

Planning & Zoning Commission

Minutes

February 6, 2018

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, January 6, 2018 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland.

Commissioners in attendance: Jerry Burroughs, Chair; Eugene Lauer, Vice Chair; William Craig; Marshall Rickert; Marty Losty; Chan'Tay Nelson; Hubert Trego; Steve Dave Cannon, City Liaison

Others in attendance included: Pat Escher, City Planner; Herve Hamon, Planner I; Patrick Thomas, P.A., City Attorney; Chris Brohawn and Randy Mills, RAR Brewery; Roger Barnes, Mount Moriah Church; Bill Roundtree, Wright Partners; Thomas Davis, Jr., Davis, Moore, Shearon & Associates

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

Approval/Amendments to Agenda

Commissioner Burroughs asked for a motion to approve the revised agenda as amended. Motion carried unanimously.

Minutes

January 10, 2018 minutes were approved as written; seconded and carried unanimously.

Discussion Items

Ordinance Committee proposed changes to Brewery and Auction House Text Amendments - Mrs. Escher stated that the Commission has discussed these two particular text amendments a couple times. One is to allow a brewery in the Industrial Zone and the second is that of an auction house. After recommendations were made they were forwarded to the Ordinance Committee, which includes Mrs. Escher, City attorney and Commissioners Dave Cannon and Steve Rideout. The Planning and Zoning Commission recommended that a brewery be defined as it is by the state and be allowed Permitted Use in the Industrial Zone. The Ordinance Committee would like to further restrict it to be located a minimum of 500 feet from residential units, make it a Special Exception with conditions, limit the hours of operation from 10 a.m. to 10 p.m., and ensure that there are no noxious odors emitted from the building.

Mrs. Escher continued by stating the Industrial Zone, as defined by the City Ordinance, is proposed for industrial, especially light industrial uses. The district regulations are intended to promote with the retention and expansion of existing industrial uses and general intensification of light industrial uses within the district. Currently in the Code there are

Even if we did, it is Commissioner Rickert's opinion that in court law Maryland would not allow that to be enforced against an existing industrial building, because the practical effect of it would be to prohibit the use of that building for industrial activity, which constitutes the taking of the property from the owner. He feels that we would be in violation of our obligations if we supported that in general. If we would consider this for specific uses, such as a brewery or an auction house or any other use, we would have to have a justification, remiss of discrimination, for that use against other similar uses in the district. He cited items in Article 66B in the Maryland Annotated Code. Commissioner Rickert recommended that the changes to the ordinance be rejected. If these changes were incorporated in the ordinance they would conflict with our responsibilities as a planning commission under Article 66B.

Commissioner Craig stated that the use of a brewery is no different than a food process in place. It's a manufacturing process and it is allowed for Permitted Use in this district.

Mrs. Escher said that the Special Exception criteria was put in the report because she wanted to make sure that you could see what the criteria is. With regards to the brewery, the thought was that the state was looking at the regulations for breweries. In the proposed regulations, the state is looking at removing hours of operation and removing restrictions on events that can be held at the brewery. Some of our current language would change when the state makes those changes. The Ordinance Committee was concerned with some of those changes and how they would impact potential residents that are close to a brewery. Mrs. Escher's direction is that the state and county regulate these types of facilities. An Industrial Zone is for manufacturing and is for a use that you want in your city because then you have an diverse economic base. The Planning and Zoning Commission and City Council approved an ordinance that is trying to rectify our building height issues with the Industrial Zone because we are trying to promote it. Mrs. Escher recommends approval and that it is a Permitted Use with no conditions.

Commissioner Burroughs asked for public comments.

Michael Edgar, Sr. spoke in support of RAR Brewery and that any set-back would have to be applied to everybody, not only in the present but in the past. This is a business that is prospering, it's bringing tourists to the community, bringing money in, hiring people, and this is what Cambridge needs.

John Russell agrees with Mr. Edgar's comments and testified that the building was used to house Rob Roy clothing manufacturer, which had a lot of deliveries; RAR will not. Traffic will not be an issue on the side roads. He is in support of RAR.

