

Planning & Zoning Commission

Minutes

February 5, 2019

The Planning and Zoning Commission for the City of Cambridge met on Wednesday, February 5, 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; Jerry Burroughs, Mary Losty, Chan'Tay Nelson, Marshall Rickert, and Hubert Trego.

Other in attendance included: Patricia Escher, City Planner; Herve Hamon, Planner, and Patrick Thomas, City Attorney

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

Approval / Amendments to Agenda

Staff noted revisions to the agenda to include deferring the Community Solar Fields discussion until next month per the applicant request and to add modifications to sidewalk setbacks as a discussion item.

Comm. Lauer asked for a motion to approve the amended agenda. Comm. Rickert made the motion and was seconded by Comm. Losty. Motion was carried unanimously.

Staff introduced the new Chair and Vice-Chair of the Planning and Zoning Commission as elected at the January 2019 meeting.

Approval of Minutes

Comm. Lauer asked for any changes or revisions to the December minutes. Comm. Rickert noted that Comm. Losty made the recommendation for the public meeting as noted on page four of the December minutes.

Comm. Lauer called for a motion to approve the December minutes as amended. Comm. Losty made the motion. Comm. Craig seconded the motion. Motion was carried unanimously.

Comm. Lauer asked for any changes or revisions to the January minutes. Staff noted a spelling correction and Comm. Losty noted several typos that will be given to staff at the end of the meeting for correction.

Comm. Lauer called for a motion to approve the January minutes with noted corrections. Comm. Losty made the motion and Comm. Rickert seconded the motion. Comm. Craig abstained.

Old Business

1. PZ 2016-006 Phase 1 and 2 Site Plan Amendment Cambridge Marketplace

Staff reported this is an amendment to the first phase of the Marketplace development with conditions.

Charlie Fairchild provided an update on the site plan and future tenants.

Mr. Fairchild stated that Goodwill is moving to Cambridge Marketplace and will bring 20 full-time jobs to Cambridge. Their operation will locate in the old OTB building and take the entire space. Inventory will be shipped in from other locations as well as receipt of local donations. Donation pick-up and drop-off will be handled at the rear entrance of the building. Goodwill offers affordable soft goods and programming that will be beneficial to the community.

Future tenants in negotiation to locate in the Marketplace were noted as Chic-fil-a, Wendy's and another possible restaurant getting quoted now. There is a potential office space in consideration as well. It was stated that WBOC-TV satellite office has moved in and Starbucks has reported that their operation is doing well. Mr. Fairchild stated that the hospital is now in the planning phase for the future site location. Mr. Fairchild reviewed the site plan and renderings were presented with explanation to give a visual of the project.

Comm. Burroughs asked if the area behind the buildings would be used for trucks. Mr. Fairchild confirmed that it would, but that the main area would need to be able to accommodate trailers for deliveries.

Comm. Lauer asked if there were any other questions.

Comm. Rickert asked how donations would be dropped off at the Goodwill location. Mr. Fairchild confirmed that no donations would be accepted at the front. There would be directives indicating drop-off points at the rear of the facility and that dumpsters would not be used for drop-offs.

Comm. Losty asked if Mr. Fairchild would enumerate what is being asked for approval tonight.

Staff confirmed approval of the building and parking configuration is what is before the commission for approval.

Comm. Losty asked if the Goodwill would preclude office space. Mr. Fairchild stated it would not. Cambridge Marketplace is a mixed-use development.

Comm. Lauer requested clarification on Shore Health location and asked how many buildings will be there. Mr. Fairchild stated that he believed it would be one building based on site constraints.

