

Planning & Zoning Commission

Minutes

August 6, 2019

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

**Commissioners in attendance:** Gene Lauer, Chairman, Hubert Trego, William Craig, Mary Losty, and Jerry Burroughs.

**Absent:** Marshall Rickert, Chan Tay Nelson

**Other in attendance included:** Pat Escher-City Planner, Herve Hamon, Planner I, Dave Cannon, Council liaison and Patrick Thomas-City Attorney

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

Amending the agenda, July minutes need to have some clarification and Ms. Escher will bring to the next meeting.

It was indicated that there was a file numbering error on the agenda where TA-2020-001 should have been 002 and TA 2020-02 should have been 003. Additionally, the packet material for the General Building Design Standards was not included. Ms. Escher indicated that DPW had numerous computer/internet issues on Friday that led to a hectic packet preparation and suggested the item be deferred to next meeting.

Comm. Burroughs still wanted to discuss the Design Guidelines as he has some suggestions.

**Approval of the Agenda**

Motion by Comm. Trego and seconded by Comm. Craig, all approved.

**Approval of Minutes**

June meeting were approved with some minor corrections. Motion to approve was made by Comm. Burroughs and seconded by Comm. Losty. Ms. Escher will make the corrections.

July minutes had some additional corrections and clarifications and were deferred to the next meeting.

**Old Business**

TA-2019-001 Mill Street School

Staff reported that the school property has been discussed for over a year and the final text amendment went to council on April 22 for first reading and May 14<sup>th</sup> for the second reading. During public

comment portion of the meeting, the Council determined that there may need to be more refinement to the language and addition to that it should go to HPC to determine if the structure has historic worth. On June 18<sup>th</sup> HPC unanimously determined that the school building was historically significant. The City Council heard back from Mr. Hamon (HPC) regarding those findings. There were some valid concerns raised at the Council's public hearing and staff has included those recommendations in the staff report for discussion.

Mr. Greg Boss from West End representing (CAN) – Citizen Association of Neighborhoods made a power point presentation showing the historic development of the West End.

- ❖ The CAN group believes that the school building is historic, but the character of the neighborhood is also important. The current UDC zoning is inconsistent with its historic context and we feel that it needs changing. The Mill St. property is inside the Historic Preservation Zone and the HPC should review and make the zoning decision and recommendations.
- ❖ It is essential that preservation regulations such as the Historic District Design Review and Zoning be coordinated, where there is no coordination the preservation regulations which seek to preserve and protect the integrity of the Historic District Neighborhood may be not working with the zoning ordinance. The goal in which may be to detract high density development.
- ❖ We are making the point that if you walk on High St. and to Mill St. your experience is very similar, but if you go one more street to Choptank, it is not quite the same. HPC needs to dig a little deeper and into what is right.

Comm. Burroughs wanted to know what the red dots indicated. Mr. Boss responded homes build before 1905 that were larger in lot size, because of the area that they were they are located. If you go to the east side of the District, they were smaller workforce homes.

The graphics included properties with structures that appeared on 1915 maps and are still here today. The HPC is the guardians of the district. UDC provides zoning information and the HPC needs to give more guidance for this property redevelopment.

Mr. Boss continues that if he wanted to make any changes to his own home, he must come before the HPC to do that. He feels that the HPC needs to make the approval in this district on these decisions.

Chairman Lauer stated that the overlay is there to correct the base zoning. And, Greg Boss thinks that the overly exploits this zoning. Chairman Lauer believes that there have been numerous meetings regarding this matter and that the HPC will review the project in conjunction the Planning Commission and does not believe that the Commission will revisit the base zoning at this time.

Mr. Judd Vickers – 206 Belvedere Ave. Mr. Vickers stated that Greg shared this map with him about 5 weeks ago and he feels that Mill St. and the NC districts mimicked the R-1, 2, 3 & 4 of the 2004 Zoning Code. He believes that Oakley St. west are similar to R-1 & R-2 which did not permit multi-family. If you look at Oakley St. and Glenburn Ave. both have big lots and big houses and they were R-1 and R-2 which are now NC-1 and NC-2. Then I thought why was Mill St. R-3, thinking it allowed apartment conversions at the time and they were converted based on the square footage of the lots and size of the units, therefore the R-3 designation acknowledge these existing units and made them conforming. Then the multi-family were converted back to single family and which did not happen on Oakley and Glenburn. High St. was always under the PWCD (waterfront zoning) has always been different then Mill St. and mimic the downtown neighborhood development zone. Interesting that perhaps Mill St. and NC-3 does not represent the density that exists there today and more representative of Oakley or High and perhaps allowing that number of developments on the Mill Street lot is just in sink anymore.

Greg Boss continues discussion based around the concept of density and that land owners have certain rights for their property. People change on how to interpret history and addressing the zoning is the critical component, so that five years from now, when development on properties on that street, the base line is more closely structure to what we should have there and we do not have to put together a special case to correct what appears to be an anomaly.

Comm. Craig asked about any properties other than this one, being developed in the next five years on Mill St.? And, that the Planning Commission should potentially rezone Mill Street to ensure less density. He continued to say that HPC does not handle the density of the area and we are talking zoning and not architectural issues. Greg stated that the HPC needs to be involved.

Comm. Burroughs said that decision made on the Mill St. property at the time was a design standard hoping to create a better property and to save the school and we even had open spaces on the property and layout and the project.

