

BEFORE THE CAMBRIDGE PLANNING COMMISSION

IN THE MATTER OF * CASE NO. PZ-2022-003
FAIRCHILD PROPERTIES, LLC * APPLICATION TO AMEND
MASTER DEVELOPMENT PLAN
* * * * *

FINDINGS AND RECOMMENDATIONS
PURSUANT TO § 2.4.3 OF THE UNIFIED DEVELOPMENT CODE

The Cambridge Planning Commission (the “Planning Commission”) held a hearing on August 3, 2021 in the Council Chambers at 305 Gay Street, Cambridge, Maryland and via WebEx videoconference to consider the application of Fairchild Properties, LLC (the “Applicant”) pursuant to § 2.4.3 of the Unified Development Code (the “UDC”) to amend the Master Development Plan for the Residences at River Marsh at the Hyatt Regency Chesapeake Bay Resort (the “MDP”). Chairperson Mary Losty and Members Jerry Burroughs, Chantay Nelson, Eugene Lauer, Hubert Trego, and George Breig were present, along with Chad Malkus, Ward Five City Commissioner and Planning Commission Liaison, Patricia Escher, City Planner, and Patrick W. Thomas, City Attorney.

LEGAL AUTHORITY

Pursuant to § 2.4.3(B) of the UDC, the Commissioners of Cambridge may approve a proposed amendment to an approved Planned Water Resort District (“PWRD”) development plan such as the Hyatt MDP if they find that the proposed amendment:

1. will not have an adverse impact on the use or economic value of any other properties in the development or on surrounding areas;
2. is compatible in all respects with the remainder of the development; and
3. complies with the UDC.

Prior to considering any such proposed amendment, the Commissioners of Cambridge shall first refer the proposed amendment to the Planning Commission for a public hearing, review, and recommendations regarding subsections (B)(1) through (3) above and then hold a public hearing in relation thereto.

SUMMARY OF THE CASE

The Applicant requests an amendment to the MDP to allow greater flexibility in the development of Single Family Residential (“SFR”) Sections 1-3 and Multiple Family Residential (“MFR”) Sections 1-3 to meet market demands for the desired residential unit types while not increasing the overall density. Currently, single-family villas are permitted in SFR 1 and 2, single-family detached dwellings are permitted in SFR 3, and townhomes are permitted in MFR

1-3. The Applicant is also proposing to include amenities, the total number of which will be determined at a later date.

Following the August 3, 2021 public hearing, the Planning Commission unanimously voted to recommend that the Commissioners of Cambridge approve the proposed amendment, subject to certain conditions. A summary of the testimony and evidence presented during the Planning Commission's public hearing and the Planning Commission's findings and recommendations are more fully set forth hereinbelow.

SUMMARY OF TESTIMONY

Ms. Escher first appeared on behalf of Staff and presented a summary of the Applicant's proposed amendment and her Staff Report. The Applicant is in control of 311 residential units. Because of market demands, the Applicant is unclear as to exactly what type of units will be built, e.g., single-family dwellings, townhouses, or villas. Regardless of what will be built, the overall density of 311 units will not increase. The Applicants simply want flexibility to meet market demand. The Applicants have been advised that there must be amenities for all 311 units regardless of the concept chosen. As this is a Master Development Plan amendment and not a development review, the Applicant must return to the Planning Commission with a detailed development review. One of Staff's proposed conditions is that certain amenities be included in the first phase, and the Applicant has already committed to include a pool and a tennis/pickleball court.

Commissioner Lauer stated that the quality and design of any construction needs to be consistent with the existing development. Ms. Escher stated that such matters would be reviewed by the Planning Commission.

Duke Fairchild, Hunter Fairchild, and Charlie Fairchild appeared on behalf of the Applicant. Duke Fairchild testified that the proposed project is a special one and, if done correctly, can be successful for the City. The time is right for the SFR and MFR sections to be developed, and the market is there; however, various builders with whom the Applicant has spoken have their own different program. The Applicant seeks flexibility in the development, which will allow it to select the right partner. This development is a substantial investment with many challenges. The Applicant does not know what the mix of residential units will be.

Commissioner Breig inquired about emergency access and whether it would be possible to include additional ingress and egress for emergency vehicles. Ms. Escher noted that there is an existing access to the development from Woods Road. Mr. Fairchild testified that it was used during the development's construction as an entrance for construction vehicles.

Commissioner Burroughs inquired as to whether renderings of the proposed single-family units were available and the types of amenities in the first phase of the project. Mr. Fairchild testified that there will be a swimming pool with showers and restrooms and two tennis courts that can be converted to pickle ball courts in the first phase. The renderings will be provided as part of the site plan review.

City Commissioner Malkus stated that the Hyatt's amenities are at capacity. Having the amenities at the forefront of any development is essential.

Following the testimony of Ms. Escher and the Applicant, Chairperson Losty invited the public to comment on the proposed amendment.