Mike Stewart is in support.

interpretation with the Commission's responsibilities under Article 66B, reject the recommendations in their entirety, including auction houses. Motion was seconded and carried unanimously. Commissioner Burroughs motioned to reject the Ordinance Committee's proposal according to Article 66B; motion carried unanimously.

Old Business

- 1. PZ 2018-005 – Concept Plan for church at corner of Cosby and Greenwood Avenue**
Belle Barry, Sr., applicant/owner, requested a concept review for a church within the Residential Zoning District. Mrs. Escher reported that staff had concerns with the site layout, the building and parking. Staff recommendation was that the church should meet with staff to come up with a different site plan configuration, which was received. She has some comments regarding the architecture of the building. The applicant was requested to bring material so that the Commissioners can see colored samples. Staff recommends the applicant go to the next level, which would be a Preliminary Plan review. The applicant also needs to submit an overall landscape plan, not just for the parking lot, but along the perimeter sides and the blank wall.

Commissioner Craig feels that this site is subject to the City's Forest Conservation Act. Mrs. Escher agrees.

Commissioner Nelson recused herself due to her connection with the applicant. Commissioner Losty had no comments, as long as there is a follow-up subcommittee. Commissioner Rickert appreciates the applicant working with them.

Mr. Roger Barnes, who is from Columbia, Maryland and is part of the development team, testified that the applicant is willing to come back to the Commission to work with the architect engineering team to meet all City concerns to make sure this is the most capable facility and to meet the goals of the applicant.

Commissioner Burroughs motioned to recommend moving ahead. Motion was seconded and carried unanimously.

- 2. PZ 2018-007 – Concept Plan for an AutoZone at Corner of Rt. 50 and Meteor Avenue**
Wright Partners, applicant/owners, requested a preliminary plan for an AutoZone store. Mrs. Escher reported that this is the applicant's third submission. She commended the applicant for listening to the Commission and the sub-approve group and providing a nice architectural building that will fit in well with McDonald's across the street and what is going on with Cambridge Marketplace. Staff is recommending approval for the Site Plan.

They are proposing more parking spaces than required. Parking spaces will be in the rear. The landscape strip of four feet is less than our standard width of six feet.

can only be 700 ft., you are requiring the building to be two stories. Mrs. Escher asked if that's what the Commission wants to do. The City is currently having a problem with an applicant who wants to build a new construction with a two-car garage and a workshop.

Comments

Commissioner Craig reported that golf carts came up one of his conversations. Crisfield and Vienna have authorized golf carts. There are some issues with State Highway Administration. Golf carts cannot be driven on the highway but crossings are allowed. This might be a traffic ordinance and would have to be compatible with State Motor Vehicle ordinances regulating zoning carts. Mrs. Escher said that she could prepare a report and become more knowledgeable about golf carts. The Commission could review the report and make a recommendation to the City Council. Commissioner Burroughs replied that any ordinance the City Council wishes to abide would be in prevue of planning and zoning. Mrs. Escher will prepare a report and present to the Commission.

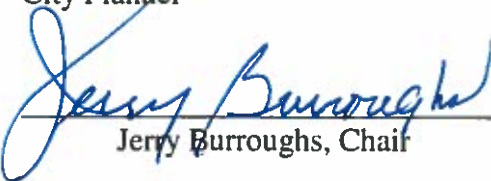
Mrs. Escher gave an update on Cambridge Marketplace. Taco Bell is under construction. The main entrance of the Marketplace may be open in a month. Chick-fil-A will be coming to Cambridge or it is not known exactly when; negative rumors are spreading. She will get more information from Charlie Fairchild next week to address rumors. A public announcement regarding Chick-fil-A and the K-Mart building should be made.

Adjournment

Commissioner Burroughs asked for a motion to close the meeting. A motion was made to adjourn the meeting was seconded and carried unanimously.

Respectfully submitted,

Patricia Escher
City Planner



Jerry Burroughs, Chair



Date Approved