More discussion on number of units, tax credits and design standards that have been talked about for over two year and that have been approved

Ms. Escher responded with this property was going to be a Planned Unit Development (PUD), adoption of the current UDC, PUD was longer accepted, so therefore we are in this situation right now. We are trying to not rezone, we are creating an overlay zone. We are trying to create an environment that will potentially have someone come look at the property and think they can work with the zoning to redevelop the property while retaining the school. We do not want the school building to sit vacant. We need to try and create a multi-family project with open space or take the school down and make it single family lots.

Chairman Lauer asked Comm. Craig if he had done a density analysis.

Comm. Craig said he believed 10 to 12 units was more appropriate than the 23 units, having said that, people want to save the school and there has to be some give and take here.

Cheryl Hannan - 103 Mill St – Pine, Mill, Oakley, Glenburn and Locust Streets, have lots that are large with building set well back from the street with landscaping and grounds. Other streets have building lots that are set closer to the sidewalks. Creation of the HPC district, 1990, noting that Mill St. was more like Glenburn and the others. There is a difference and it feels different. The current UDC, density requirements and yard bulk, multi-families are allowed in the R zone. And those requirements talk about a minimum of two acres and 10 units per acre. This lot on Mill St. is less than two acres with a project of 13 units per acre. She feels that it will be very crowded and with the setbacks and open spaces, that is our concern. It needs to feel appropriate to the neighborhood. And, yes there are other empty lots on Mill St. currently.

Ms. Escher responded that the other lots are vacant, and no historic buildings are on them. This lot was a PUD and had all the approvals at the time and not with the current UDC the PUD went away. The PUD was not adopted with the overlay at that time and now we are trying to correct the oversight in the UDC. If this property is not developed in a timely manner than it will go back to a NC and the historic integrity of that structure will be gone and you will lose that in your neighborhood.

Comm. Burroughs asked CAN if they want the school on the property? Greg Boss yes as a group CAN, we see a priority for preserving the school. Comm. Burroughs continues that the property itself, we are trying to preserve the school, we do not have a developer, so we do not know what will be put on that property, school, buildings and open space. Until we get a developer, to build around the school, we can not predict the future of the lot. Right now, the time lines is within the next two years.

Comm. Trego agreed that this Commission started this years ago and we went through every situation and we are trying to appease Mill St. residents with the design that we had, but we could not get a developer, and no one wants to put the money out. That is why we are in at this same place. The school building is deteriorating, and the developer must take on that issue with his development and make money doing it.

Ms. Hannan read from the original historic document creating the district where it indicated that Mill Street was more like Glenburne, Oakley and High in nature. The R zoning district allows for less density than what is being proposed.

Chairman Lauer wanted to move forward and address the questions. The Commission went through the comments that were present in the packet with respect to the specific language in the ordinance. The Commission felt that the language that was presented to Council should remain without any changes.

Motion by Comm. Burroughs and seconded by none, to withdraw the text amendment.

Motion by Comm. Losty to forward as originally proposed to City Council and seconded by Craig. Approved.

This was a lengthy discussion, for more detail, please review the video and Town Hall Stream.

### **New Business**

1. TA 2020-002 Correct minimum lot sizes for single family and duplex units and remove the fifty-foot setback from Route #50 with § 5.1.1 C, Table 3.

Staff noted that NC zone have some inconsistent with minimum lot size and minimum lot depth and width for new subdivisions. We need to correct the technical in nature the size. Table 4, she checked the fifty-foot setbacks from Route #50 and the MD State does not have that requirement, so we are deleting that requirement from the table.

A motion on correcting the minimum lot sizes was made by Comm. Losty to approve, seconded by Comm. Trego and the motion was approved. Comm. Craig raised some issues with respect to the proposed language and therefore Comm. Losty withdrew her motion which was seconded by Comm. Craig and was approved.

A motion to proceed with a portion of the ordinance to the remove of the fifty-foot setback from Route #50 from the UDC was made by Comm. Trego to approve, seconded by Comm. Craig and the motion was passed.

2. TA 2020-003 Amend § 6.4 General Building Design Standards to provide clearer direction to applicants about building design standards that will create buildings that incorporate architectural elements relating to Cambridge.

Comm. Burroughs wants to make sure that the language in the UDC for developers coming to Route #50 or on a corner, that they have glass on the sides and not a plain wall. Some type of design and not a straight wall, no mansard roofs. If it is a corner lot, all three sides of the building need to be treated with design with a good back wall. Just discussion on this issue, no motion made to change anything.

### **Not on Agenda**

Mr. Hodges wanted to speak about an issue with his business located on 501 Maryland Ave.

Mr. Hodes runs the snow cone / smoker / produce business on the corner of Maryland Ave and Dorchester Ave. His issue was about being shut down with his smoker for a whole week. Ms. Escher spoke that she had given him an application and to go to City Hall to get a vendor license for his


smoker which he just added to his business this summer. Per Ms. Escher a mobile food establishment must have a separate vendor license and he is leasing the property, so the property owner must also sign on the documents for him to have the smoker on the property. Mr. Hodges went on about the signage that he can use, since he is on a corner lot. He continued that the State of Maryland does not consider his smoker a mobile unit like the City of Cambridge. He is arguing that there is other location in the city limits that have smokers. Ms. Escher said yes, they do, and they have gone before this Commission and BOA with the Special Exception.

Losty asked about the signage for a mobile unit. Escher said that he cannot have A frame signs with the food items listed on it. He can have a menu board on the cart itself.

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

Respectfully submitted,

Pat Escher



Eugene Lauer, Chair

10/1/19  
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Date Approved