



# City of Cambridge

DEPARTMENT OF PUBLIC WORKS

PLANNING & ZONING

1025 WASHINGTON STREET

CAMBRIDGE, MARYLAND 21613

410-228-1955

## Planning and Zoning Staff Report

February 2, 2021

### I. BACKGROUND INFORMATION:

Project Name: 901/903 Pine Street

Applicant/Owner: Mr. and Mrs. Jones

P & Z Case No.: PZ 2021-006 SE Corner Store in the NC-4 Zoning District

Nature of Request: Special Exception to Reopen an Existing Corner Store in the NC-4 Zoning District

Location of Property: 901/903 Pine Street

Total Acreage: 1,500 Sq. Ft.

Zoning: NC-4

II. **STAFF RECOMMENDATION:** Staff is recommending that the Planning Commission forward a positive recommendation to the Board of Appeals for a Special Exception for a corner store.

III. **DISCUSSION:** Pursuant to Section 4.2.3 B. 1. A corner store can be permitted to reestablish itself if the applicants, Mr. and Mrs. Jones, have established that the structure was previously a corner store. The applicant has gathered 49 signatures from residents stating that this was an active commercial use until approximately 2014. The enclosed deed calls it out as a store when referencing it meets and bounds description. The applicants have supplied interior photos that indicate that the property was a commercial use.

Enclosed in the packet is a memo from the City Attorney's office with respect to the reviewing authority of the Planning Commission and Board of Appeals to ensure that there is no overlapping of the review process. Pursuant to that memo, the Planning

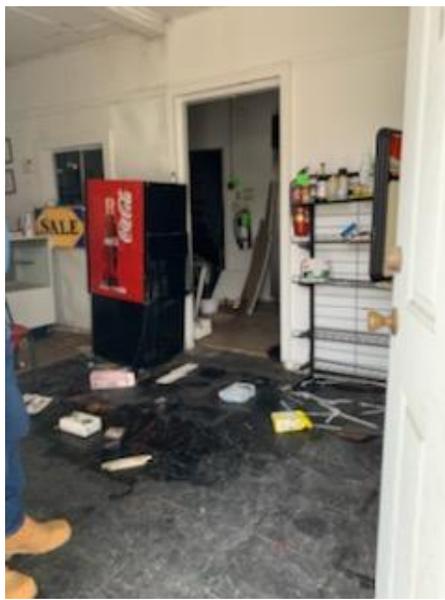
Commission shall review lot line adjustments, specifics of a site plan review, concept plans, grading plans, utility plans, landscape and lighting plans, architectural elevations or other matters which are under the authority of the Planning Commission or the Zoning Official pursuant to UDC §3.1.

The applicant has submitted a site plan that shows one parking space in the rear, as it is anticipated that especially in this neighborhood, most of the customers will either walk or bike to the site. The entire building footprint is approximately 48 x 26 feet. The applicant is proposing two tables on the inside, pending the end of the health crisis and two tables on the outside. This is a very similar application as the one approved by the City located at 824 Locust Street. The Commission approved a parking reduction given the neighborhood serving nature of the proposal.

The applicants will be replacing the roof, installing a carryout security window, new siding, repairing steps, install better lighting, door replacements and possible awning for the security carryout window. As shown below, the property is in a state of disrepair and this proposal will take an abandoned blighted property and make it into a vibrant neighborhood serving retail establishment and is in alignment with the with the City's efforts with their revitalization work in the neighborhood.

#### 901/903 Pine Street – Interior Photos





Exterior Photos





### **Special Exception Criteria**

1. The establishment, maintenance and operation of the special exception at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.

*The establishment of a small neighborhood serving retail store/restaurant that will have an emphasis on providing healthy food choices will be a benefit to the neighborhood as it will provide a viable solution to the existing food desert in the south Pine Street neighborhood.*

2. The special exception at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

*The current building is in a state of disrepair as demonstrated by the enclosed photos. The dilapidated property will be remodeled in keeping with ~~to~~ the scale of properties in the area. This retail establishment will enhance the current revitalization efforts of the south Pine Street neighborhood and increase of property values in an underserved area of the City. The walkable nature of the proposed retail will increase pedestrian traffic, putting more eyes on the street, thereby creating a safer environment for the residents.*

3. The establishment of the special exception at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.

*The proposed retail use is bringing back what was once a neighborhood amenity and combined with the current revitalization efforts in the area will actually help incentivize orderly development and improvements to the neighborhood.*

4. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.

*Yes, the property is served by the city's infrastructure.*

5. The special exception shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.

*The location of the establishment will be an amenity to the neighborhood of Pine Street as its conducive for bike and foot traffic. Given the neighborhood scale of the store, it will not create any unduly conflict of traffic. Additionally, the property is located at a controlled intersection with an existing four way stop condition.*

6. The special exception shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.

*Yes*

7. The proposed use at its proposed location conforms to the Comprehensive Plan.

*Yes, as the overarching principle of the Comprehensive Plan is to create vibrant and safe neighborhoods for the citizens of Cambridge.*

#### **Nonconforming Lot and Structure:**

The property does not conform to the required lot width of the NC-4 Zoning District and the structure does not conform to the NC-4 setbacks. The property has been vacant for several years and therefore falls under the below referenced regulation.

Pursuant to Section 2.4.1 **Abandonment and Discontinuance of Nonconformities**

*F. 4. For nonconformities other than the foregoing, if the nonconformity is: (a) discontinued for a consecutive period of twelve (12) months; or (b) discontinued for any period of time and accompanied by the property owner's express written intention to discontinue the same, the property may thereafter be used only in conformity with this Ordinance unless the Planning Commission approves the issuance of a zoning permit to allow the nonconformity's continuance. This permit may be issued if the Planning Commission finds that eliminating the nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconformity is maintained or moving a substantial structure that is on a permanent foundation). The zoning permit shall specify which nonconformities need not be brought into compliance with this Ordinance.*

**Parking and Site Plan:**

The applicant has submitted a site plan indicating one parking space.

IV. **STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve the site plan as submitted pursuant to their authority found with in § 2.4.1.F. 4 acknowledging that this is a legal non-conforming structure as it applies to setbacks and a legal non-conforming lot as it relates to lot width.

1. The Planning Commission hereby approves the site plan, building location, lot size and one parking space. The front of building is on the front property line. On the street side of the property, the building is directly adjacent to the existing sidewalk and interior side yard is approximately four feet from the property line.
2. The Planning Commission shall forward on a favorable recommendation to the Board of Appeals and pending that review and approval of the Special Exception, this property will become a legal conforming use and lot.
3. The property is subject to the conditions in § 4.2.3 B. 1 of the Unified Development Code