introduced before the Mayor and Common Council at a regular meeting on or about August 10, 2019 and a public hearing relating to the aforementioned amendment was held, as required by Section 18 of the City Charter and § 164-186.1 of the City Code; and

UNDERLINED SMALL CAPS	:	Indicate matter added to existing law.
~~Strikethrough~~	:	Indicate matter deleted from existing law.
*** Asterisks	:	Indicate matter retained in existing law but omitted herein

ATTACHMENT 1

WHEREAS, the Mayor and Common Council deem it appropriate to make the amendments set forth herein in the interests of the efficient operation of government and administration of the City's Zoning Ordinance; and

WHEREAS, by unanimous vote of the members of the Common Council, this Ordinance is declared to be an emergency so as to warrant waiving the requirement of Section 41 of the Council's Rules of Procedure that ten days elapse between adoption and the effective date of the ordinance.

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 XIII, "PD-4 Planned Development – 4 Zone", Section 164-82, "Open Space", be and hereby is amended as follows:

§ 164-82. Open space.

In order that open space and sites for public use may be properly located and preserved as the community develops and in order that the cost of providing the open space and recreation sites necessary to serve the additional families brought into the community by residential developments may be most equitably apportioned on the basis of the additional need created by residential development, the following provisions are established:

* * *

C. In determining the type and location of common open space, the Commission, in consultation with the ~~City Parks Board~~DIRECTOR OF RECREATION AND PARKS, shall review the area's needs for parks and recreational sites in the area. Open space required in a PD-4 Zone project shall have access to a street by a fee simple right-of-way or easement and be located so as to be reasonably accessible from all dwellings within the PD-4 Zone project. In all instances, a minimum of 50% of the recreational land shall be for dry-ground active recreational uses.

* * *

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 XXIV, "Subdivision Regulations", Section 164-197.1, "Residential Cluster Subdivision", be and hereby is amended as follows:

§ 164-197.1. Residential cluster subdivision.

* * *

E. Open space.

* * *

2. In determining the type and location of common open space, the Commission, in consultation with the ~~City Parks Board~~DIRECTOR OF RECREATION AND PARKS, shall review the area's needs for parks and recreational sites in the area. Open space required in a cluster subdivision project shall have access to a street by a fee simple right-of- way or easement and be located so as to be reasonably accessible from all dwellings within the cluster subdivision project. In all instances, a minimum of 50% of the recreational open space shall be suitable for dry-ground active recreational uses, as determined by the Commission.

* * *

Section 3. BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER that this Ordinance shall apply to all pending matters as to which the Planning Commission has not yet made a final decision as of the effective date of this Emergency Ordinance.

Section 4. BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER that this Ordinance shall take effect immediately upon its signature by the Mayor, provided that it is posted after adoption for not less than two weeks in some conspicuous location in the City Hall and recorded in a book provided for that purpose.

INTRODUCED this _____ day of August, 2020

_____
Shannon Visocsky, City Clerk

ADOPTED this _____ day of August, 2020

_____
Shannon Visocsky, City Clerk

APPROVED this _____ day of August, 2020

_____
Joe Dominick, Mayor

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~~Strikethrough~~	:	Indicate matter deleted from existing law.
*** Asterisks	:	Indicate matter retained in existing law but omitted herein

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
this ____ day of August, 2020:

_____
Elissa D. Levan, City Attorney

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