Staff reviewed the list of recommended conditions for approval:

1. The applicant shall to submit a revised Phasing Plan.
2. The applicant shall revise the plan to show a minimum 6-foot wide sidewalk leading from Marketplace Blvd to the retail with a small planting area on either side (3 ½ feet) or a wider planting area on one side (7 feet). Plant material to be determined at Final Site Plan.
3. Parking spaces next to the walkway shall have wheel stops.
4. The applicant shall revise the site plan to reflect planting islands adjacent to the travel way.
5. The applicant shall reduce drives aisle to 24 feet.
6. The applicant shall increase the proposed 4-foot wide sidewalk at the extension of the main entrance to 6 feet in width.
7. The proposed building shall have the stone veneer along the base of the building and extend upward on the columns, similar to the existing adjacent retail facades.
8. The proposed plantings along the eastern portion of the parking lot for Phase 1 do not comply with the requirements for evergreen shrubbery.
9. LIRR plantings are called out on the planting plan, but do not appear in the legend.
10. The plantings along the extended entrance way shall match the plantings along the existing entrance with species and spacing.

Comm. Craig said he thought Mr. Fairchild's proposal is a reasonable compromise and that the Commission should incorporate his proposal and modify condition 7 accordingly and adopt.

Comm. Burroughs advised he has questions on ADA compliance and has a drawing to give to Mr. Fairchild.

After discussion about the conditions, they were amended as follows:

1. The applicant shall to submit a revised Phasing Plan.
2. The applicant shall revise the plan to show a minimum 6-foot wide sidewalk leading from Marketplace Blvd to the retail in the existing vegetated area along eastern portion of the parking area servicing the existing retail space.
3. Parking spaces next to the eastern walkway may have wheel stops, pending staff review of the design.
4. The applicant shall increase the proposed 4-foot wide sidewalk at the extension of the main entrance to 6 feet in width.
5. The proposed final building design shall be reviewed by staff and some members of the Planning Commissioners.
6. The proposed plantings along the eastern portion of the parking lot for Phase 1 do not comply with the requirements for evergreen shrubbery.
7. LIRR plantings are called out on the planting plan, but do not appear in the legend.
8. The plantings along the extended entrance way shall match the plantings along the existing entrance with species and spacing.
9. The applicant shall provide documentation that the existing retail and the proposed Goodwill building shall comply with ADA and submit the information to be forwarded onto the Planning Commission.
10. A narrative report should be submitted to show how the proposed design will satisfy the requirements of the City's Stormwater Management Ordinance.
11. Additional details of the proposed bio-retention areas in the parking lot should be provided to show how these areas will be tied into the existing storm drain system.

Comm. Craig modified his motion to incorporate Comm. Burroughs submission of ADA suggestions for consideration by the City Engineer and the Developer. Comm. Rickert seconded the motion. Motion was carried unanimously.

2. PZ 2019-003 Phase 1 Site Plan for the Culta Facility at 10 Washington Street

The proposal before the Commission is for the first phase with the demolition of an existing building, construction of a Head House building and an outdoor grow facility.

Tom Davis with DMS & Associates provided additional information on the project.

The Head House is an approximately 30,000 square foot, two story building that will process the plants from the outdoor grow area. The plants will be dried, cleaned and eventually sent to the other existing building for processing into other forms of cannabis.

The outdoor grow facility will have both a retractable roof and walls that can be raised during favorable weather conditions. The facility will be fully enclosed during the evening hours. A portion of the outdoor facility is in non-tidal wetlands. The applicant has indicated that these wetlands are manmade and that they are working with the State to have them removed.

Staff stated that there appears to be a railroad easement in this location and the applicant will need to verify that this right-of-way has been abandoned.

Tim Crosby provided testimony on the outdoor grow facility. Mr. Crosby advised a building permit for an interior remodel of the middle section of the building is in progress as the glass manufacturer has vacated the premises and will come for permit the same time as the head house.

Staff is recommending that the Planning Commission recommend that the applicant proceed to the Final Site Plan for this first phase of this multi-phased project.

Comm. Rickert made the motion to approve that the applicant proceed with the Final Site Plan. Comm. Craig seconded the motion. Motion carried unanimously.

New Business

NA

Public Hearing Deferred

1. PZ 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 – Deferred to March per applicant's request.

Discussion Item

1. Text Amendment Process

Staff provided a summary of what is currently being worked on. Staff asked if the Commission wanted to see a draft of the ordinance language before it goes to Council at a formal meeting.

Comm. Rickert said he believes it is wrong to consider changes to the Commission's recommendations that were developed in a public hearing before the full City Council has had an opportunity to consider it.

