



PLANNING AND ZONING COMMISSION

June 11, 2020

TITLE: Westminster Mission BBQ

REQUEST: Site Development Plan S-19-0015 Approval

The Applicant is requesting Site Development Plan approval for a new restaurant building and site work.

PROJECT INFORMATION:

LOCATION: One Forty Village Shopping Center, Lot 4 (Acct. ID 07-063318), northwest of the Malcolm Drive and Baltimore Boulevard (Route 97 and Route 140) intersection

ZONE: B Business Zone

APPLICANT/REPRESENTATIVES:

APPLICANT: Mission BBQ, LLC

OWNER: 140 Village Limited Liability Partnership

ENGINEER: McIlvried, DiDiano, & Mox, LLC

ARCHITECT: Alan Hamm Architects, P.C.

ATTORNEY: Shaffer & Shaffer, LLP

STAFF: Andrew R. Gray, Comprehensive Planner
Mark A. Depo, Director of Community Planning and Development

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

1. Proposed Site Development Plan for Westminster Mission BBQ
2. Proposed Modification Request to the Development Design Preferences Manual
3. Westminster Mission BBQ Color Building Elevations
4. Landscape Cost Estimate
5. Amended Plat of Drainage and Utilities Easements on One Forty Village Shopping Center

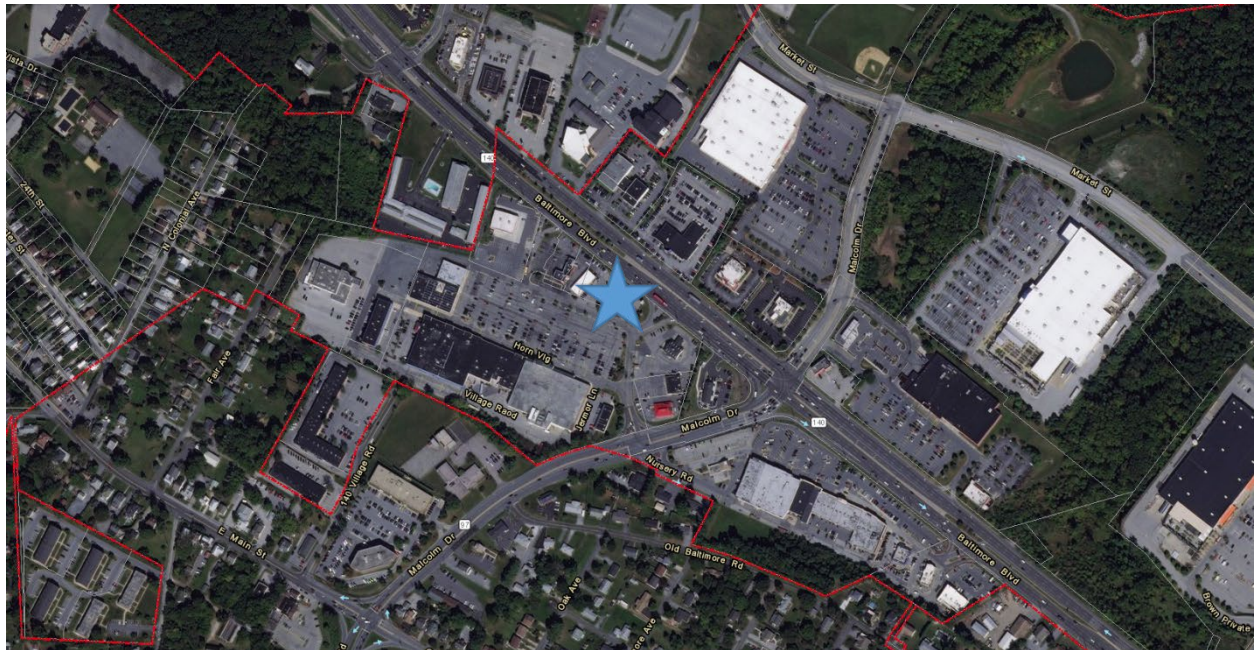
STAFF REPORT

Article XXV of the City Code requires the City of Westminster Planning and Zoning Commission (Commission) to review and approve proposed site plans for the City.

DEVELOPMENT INFORMATION:

Mission BBQ, LLC, represented by Shaffer & Shaffer, LLP, Alan Hamm Architects, P.C., and McIlvried, DiDiano, & Mox, LLC. has applied for review of a proposed Site Development Plan (S-19-0015) for the Westminster Mission BBQ restaurant. The Applicant is requesting Site Development Plan approval for a new restaurant building and site work including new landscaping. The subject site, located on Lot 4 at the One Forty Village Shopping Center, is zoned B Business governed under the City of Westminster Zoning Ordinance (Zoning Ordinance).

