

## Planning & Zoning Commission

### Minutes

April 2, 2019

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, April 2, 2019 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland.

**Commissioners in attendance:** Eugene Lauer, Chair; William Craig, Vice-Chair; Mary Losty, and Hubert Trego.

**Other in attendance included:** Pat Esher, Herve Hamon, Patrick Thomas, Dave Cannon, Council Liaison

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

#### **Approval / Amendments to Agenda**

#### **Approval of Minutes**

Chairman Lauer called for a motion to approve the March minutes as submitted. Comm. Losty made the motion. Comm. Trego seconded the motion. Motion was carried unanimously.

#### **New Business**

1. PZ 2019-008 SE Special Exception for Farmer's Market at Long Wharf
  - The proposal before the Commission to recommend that the Planning Commission forward this request for a Special Exception for Seasonal/Temporary Sales onto the Board of Appeals with a positive recommendation as this is an appropriate use in appropriate locations.
  - The application was heard by the City Council at their March 11<sup>th</sup> meeting and they approved the request to use City property pending the approval of the Special Exception.
  - Staff is recommending that the Planning Commission forward this request for a Special Exception for Seasonal/Temporary Sales onto the Board of Appeals with a positive recommendation as this is an appropriate use in appropriate locations with the following conditions:
    - The Market cannot have a sign located in front of the Mainstreet Office Building as off premise signs are not permitted.
    - The temporary directional signs that are placed around town shall be installed the morning of the market operation and removed as part of the market break down.
    - The proposed sign and location shall be reviewed and approved by the HPC.

- The Farmer’s Market shall operate from 3pm to 6pm, beginning April 25, 2019 and ending October 31, 2019, with set up time commencing at 1:30 pm and breakdown of the market to be completed by 7 pm.
- The Special Exception permit is valid for 5 years (October 31, 2024), after which the applicant shall reapply to renew the Special Exception Permit.
- The applicant shall submit to the City for an administrative review an application for the Seasonal Temporary Sales annually, upon which the applicant will indicate the exact dates of operation as they will vary each year.
- The property shall be maintained in an orderly manner to the satisfaction of City staff.

Comm. Craig asked if the alternative site of the Farmer’s Market was identified for Ironman weekend or if they were seeking to be part of Ironman Village.

Staff will include specification that Main Street identify the alternate location.

Comm. Craig made a motion to approve contingent on identification of the alternate site. Comm. Losty seconded and the motion was approved unanimously.

### **Public Hearing**

1. TA 2019-006 – To allow non-permitted uses to be allowed to be established prior to amending the Uniform Development Code as long as they meet specific criteria. As part of this docket item, there will be discussion of the existing process that is currently in place.

- The proposal before the Commission is to amend the text of the Unified Development Code (UDC) to allow legal uses to be established regardless of the permitted use tables if meet specific criteria.
- Staff and the Planning Commission have been discussing this matter for several months. Included in this packet are a graphic and text language to discuss the existing process. This information has been sent to the Chamber of Commerce as we previously discussed. Staff does not support allowing legal uses to become established when they are not listed in the Permitted Land Use Table.
- Alan McRae, Executive Director of Anchor Point, provided testimony on his proposed amendment to the UDC. Mr. McRae stated that in the current code, if the use is not mentioned then it is a disallowed use, but wording used in the tables “similar to” “like” “such as” leave it open for a certain amount of interpretation. Mr. McRae asked for clarification “zoning purposes” versus “use” and that he was hoping the amendment could address this. Mr. McRae asked if laser tag or virtual reality law enforcement training would be a permitted use at the Metro location.
- Chairman Lauer responded that laser tag might be a permitted use. Bingo and auctions are outside a normal use that falls under the particular activity. Bingo is an alternate form of gambling and state regulated. There are times when there is discussion on whether a permitted use is approved, grandfathered or not, and in some instances the determination is made by the Commission Chair and Staff after deliberation rather than before the full Planning Commission. The general rule is always that it is better to ask if something is

permitted before proceeding. It is a complicated issue and the Commission does its best to accommodate and make the process as expedient as possible.

Chairman Lauer asked for a motion to recommend approval of maintain the existing the UDC processwatermark. Comm. Craig made a motion to make a negative recommendation on the petition before the commission. Comm. Trego seconded, and the motion was approved unanimously.

Comm. Craig made motion to adopt the handout documents prepared by staff. Comm. Losty seconded and the motion was approved unanimously.

