

# Planning & Zoning Commission

## Minutes

April 3, 2018

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, April 3, 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; Chan'Tay Nelson and Hubert Trego

**Others in attendance included:** Pat Escher, City Planner, Herve Hamon, Planner 1 and Patrick Thomas, City Attorney

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**

February minutes need a correction on page 3, where there was a blank, please put Comm. Craig's name in there.

March minutes correction is that Marshall Rickert was not in attendance and Mary Losty recused herself.

Approve the minutes of February and March with corrections, motion by Comm. Nelson and seconded by Comm. Lauer. Motion carried unanimously.

### **New Business – Public meeting**

**TA 2018-006 – Define Drug Rehab and review appropriate location in the Downtown Waterfront Development District.**

Ms. Escher stated that this Commission has discussed this issue several times. Mr. Thomas, attorney, thinks the language should be more like the existing clinic language. Ms. Escher will review the language to see if it should be changed, if not she will proceed with the language in the report.

Small Drug Rehabilitation facility, under 10,000 sq. ft. shall be a Permitted use with Conditions, as follows:

- No drug rehab facility can be located within 500 feet of an establishment that serves alcohol.
- No drug rehab facility can be located within 500 feet of a school, church or medical marijuana distribution.

- No drug rehab facility can be located within 1,500 feet of a similar use.
- There must be a public notice with the administrative review with conditions. The zoning official may bring it to the Commission or the Commission will have the option to hear it, it would have a formal hearing.

Staff recommended that this Commission give a favorable recommendation to the City Council for this proposed text amendment and she will redefine the language. Motion by Comm. Craig to go forward with the recommendation and seconded by Comm. Trego. Motion carried unanimously.

**TA 2018-007 – Text Amendment to allow Auction House in the City as permitted use with conditions.**

Ms. Escher stated that the City Council recommended that the Auction House come back to this Commission and for it to be a Special Exception in the Industrial Zone. Ms. Escher wants to make it a Permitted use with Conditions, similar to the Auction House in the Commercial Zone. An Auction House in the General Commercial Zone has the following conditions; it shall be determined to be compatible to surrounding land uses, it shall not be located within 1,500 feet of a similar use, and it shall be located on an arterial street. In the Industrial Zone, the Auction House would have the conditions, but leave out the arterial street requirement. Staff also had definition to an auctioneer, auction house and an auction.

Staff is recommending that this Commission to provide a favorable recommendation to the City Council for the proposed text amendment and to move the Text Amendment forward.

Mr. Michael Dodd, attorney for Foxwell's Auction, and Mr. Shane Foxwell agreed with the decision this Commission with one modification, that the licensing requirement be removed. Mr. Shane Foxwell also spoke and was in agreement with the terms and conditions of the auction house.

Motion from Comm. Lauer to recommend that this issue go back to the City Council for the text amendment for the Commercial and Industrial zones, as a permitted use with conditions. The motion seconded by Comm. Craig. The motion carried unanimously.

**TA 2018-008 – Text Amendment to clarify square footage and building footprint for an Accessory Dwelling Unit. (ADU)**

Ms. Escher discussed concerns about the 700-square foot footprint vs. a 900 square foot living area, which basically requires the structure to be two stories. The Commission also wanted staff to review an ADU above an existing compliant accessory structure. Staff determined that it could be problematic on larger lots and the ADU size could increase that it would become more than an accessory structure. She believes that an accessory unit should not be more than 1,000 square feet and have the 40% limitation of the size of the primary residence.

The discussion then turned to corner lots and that they have two front yards and two side yards. Within the staff report there were graphic representation showing other jurisdictions similar interpretations. Easton MD has the definition for a corner lot has having two front and two side yards and no rear yard for the purpose of having setbacks. We can modify the text for the accessory structures to reflect that recommendations from the corner lot discussion. The sketches in the staff report will be included in the UDC.

There was some discussion on the term rear yard. Staff agreed to the front of the accessory structure cannot be forward of the rear facade of the house. Pursuant to the UDC, an accessory building cannot be any more than 12 feet in height, if taller, the setbacks from the rear property lines increases, with a maximum height of 18 feet.

A motion was made by Comm. Craig to give a positive recommendation to forward to the City Council and was seconded by Comm. Nelson. Motion carried unanimously.

**TA 2018-009 Text Amendment to allow limited bee keeping facilities in the City limits as a permitted use with conditions.**

Ms. Escher addressed the Commission about her researching this use and the State of Maryland regulates, inspects and licenses bee keeping facilities. The Maryland State Department of Agriculture recommends increasing the number of bee keepers due to the unprecedented decline of the bee population.