VICINITY MAP:



★ = Site

SITE DEVELOPMENT PLAN REVIEW COMMENTS:

Pursuant to Zoning Ordinance Section 164-41. A. (42), “Restaurants and lunchrooms” is a permitted use in the B zoning district. The total area of the site is indicated as 0.689 acres on S-19-0015 plan sheet 1 of 14. However, according to the Maryland State Department of Assessments and Taxation Online records, the property is indicated as 0.690 acres.

Signs

No signage is proposed with this project at this time. Pursuant to a December 10, 2019, letter from Mr. Jeff Berneburg to Mr. Andrew Gray, "As discussed with Andrew Gray, when application is made for the applicable Sign Permits, the City can discuss any conflicts with the Sign Contractor and/or Mission BBQ concerning the permitted site signage and associated requirements". Following this response by the engineer, Mr. Andrew Gray, in an email dated Thursday, December 19, 2019, requested that all information about signage be removed. Subsequently, applicable notes concerning the signage were removed from the Site Development Plan. Before Mission BBQ can erect signage on the property, an Application for Sign or Awning which does not exceed 64 square feet in total area and which does not exceed 12.5 feet in height shall be approved by the Zoning Administrator. Applications for signs up to and including 125 square feet and/or up to and including 20 feet in height shall be approved by the Commission.

Parking

There are 35 parking spaces provided that are 9 feet by 18 feet and two handicapped accessible parking spaces for a total of 37 parking spaces. The restaurant proposes 94 seats inside, 36 seats in the patio area, and 8 employees. Pursuant to Zoning Ordinance Section 164-112 E. "*...the number of employees for a use shall be computed on the basis of the maximum number of persons to be employed at any one time, other than at changes of shifts.*" The number of parking spaces required by Zoning Ordinance Section 164-111.C. is "one per four seats, plus one per two employees". This would correspond to 33 parking spaces for customers and 4 parking spaces for employees, totaling 37 required parking spaces.

Water

Pursuant to a May 31, 2019 email from the former Director of Community Planning and Development, William Mackey, to Mr. Alan Hamm and Mr. Jeff Berneburg, "MDE is requiring 33 GPD per seat, based on the data", for the proposed Mission BBQ Restaurant. On May 13, 2019, Mr. Mackey emailed Mr. Leigh Broderick and Mr. Richard Brace at the Carroll County Health Department, that the former Friendly's Restaurant used 1,476 GPD. According to the site plan, the proposal includes 94 seats inside and 36 seats in the outdoor patio, for 130 seats. 130 seats multiplied by 33 GPD per seat would equal 4,290 GPD. Subtracting the existing Friendly's water envelope of 1,476 GPD, the total net new water used would be 2,814 GPD. Mission BBQ obtained a tentative Water and Sewer Allocation (WSA-19-23) for 1,692 GPD, on June 25, 2019, which would allow water for only 96 seats.

After discussion with the applicant regarding the water allocation related to the outdoor patio and restaurant seating, Department of Community Planning and Development (CP&D) Staff has researched the amount of water currently available for calendar year 2020. The City of Westminster Water and Sewer Allocations Policy 2018-2024 Master Distribution Chart allocates 950 GPD for the "Commercial and Industrial Food and Beverage Related Inside City Only" category every calendar year. Out of the 950 GPD, allocated for calendar year 2020, 395 GPD

have been allocated, leaving 555 GPD available for restaurant uses within the City and allowing for up to 16 restaurant seats (33 GPD/Restaurant Seat).

CP&D staff met with the Mission BBQ Development Team on April 14, 2020 to discuss actual water usage of other existing Mission BBQ locations as compared to the current 33 GPD per seat requirement, as outlined above. CP&D Staff subsequently met with the Carroll County Health Department, Bureau of Environmental Health (CCHD) to discuss Mission BBQ water allocations and to determine whether 1) both the proposed indoor seating and proposed outdoor patio area seating may be allowed under the tentatively allocated water of WSA-19-23 or 2) the proposed outdoor patio area seating may be provided with the available water for 2020. CP&D staff requested that Mission BBQ provide one year of water usage data for several of their existing restaurants. On May 26, 2020, CP&D staff received the remaining requested water usage data and determined, along with the Health Department, that Mission BBQ uses on average 25 GPD, per seat. This would bring the total water usage for Mission BBQ to 3,250 GPD. Subtracting the existing Friendly’s water usage, discussed above, the total water allocation required would be 1,774 GPD an increase of 82 GPD than what was previously requested and tentatively approved by WSA-19-23. WSA-19-23 and the Master Distribution Chart have been updated to reflect this increased net water usage of 82 GPD allowing for the proposed total of 130 seats for Mission BBQ.