2. TA 2019-001 201 Mill Street – School House Property NC-3 Overlay

- Staff believes that there a still some items that warrant further discussion.
  - Community opinion on senior housing
  - Mill Street Density
- Sharon Smith asked if Maryland Historic Trust would have to approve the project. Staff responded that it would need to go before Historic Preservation Commission first.
- George Vojtech, Chair of Cambridge Historic Preservation Commission, stated the property has the same protection as any structure in the historic preservation district. Mr. Vojtech advised the state would follow what the local HPC approves unless it is an extraordinary exception.
- Kathy Beise asked what the 30% open space includes. Staff advised it is defined in the code and is usable space, not a parking lot, for use by residents and visitors. Ms. Beise stated retirees are looking for smaller spaces and that units do not have to be large to be attractive to many. Clean water in the river is another concern and any new development project could be used to showcase river friendly landscaping.
- Greg Boss believes that staff's proposal is a good thing and looks for risk to Cambridge before it is realized. Mr. Boss believes risk comes in two forms, first, to the historic character of the West End, and second, to the neighborhood character of Mill Street. The other distinction of Mill Street is density. If the concern is risk to character of the neighborhood then it would indicate having fairly large lot sizes and houses that look like those that are already there. Preserving the school is a risk and the proposal is very focused on mitigating that risk. Instead try to favor more the idea to develop a few houses on the property. Mr. Boss would like to see more balanced proposal from a risk management perspective.
- Cheryl Hannan likes the approach of keeping or not keeping the school. Density question should be addressed in the ordinance.
- Staff provided information on next steps and that the issue would be presented to City Council for approval.
- There was discussion on limiting the overlay to two years to receive a valid plan, financials and city sign-off.

Comm. Lauer asked for motion. Comm. Craig made motion to forward the ordinance with recommended changes to City Council. Comm. Losty seconded the motion and the motion was approved unanimously.

3. TA 2019-009 Small Cell Design Standards – FCC legislation and potential impacts to Cambridge
  - Staff advised the 5G service is requiring smaller cell devices placed on the poles, so it will have a visual impact on the City. Patrick Thomas, City Attorney, drafted language so that the City can regulate aesthetics while balancing provider requirements.
  - Chairman Lauer asked for a motion to recommend adoption of the ordinance to the Council. Comm. Losty made the motion to approve and Comm. Craig seconded. The motion was approved unanimously.
  
4. TA 2019-010 Historic Commercial Uses in the DWDD Neighborhood – Sub-District
  - To amend the text of the Unified Development Code (UDC) to allow properties that were historically used as professional offices in the DWDD Neighborhood Sub-District to reinstate such use in even in the case of vacancy for more than 90 days.
  - The Planning Commission discussed this topic at March 5<sup>th</sup> hearing. The Commission directed staff to create some Ordinance language to provide relief for properties that were historically used as professional offices within the DWDD Neighborhood Sub-District. Staff recommends that the use can be reinstated as a Special Exception with Conditions.
  - Comm. Losty requested that staff research the Locust Street property issue.
  - Comm. Trego made a motion to forward a favorable recommendation to Council and Comm. Losty seconded. The motion was approved unanimously.

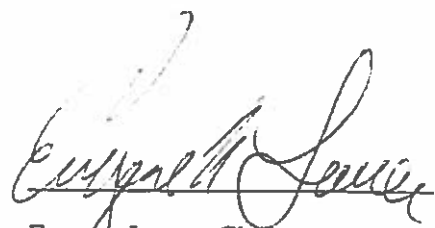
### **Discussion Item**

1. TA 2019-008- Non-tidal Wetland Buffer – Reduction of 50-foot requirement for Properties Under 10 acres
  - Item was deferred.
2. Pine Street Neighborhood Revitalization – DWDD Neighborhood Setback
  - Staff provided an analysis of the zoning district as it relates to Washington, Pine and High Streets. There was some preliminary analysis done on Douglas Street and there are other streets, such as School House and Park Lanes, Cross and Wells Streets that have similar issues, but were not analyzed in greater depth as the three above referenced streets.
3. Rte. 50 – Fifty Foot Setback from property line – Notation in Table 4
  - Commission is agreeable to review the fifty-foot set back requirement.
4. No murals allowed on buildings
  - Discussion on art versus advertising. Staff to look further at the language.

Chairman Lauer asked for a motion to adjourn. Comm. Losty made the motion and Comm. Craig seconded the motion.

Respectfully submitted,

Pat Escher

  
Eugene Lauer, Chair

5/13/19  
Date Approved