Below are some of the conditions:

- Have a 6 foot tall flyway fencing or hedge/barrier for the bees to have to fly over and down to their hives. (fence no higher than six feet in the rear yard.)
- They must have adequate water supply and have general maintenance.
- Queen bee must be marked.
- A colony or hive must have ¼ acre or more lot size.
- Boxes can have eight to ten shelves per box.

Discussion about allowing bees in residential zones and it was agreed that it would be acceptable in the residential areas and not the commercial or industrial zones. Most lots in the City are small and would not allow larger colonies. Commissioners raised concerns about safety for children and adults that may be allergic to bee stings. A condition was added that the property will be posted and letters sent to residents within a 200 foot radius of the property proposed.

Ms. Kathleen Rogg, 611 Locust St, stated that she wants to have the bees for the pollination process they help with and not the honey business. She would like to have two hives in her rear yard and would be regulated by the State of Maryland and be licensed.

Comm. Lauer motioned that the approval recommendation to go forward to the City Council with the posting of the property, seconded by Comm. Craig. Opposed by Comm. Trego and Comm. Nelson. Vote was 3 yeah to 2 opposed.

### **Sign Program**

The Hyatt Chesapeake Bay would like to upgrade the signage and to incorporate a lighthouse design to the entrance to the property. Mr. Joel Bunde, general manager of the Hyatt showed pictures and answered many questions from this Commission.

The new installation would:

- Remove a few trees that would be moved to another location on the property to accommodate the sign/lighthouse design to be placed in front of the guard house.
- Remove existing signage on both brick walls at the entrance
- Replace signage with their new logo on one of the brick walls.
- The light on the lighthouse is a small LED light
- New signage would promote the other areas of the resort: marina, restaurants, golf and spa.

Comm. Lauer motioned to approve the new signage that is requested by the Hyatt and seconded by Comm. Trego. Motion carried unanimously.

### **Discussion Items**

#### **Food Trailers in the DWDD. Sec. 11-10 - Selling from parked vehicle.**

*Generally.*

*Prohibited. In the absence of special permission as specified in subsection (b) of this section, it shall be unlawful for any person to park on any street or municipal parking lot any vehicle for the purpose of selling or offering for sale any produce or merchandise whatsoever, except laurel, holly or other Christmas greens.*

*Special permission. The city council may permit selling from parked vehicles on the occasion of special promotions or other similar events if the council deems it to be in the best interest of the public health, safety and welfare of the city.*

Ms. Escher referenced this City Charter Section 11-10 and that the UDC is silent to a food trailer/truck use, therefore it is not a permitted use in the City of Cambridge. The few food trailers/trucks currently operating in the City are operating illegally.

Mr. Dudley Parr, director of Overflow Café, wants the food trailer to expand the cook area of the location, train workers and volunteers and to promote their mission here in Cambridge. The owner of the property will allow them to place the trailer behind the garage building. For the use of cooking only and transfer to the café in covered dishes. The Commission discussed the location of the food trailer, health department issues, main purpose of the use

of the trailer was to supplement the existing kitchen and was not selling food directly to the public.

Comm. Craig motioned that we recommend to the City Council to issue a resolution to allow the Overflow Café trailer until this Commission resolves the issue with a text amendment. Seconded by Comm. Nelson and Motion carried unanimously. The Commission made it clear that this recommendation does not guarantee that the text amendment will be adopted and if Mr. Parr proceeds with the purchase of the trailer, he does so at his own risk.

**Industrial Zone District – old setbacks, 30’ rear, 15’ side for large warehousing and now there is 50’ all around the lot.**

Ms. Escher asked why this Commission changed the setbacks and their reasoning. Staff will do additional research on this issue as there is a potential application for the Industrial Zone on Chesapeake Drive.

**Turkey Wire for fencing.**

UDC section 5.1.4.k.2 specifically prohibits this type of fencing in the City limits. The Commission had put that in the UDC to prohibit it from being the main fencing material. Staff spoke that a resident has come to the DPW office asking about putting up a split rail fence and wanting to put turkey wire behind the fence to keep her pets in the yard. The Commission said that they would be acceptable.

**Food Carts**

Food Carts are the smaller than Food Trailers. The Commission did not want to allow them within the City limits.

Next meeting will be held May 1<sup>st</sup>.

Agendas are finalized 15 days prior to the meeting, because they must be published into the newspaper.

**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

  
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Jerry Burroughs, Chair

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Date Approved