Landscape Manual

CP&D staff reviewed for applicable requirements in the Landscape Manual. All comments have been addressed and no modifications are being requested for this project. The project meets the landscape manual requirements for the area inside the area of disturbance.

Development Design Preferences Manual

The applicant has requested Modification of the Adopted Preferences contained in the 2016 Development Design Preferences Manual. The applicant’s justification for this modification is contained in the attached January 3, 2020 letter, from Mr. Berneburg. The Planning and Zoning Commission must decide whether to grant the following modifications:

Modification of Adopted Preferences (2016 Development Design Preferences Manual)	
Standard	Staff Comment
Pursuant to page number 20, regarding security, the City encourages exterior lighting of buildings and property for security surveillance purposes, if security lighting levels are less than one foot-candle in brightness.	Lighting levels exceed 1.0 foot-candle in brightness across all four-property lines.

Staff concurs with the Modification request as the proposed Mission BBQ restaurant project is part of a larger shopping center and no lighting levels above 1.0 foot-candles extend into the road

surface of Baltimore Boulevard and the lighting essentially extends into adjoining parking of the shopping center.

Pursuant to Section XXII Site Plans G. of the Planning and Zoning Commission (PZC) Rules and Regulations, *“the PZC will utilize the current version of the Development Design Preferences (DDP) in its review of plans. Except as explicitly stated in a motion, the PZC recognizes implicitly that a motion for approval affirms the required compliance.”*

Pursuant to Section 164-211 K. *“no site plan shall be approved by the Planning Director and the Planning and Zoning Commission that does not adequately address the preferences and guidelines set forth in the most recently adopted Development Design Preferences Manual in compliance with the requirements of § [164-131.2](#).”*

Pursuant to Section I. Overview in the DDP, *“when subdivisions and site plans are reviewed by the Planning and Zoning Commission, the Commission will utilize the adopted manual in coordination with other provisions and Code requirements. The Commission may modify the adopted preferences on a per project basis at any time, in order to meet requirements in the City Code.”*

PROCESS:

Pursuant to the City’s review process, the site plan was provided to the appropriate City and County agencies to determine readiness to present to the Commission. Plans were reviewed for compliance with City and County requirements. Carroll County reviewed the plans for grading, utilities, stormwater management, site traffic, and drainage. The City reviewed this project for compliance with applicable, zoning, landscaping, and items contained in the Development Design Preference Manual. The Commission shall approve, approve subject to conditions, or disapprove Site Development Plan S-19-0015.

Additionally, planning staff communicated to Mr. Berneburg and Mr. Hamm on February 21, 2020, and subsequent times afterward that elevation drawings that are typically part of a site plan package for new construction will be required. Mr. Berneburg has provided building elevations that are not included as part of the S-19-0015 plan set for Westminster Mission BBQ.

AMENDED UTILITY PLAT:

Pursuant to an emailed dated January 15, 2020, from Mr. Jeff Glass, Director of Public Works, the City will not need the portion of the sewer easement that extends beyond the property line. The City has requested an Amended Plat to be approved (attached). City and County Staff must approve the plat before the Site Development Plan for Westminster Mission BBQ (S-19-0015) can be officially signed.

Please note that the time for an interested party to file an action for judicial review, as permitted by law, pursuant to Title 7 of the Maryland Rules of Procedure, shall run from the date on which the Commission conducts a vote constituting an action upon a matter pending before it. Upon

Commission approval, the Commission Chair may sign an approved plat after the thirty-day appeal period.

RECOMMENDATION:

Staff recommends that the Commission consider approval of the proposed site development plan S-19-0015, subject to the following Conditions of Approval:

1. Obtain final Stormwater Management approval from Carroll County Government.
2. Obtain Commission approval for the one requested modification to the 2016 Development Design Preferences Manual to allow lighting levels to exceed 1.0 foot-candle in brightness across all four-property lines, as depicted on Site Development Plan S-19-0015 presented to the Planning and Zoning Commission.
3. Include the color building elevations, as presented and approved by the Planning and Zoning Commission, as part of the Site Development Plan S-19-0015 plan set.
4. Revise Site Development Plan S-19-0015 to reflect 3,250 GPD of estimated water usage.

DRAFT MOTIONS FOR SITE DEVELOPMENT PLAN S-19-0015:

1. I move that the Planning and Zoning Commission approve Site Development Plan S-19-0015 based on the Staff Report and subject to the Conditions of Approval provided at the June 11, 2020, Planning and Zoning Commission Meeting.

OR

2. I move that the Planning and Zoning Commission deny Site Development Plan S-19-0015.

OR

3. I move an alternate motion.