

Planning & Zoning Commission

Minutes

May 7, 2019

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, May 7, 2019 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland.

**Commissioners in attendance:** Gene Lauer, Chairman, Hubert Trego, Chan'Tay Nelson, Mary Losty, Marshall Rickert and Jerry Burroughs

**Other in attendance included:** Pat Escher, Herve Hamon, Patrick Thomas

Eugene Lauer called the meeting to order at 6:00 p.m. and asked for a moment of silence.

**Approval / Amendments to Agenda**

Comm. Craig made a motion to add a brief reflection of the 11:00 a.m. Work Session as a new business item to the agenda. Mary Losty seconded the motion. The motion was approved unanimously.

Comm. Burroughs stated for the record that he would not attend another City Council work session meeting for Planning and Zoning in the future. He stated that he would not be disrespected again as he was today.

**Approval of Minutes**

Comm. Lauer asked for a motion to approve the minutes. Comm. Losty made the motion to approve the minutes as submitted and Comm. Trego seconded the motion. The motion carried and there were two abstentions.

**New Business**

1. PZ 2019-010 Car Wash Façade Improvements – 305 Sunburst Highway

The proposal is for the exterior remodel of the existing car wash on Rte. 50. The applicant has chosen a series of metallic panels to improve the overall appearance of the car wash. The building will be partially redesigned with a tower element and variations of colored metal panels, of silver, white, bronze and light blue.

Brenden Frederick, architect with Becker Morgan Group in Salisbury, Maryland, provided testimony on the project. Mr. Frederick advised they have been working with the client to revitalize the car wash. Their client's goal is to have this as the first project with the possibility of other future projects in new locations. The mechanics of the interior are to be improved. Becker Morgan's scope of work was to develop a concept to assist the owner with a new look and rebranding. The client is working with a sign company and understands the current signage is disorganized and the new signage will be more aesthetically pleasing. The signage will be submitted separately as the concept before the commission focuses on the façade. Their client wants to improve the exterior and is anxious to get the project going. Mr. Frederick stated that technical and structural issues were worked through with the client and that playful color and materials were selected to give the project some interest. The construction documents have been completed in anticipation of starting.

Comm. Rickert thanked Mr. Frederick for his efforts and said this project is very much in keeping with what the City is trying to do on the Route 50 corridor. Comm. Rickert stated he has an issue with the signage and that code doesn't allow for two signs. Comm. Rickert said that he would like to see the signs consolidated into one. The second issue is that the signs are not set back far enough off Route 50. Exiting the carwash onto Route 50 is a challenge due to the obstruction created by the signage. The new sign needs to meet standards as well as safety and visibility.

Comm. Burroughs asked how high the tower will be and if there will be anything behind the grading. Mr. Frederick stated the tower would be roughly twenty-six feet and there would be a backing pad behind the grading to give a nice textural look.

Comm. Losty asked about the color selections. Mr. Frederick said that his firm requested physical samples in the exact colors of the project from the manufacturer and they did not send them. Mr. Frederick will confirm color selections and will provide final rendering for the record.

Comm. Trego had comment regarding the prior mechanical function of the carwash and noted that the past operation had inconsistent management on site to address mechanical issues.

Comm. Losty asked about the location of the dumpster. Staff advised that there would need to be a screening to conceal the dumpster so that it is not visible, and staff plans to discuss additional landscaping with the client.

Staff recommends approval of the facade improvements with staff's recommended conditions.

1. The color call outs in the plan set do not reflect the material samples provided.
2. All existing signs shall be removed and replaced with signage in compliance with the UDC.
3. The dumpster shall be fully screened with the same material as the perimeter fence.

Comm. Lauer asked for a motion to approve the concept plan. Comm. Rickert made the motion and Comm. Losty seconded. The motion carried unanimously.

2. PZ2016-006 Cambridge Marketplace – Phase 2 Amendment – Concept Plan for a Wendy's to be located at the east side of the primary entrance of Cambridge Marketplace

Staff advised this is an important site as it is at the entrance of Cambridge marketplace. Wendy's site has more challenges with the overall site layout and design. Drive thru restaurants need to have the same orientation and internal layout, which poses some issues for this project. The building and the site plan cannot simply be flipped as the driver is on the left side of the vehicle and would not be adjacent to the building. The configuration still provides views of the internal mural for the drive thru users, but the orientation of the building is such, that the "back of house" is oriented to the entrance, the indoor eating area with the nicer glass façade and the outdoor seating area is oriented on the internal side of the property.

The landscape plan is very conceptual, so staff has limited comments.

Staff advised that the City Engineer has no comments at this time.

Staff noted this is a shopping center, so the parking is reviewed with each proposal. The plan has 28 parking spaces.

Staff is recommending that the Planning Commission approve the Concept Plan for a Wendy's at Cambridge Market Place with staff recommendations.