Millicent Pitts, a resident of the Willow Oak Condominiums, referenced a letter she submitted to the Planning Commission in advance of the public hearing and testified that three of the concerns set forth therein had been addressed by Mr. Fairchild. Regarding the fourth concern, amenities, Ms. Pitts testified that the condominium association wants the development to be successful. The first phase needs to have amenities; however, there is a concern that the condominium association will be excluded from using them, and the Willow Oak Condominiums do not have enough room for amenities on its property. Ms. Pitts requested that a committee of interested parties, including representatives from the condominium association, be convened to develop an overall amenity strategy.

Pauline Flynn testified that she is concerned about the potential environmental impacts associated with the development. There is a significant amount of wildlife in the development, and Ms. Flynn inquired as to whether an environmental impact study would be prepared. Ms. Flynn is also concerned that one point of ingress and egress will be insufficient to accommodate the increase in new residents. Ms. Flynn inquired as to whether the access point from Woods Road might be an option. The bridges need repairs and would not likely accommodate heavy construction traffic. Ms. Flynn inquired whether the contractor would be responsible for any repairs or improvements. Overall, Ms. Flynn is pleased that high-quality homes will be built, as they will maintain or even increase the existing property values.

Commissioner Burroughs stated that the Woods Road entrance was used during the initial development to avoid damage to the bridges from the construction equipment and suggested that it could be used again for such purposes.

Ms. Escher testified that there would need to be a public works agreement in place for each phase of the development. Commissioner Lauer also stated that bonds or other surety would likely be required as well.

Joseph Flynn testified that he resides in the only single-family home currently existing in the development. He was told by the Department of Public Works that the housing types on Marsh Elder Road would remain single-family, but the lots would be further subdivided, thus increasing the density. Mr. Flynn does not know how many additional units are proposed. Mr. Flynn urged the Commission to recommend denial of the proposed amendment, as the proposed subdivision of the Marsh Elder Road section is a major departure from the existing MDP. Mr. Flynn requested that the Commission carefully consider the impact an increase in units would have on infrastructure and encouraged a de novo assessment of the required permits and impact statements.

Ms. Escher clarified that the lots would not be subdivided; the lot lines will be adjusted. Mr. Flynn testified that his concern is that there will be an increase in the number of units in his

section. Commissioner Lauer confirmed that if the proposed amendment were approved, the Applicant would still be required to come before the Planning Commission to receive any development approval.

John Breil, another resident of the Willow Oak Condominiums and the president of its HOA, testified that the association is pleased to see the Applicant's proposal. Mr. Breil referred to Ms. Pitts' letter and reiterated the amenities concern. When the Beazer development was proposed, the Willow Oak Condominiums residents were intended to participate in its amenities. Ultimately, that development was never built. The condominium and townhome residents are willing to participate in an amenities package, even if they must contribute financially. Mr. Breil requested that the Willow Oak Condominiums and townhouse members participate in any design review committee for the new development. They do not wish to be a detriment; they just want to have a part in what is ultimately developed.

Charlie Fairchild testified that the Applicant is trying to involve other members in the development at the outset. Amenities will be developed in the first phase. If there is a way to do something that is fair to all parties, the Applicant is open to it. The Applicant's goal is to come back within 30 to 60 days with a concept plan to break ground and get the models and amenities developed as soon as possible.

EXHIBITS

The following exhibits were entered into the record and are attached hereto:

1. Staff Report for Planning Commission Case No. PZ-2022-03 (Exhibit 1) with six attachments thereto, as follows:
 - A. Proposed Revisions to MDP-1 – Overall Plan;
 - B. Proposed Revisions to MDP-2 – Parcels SFR1 & SFR2 – Villas;
 - B. Proposed Revisions to MDP-3 – Parcels MFR1 & MFR2 – Townhouses;
 - D. Proposed Revisions to MDP-4 – May 2005 and Feb. 2007 Overlay; and
 - E. Proposed Revisions to MDP-5 – May/July 2021 Updated Chart; and
 - F. Proposed New MDP 6 – May/July 2021 Updated Chart
2. Written Comments from Millicent Pitts (Exhibit 2).

FINDINGS AND RECOMMENDATIONS

Based upon the documents and testimony before it, the Planning Commission unanimously finds that the Applicant's proposed amendment to the MDP to allow greater flexibility in the development of SFR Sections 1-3 and MFR Sections 1-3 as shown on the proposed revisions to MDP 1-5 and the proposed new MDP-6 will not have an adverse impact on the use or economic value of any other properties in the Hyatt development or on surrounding areas, is compatible in all aspects with the remainder of the development, and complies with the UDC, provided that the following conditions are met:

1. All proposed development shall be subject to Article 3 of the UDC and any other relevant sections thereof.
2. The Planning Commission shall establish an Architectural Review Committee to review the proposed architecture either before or after the development review process, and such architecture must be approved by the Committee before any building permits will be issued.
3. At least one amenity space shall be constructed as part of the first phase of development, which shall contain, at a minimum, a pool and related facilities.
4. Short-term rentals must be reviewed with the first development phase.

Accordingly, the Planning Commission recommends that the Commissioners of Cambridge approve the Applicant's proposed amendment to the Hyatt Master Development Plan, provided the foregoing conditions are met.

ATTEST:

Patricia Escher

Mary Losty, Chair

Date