Staff advised how the process is different now. Previously the Planning and Zoning Commission would make the recommendation, draft the ordinance and then it was reviewed at a meeting with the ordinance committee. From there it was determined whether it would go before full council or not. That is not the case now. Currently, the Planning and Zoning Commission gives direction and the City Manager drafts the ordinance. Questions are sometimes asked in a Council hearing so the goal is before it goes on the docket it will be dispersed amongst Council members so full council has preview of documents.

Staff advised that Council might have some minor wordsmithing that needs to be done and it is easier for staff to meet with Council to keep the process moving forward or for clarification.

Comm. Rickert advised if it was clarifying for an agenda he was okay with it. If someone wants a Council member or the City Attorney to change it in any material way, then it is wrong and believes it should be heard before the City Council for a vote.

Staff advised that Council has a process if considering an ordinance change where it is presented and to schedule a hearing to take place at a subsequent meeting. Staff advised the goal was to bring it to the Council before it gets on the docket and bring back to the Planning & Zoning commission for a public meeting discussion.

Comm. Rickert states he doesn't believe it meets the full transparency test and it doesn't work.

Comm. Laurer stated that there is language drafted that the Commission hold a public hearing but that it is not really in legislative form at all.

Patrick Thomas, City Attorney, confirmed he gets packets at the same time the commission receives packets and that he doesn't substantively change anything.

Staff will draft the language and that will be when it is a discussion item and then when a public hearing is held, Patrick Thomas, City Attorney, will formalize the language and that is what will be presented.

Comm. Rickert stated some of the recent changes that have been initiated by the Commission should have a two-step process. The first step should be in the advertised agenda that the amendment would be discussed. Then hold a subsequent hearing on it rather than the first time it is before the public in the form of a hearing. This is in cases when Planning & Zoning is initiating something or if the Council asks the Commission to consider something.

It was recommended that a vote be taken at the end of discussion items to direct the drafting and scheduling of the hearing so that there is a formality before the public.

2. Building setbacks buildings by Habitat for Humanity

Staff reported that in January 2017 a public meeting was held with regards to the language and there were several discussions that the Historic District has smaller lots than anywhere else in the city. When the UDC was adopted those setbacks were based on the NC3 Zone district. Habitat for Humanity has built three houses one of which does not use setbacks and the other two do. Setbacks and lot size of three High Street properties were reviewed and discussed.

Staff advised that residents at the community meeting raised the issue of proximity to property line and the concern of how quickly a fire would spread. New construction is equipped with sprinklers, but older construction is not. Discussion is needed at the City Council meeting on February 11th.

Comm. Rickert asked if regulation allows 3-foot set back. Staff confirmed it was allowed when the new regulations were adopted.

Staff advised that the community meeting raised the issue of proximity to property line, so a dialogue is needed. There needs to be clarification with Council that this went through the process, had a public hearing and was approved by Council.

Comm. Burroughs said this issue has been raised previously with Habitat about setbacks and cited an instance near Waugh Church where house steps were reaching up to the sidewalk.

Staff advised there has been a lot of hard work and coordinated effort with the City, Habitat and the County. The houses that are currently under construction comply with City code. Council would like to further discuss, and staff is requesting representation from the Commissioner attend the meeting.

Comm. Craig will plan to attend but might be unable to make it due to travel schedule. Staff advised that if a representative from the Planning Commission could not attend it would be requested to defer the issue to the next Council meeting.

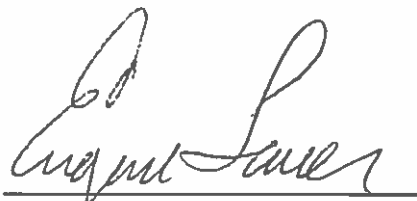
Comm. Lauer called for a motion to adjourn the meeting. Comm. Rickert motioned and was seconded by Comm. Losty.

Meeting adjourned.

Respectfully submitted,

Patricia Escher

Division Manager, City Planner



Eugene Lauer, Chair

4/3/15
Date Approved