1. Outside utilities, roof drains, etc., shall be painted to match the façade.
2. The dumpster enclosure shall be masonry and similar shades of gray as the existing enclosures on site.
3. There shall be an additional tree island located at the end of the eastern front façade.
4. Provide 4 bicycle parking spaces or 1 space per 50 seats.
5. Staff and Commissioners to meet with the applicant to discuss architectural refinements, prototype selection, and colors.
6. These are Concept Plan recommendations, more will be provided with the Preliminary Plan.

Mark Griffin with Linear Architecture in Dallas, Texas represented the Wendy's franchise and provided the Commission with a material sample board. Mr. Griffin provided testimony on the branding of the building with the two red towers and the challenge with the layout on the site since the back of the building is facing the entrance. Mr. Griffin stated he has worked with the City to dress up the area while still maintaining the Wendy's brand. After looking at the site plans there was concern about the amount of red on the building, but the fountain wall and landscaping will screen the bottom portion of the red tower as you enter the center. Mr. Griffin would like to open the topic to discussion and comments.

Comm. Lauer asked about the pattern of traffic flow at the site.

The Civil Engineer, David Trostle with Frederick Seibert & Associates, Inc. located in Hagerstown, MD, explained the traffic flow around the building. Mr. Trostle discussed the landscape additions planned.

Comm. Burroughs asked where the dumpster would be located. Mr. Trostle identified the location and advised it would be enclosed on three sides.

Comm. Lauer asked about the color of red being used and Mr. Griffin referenced the sample board provided.

Staff expressed concern over the stormwater retention system and whether it would stand out if installed in front of the building. Mr. Griffin advised the stormwater retention would be recessed and six inches high with landscaping.

Comm. Trego mentioned the Wendy's signage being visible from Route 50 from the front and side of the building.

Comm. Losty asked how soon they wanted to break ground and Mr. Griffin advised they would like to open this year.

The Commission unanimously recommended the remodel rendering as the preferred style. Mr. Griffin stated he would advise the client.

Charlie Fairchild with Fairchild Properties and Cambridge Marketplace gave his perspective of the property. Mr. Fairchild reported that the installation of the new islands took up 38 to 40 parking spaces and that the plantings must come out for the next phase of the project. The gardenias and rose bushes will be relocated to the islands near the back retail and that it is a sensitive area and he does not want the plantings to cover the establishments. Wendy's is a strong franchisee that is spending 2.5-3.5 million dollars on the project that will generate taxes and income for the City. The goal is to make sure they are successful, and branding is a key to that success. The Wendy's project moved quickly, and now quick action is needed because what is happening with that project is driving the hospital and lot lines for the layout. Wendy's needs to connect and the site plan is needed so that the hospital, Wendy's and Fairchild properties can move forward. Mr. Fairchild said he is breaking ground on the road in two weeks so there is an urgency. Mr. Fairchild says the Wendy's building is nice and fresh and won't appear dated. New and fresh is the concept and vision for the marketplace. There are three sides of the project that are very important and the east needs to match the west. The tower concept is like what was done on the Taco Bell building.

Comm. Losty asked for clarification on view from either direction on Route 50 and stated she didn't believe the two sides speak to each other at all.

Staff suggested a compromise of a more muted blade (tower).

Comm. Burroughs made a motion to proceed to preliminary. Comm. Losty seconded and the motion was approved unanimously.

3. PZ 2019-011 Cambridge Marketplace – Phase 3 – Concept Plan – University of Maryland Shore Medical Center – Applicant requested the item be deferred until June 4, 2019.

4. Reflection of Planning & Zoning Work Session – Setbacks

Comm. Rickert made statements that he would like to be on record regarding what took place with the City Council at the 11:00 a.m. meeting. Comm. Rickert stated he was very proud of the professional staff of the Planning Commission and Public Works Department for the work that went into the recommendations that were unanimously approved in 2017 and unanimously approved by

the City Council. The intentional and fiscal impact stated in that recommendation was to provide an opportunity for redevelopment particularly with the owner-occupied housing in the older sections of Cambridge. These are areas where the Commission would like to see new life brought about. Evidence of the success is in the three houses under construction or finished construction in the High Street area and that these are probably the first owner-occupied houses built in decades. Adjacent to one of the new habitat houses another home is being remodeled because new life is being brought back to the neighborhood. Staff and the Planning Commission was called to task in a very unfair way. Staff was accused of issuing permits that were inconsistent with what the code requires. The City Council adopted changes to this code that were well thought out and well-planned changes in 2017 and he is proud to say the staff implemented. Comm. Rickert said it was very unfair that staff was accused of erroneously issuing permits. They were simply doing the will of the Planning Commission and Council. In the meeting today, the Planning Commission was accused of discrimination and that they had singled out a neighborhood in the community to relax the standards, so they were subjected to development that they felt was not satisfactory. The point was made clearly today that these changes affect areas all over Cambridge. No discrimination. There was also an accusation of fostering construction that would be unsafe for fire hazard and singling out the children. Comm Rickert would like to thank the Mayor for calling out that statement as utter nonsense. There was testimony from Habitat and others that the buildings are constructed and meet safety standards far higher than anything that has been built in this city for many years. Comm. Rickert agreed there is fire hazard in old homes close together, but contemporary fire codes with sprinklers are not increasing fire hazard. Comm. Rickert thinks that most of the Council understood and supported their earlier decision to bring about new life in the older sections of Cambridge. Comm. Rickert wants to be on record to say that the Planning Commission professionally valuated the health of housing in Cambridge and unanimously approved, and Council unanimously approved, those changes. There are three new houses with sprinklers going up in an area in Cambridge that has not had new housing in decades. The Planning Commission explained to City Council why the Commission did it and why they voted for it. Comm. Rickert stated if the Council would like a change then they must recommend that change to the Planning Commission and the Commission will then consider it. Comm. Rickert said he senses that the Mayor is asking for some help and the Mayor has been a consistent supporter of what the Commission is trying to do. The Commission can consider some changes to give the Council wiggle room to modify so that everyone can have a victory. Specifically, having a set-back provision that is graduated for a 25-foot wide lot to a 27-foot lot and if it is more than that a larger house could be built. Comm. Rickert asked the Commission if they would consider that graduated provision. Comm. Rickert said he was very disappointed that two of the Council members had not reviewed the material presented and had no idea that the ordinances referenced were what they had adopted. Comm. Rickert said it was a cheap shot and totally unjustified but believes the Commission can do a little work and go back to the City with some changes. Comm. Rickert absolutely rejects allegations of discrimination, carelessness about fire safety and child neglect. Comm. Rickert believes with a little bit of work by the Commission it might give the Mayor a chance to help lead through this. The Mayor has been a supporter of the Commission and she supported the Commission today and Rickert thanked her for it.

Comm. Trego stated that he believed that the issue was left to the Council today for direction.

Comm. Rickert said he thought the Planning Commission could offer some ideas back to Council.

Comm. Trego said that the Planning Commission is faced with a situation where people are arriving to a meeting unprepared without reviewing the information provided.

Comm. Rickert thinks the Planning Commission acquitted themselves well and he is proud of the staff and proud of the results.

Comm. Lauer referenced the housing market assessment and the projection for the need of houses in the city to accommodate 954 families over the next few decades, so something needs to be done. The vacancy rate of deteriorated houses was cited at 21% and most of that is physical deterioration, which means they are not fit to rent or own and likely need to come down. The infill housing is extremely important to do and there might be a presented avenue of graduated set-backs to consider.

### **Public Hearing**

1. TA 2019-008 – Non-tidal Wetland Buffer – Reduction of 50-foot requirement for Properties under 10 acres

Comm. Losty recused herself.

There was no public comment or testimony.

Staff recommends moving forward with expanding the buffer to 50 feet for large-scale development containing over 10, which would bring the buffer to the State's standards.

Comm. Lauer asked if there was a motion to recommend the Ordinance Change to Council. A motion was made by Comm. Trego and seconded by Comm. Burroughs. The motion passed unanimously.

### **Discussion Item**

1. Salvation Army – Temporary Trailers

They are requesting to retain the trailers on the site during the warm weather.

Alan Nelson, Chair of Advisory board of the Salvation Army, advised of the two options that they are facing with the trailers. The first option is to have the utilities disconnected and have them moved off site and pay a storage fee. The alternative would be to have permission to keep the trailers in place and avoid the expense of the disconnecting and reconnecting of the utilities, transportation and storage.

Mr. Nelson advised the third trailer was supposed to be moved already and they are currently seeking legal counsel to help with the removal. Mr. Nelson stated that landscaping along Goodwill Avenue is a consideration to help conceal the trailers.

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They are seeking a modification to the Special Exception of the Commission. The Special Exception has two years remaining and the intention is to have a more permanent structure at the end of that time.

Comm. Rickert suggested that the Commission consider the use, which is seasonal.

Comm. Burroughs made a motion to make an amendment to the Special Exception. Comm. Rickert seconded the motion.

Mr. Nelson responded to questions regarding the operation of the trailers. Mr. Nelson confirmed that the trailers would not be operational year-round only during cold-weather months.

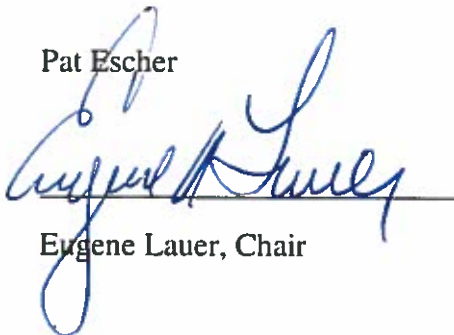
Comm. Lauer stated there was a motion on the floor and asked for the vote. The motion carried unanimously.

The recommendation will be made to the Board of Appeals to allow an amendment to the Special Exception.

Comm. Lauer asked for a motion to adjourn the meeting. Unanimously moved.

Respectfully submitted,

Pat Escher



Eugene Lauer, Chair

7/15/2019

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Date Approved

