

Planning & Zoning Commission

Minutes

May 5, 2020

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, May 5, 2020 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland. **DO TO COVID-19 THE PLANNING COMM. HEARING WAS HELD REMOTELY.**

Commissioners in attendance: Mary Losty, Chairman, William Craig, Vice-Chair, Eugene Lauer, Chan'Tay Nelson, George Breig and Jerry Burroughs

Not in attendance: Hubert Trego and Dave Cannon – City Council liaison

Others in attendance included: Pat Escher-City Planner, Patrick Thomas-City Attorney, Dale Price – City ITT and Herve Hamon-City Planning Assistant HPC, attending remotely

Chairperson Losty called the meeting to order at 6:00 p.m.

Approval of the Agenda

Motion to approve agenda with changes; the Hyatt request was deferred to May meeting and the Commission to approval the annual planning report to the State. Please note that at the February meeting Comm. Burroughs and Nelson were absent.

Approval of Minutes

March minutes were approved pending minor corrections by Comm. Losty. Motion to approve the March meeting minutes was made by Comm. Burroughs and second by Comm. Craig. All approved by majority.

Old Business

NONE

New Business

PZ 2020-003 SE for a church at 610 Hubert Street – Minister Cassandra Wright, wants reoccupy an old church at this location. The structure has been closed for some time and the architecture of the building denotes it was a church. She provided the Commission with a mission statement and site plan. This would be a Special Exception requiring a recommendation from the Commission and approval from the BOA.

Staff said this is a very small church and will provide a space for the neighbors to gather. Parking will be on the street and it is assumed that most persons will be walking to the church. Staff

recommends this to go forward to BOA with a positive recommendation and that the church may operate at this location in perpetuity with the current applicant. If at such time the property changes ownership, the office of Planning and Zoning will be notified. The recommendation includes that the special exception allow for other ancillary functions like bible school or other religious activities. There will be no residential dwelling associated with this application and most activities shall be conducted within the structure, with the allowance for some occasional outside gatherings. At such time that the land use has negative affect on the neighborhood due to increased parking demands as determined by the Zoning Official, the church shall provide at a minimum a gravel driveway and parking lot in the rear of the property.

Cassandra Wright stated that she has talked to the neighborhood her about opening the church and assumes most of the attendees will be within walking distance.

Comm. Losty ask about any complaints or concerns from the neighbors. Staff said the church is not open yet and that the minister has reached to the neighbors, receiving positive comments from the community. Comm. Losty stated that she liked the mission statement.

Comm. Breig asked about the structural integrity of the structure.

Comm. Craig made a motion to give positive recommendation to the BOA, second by Comm. Lauer. All were in favor.

PZ 2020-007 SE for Produce Stand at Cedar Street – Emmett Dunnock –at the location of 10 Cedar Street

Staff stated that the stand has been at this location for many years and came to her attention last year to find out whether or not the applicant had a Special Exception and concluded that the applicant did not have a Special Exception as she did not find any documentation. Staff contacted the applicant, informed him about the City's requirement and that he needed to apply for a Special Exception and appear before the Planning Commission and the Board of Appeals. Staff has had not received complaints regarding the produce stand. Staff recommends making a positive recommendation to the BOA with the following conditions. The Special Exception shall be valid for five years and the applicant shall submit an application for an annual staff review. The produce stand can operate from June 1st to August 31st, 9:30 am till 5:30 pm. The selling season and time may vary depending on the produce availability. Staff is requesting a positive recommendation from the Commission to the BOA.

Comm. Breig asked about setbacks. Staff has no concerns with the stands location and it is a temporary structure.

Motion to recommend this applicant to proceed with BOA with positive recommendation including staff's recommendations was made by Comm. Craig and seconded by Comm. Breig. All were in favor.

PZ 2020-008 SE for Produce Stand at corner of Washington and Race Streets – Emmett Dunnock.

Staff stated this stand will be selling produce from the back of a truck with tent and will not have a cart/trailer like the farm stand on Cedar Street. The property is currently used as a church on Sundays and the applicant needs to vacate the property during this time to allow for Church parking. He has been operating at this location on and off for the last five years. The applicant is requesting a positive recommendation, similar to the Cedar Street location. Staff is recommending a positive recommendation to the BOA with the same requirements as the previous location. The Special Exception shall be valid for five years and the applicant shall submit a permit for an annual staff review. The produce stand can operate from June 1st to August 31st, 9:30 am till 5:30 pm. The selling season and time may vary slightly depending on produce availability. Staff added one recommendation that operation be located that it does not impede visibility at the intersection. Staff is requesting a positive recommendation.

Burroughs asked if the applicant had come before this Commission previously. Staff said there was no files found for either one of these sites.

Motion made by Comm. Burroughs and Second by Comm. Lauer to recommend this applicant to proceed with BOA with positive recommendation including staff comments. All were in favor.

Public Hearing

NONE

Discussion Items

PZ 2020-006 – Master Plan Amendment for the Hyatt to Revise the H2- Hotel expansion designation to allow up to 200 multifamily units.

This item was deferred by the Commission to get further clarification of the process and potential ramifications. Their concerns would be forwarded to Sandy Mc Allister, the applicant’s representative.

CWDI Waterfront Updates – deferred by the applicant.

Proposed Mural Guidelines – Staff discussed the Blue Ruin’s sign process, which has sparked the discussion about signs vs murals. The Planning Commission determined the graphic placed on the Blue Ruin building facade was a sign. This determination was affirmed by the HPC and the BOA. The BOA sent it back to the HPC for remediation. The sign was reduced in size to comply with the City’s ordinance.

In recent years there has been a lot of murals located around the City and we are fortunate that they are professionally done and contribute to the City’s context. Murals at the Marketplace, Route

#50 and Maryland Avenue, in the downtown, at Clayton's and others are recent examples of murals in the City. Murals are a good venue to represent the community, history and location. The UDC states that any sign or public art painted directly on a wall, roof of a building or fence that is visible from a public right of way shall comply with the UDC sign code requirements. Murals are a First Amendment protected right and therefore have to be distinguished from signs, which may have more limitations placed on them as it relates to location, size, etc. Therefore, the City needs to clarify the differences between signs and murals and ensure the quality of the end product. A sign is an expression related solely to the economic interest of the speaker and its audience. A mural is a work of art promoting the community and its values.

Comm. Lauer does not support providing a listing of an artist's qualifications. He wondered if there needs to be different set of guidelines; one for commercial and the other for residential zones. Also, he requested that the purpose statement become more visible as it is currently in the narrative. Comm. Lauer wanted to know if property maintenance code would apply.

Comm. Losty wanted the process to include having a sketch provided for comment before the murals proceeds with a building with the permit.

Comm. Craig agrees that the maintenance should be the responsibility of the property owner.

Mr. Thomas stated that property maintenance rules would apply and that the mural will need to be maintained like the rest of the building.

Comm. Burroughs wanted to know if murals could use also other materials and not just paint. Staff replies yes other materials could be used.

Staff stated these requirements will not be incorporated into the UDC text and it will be a separate document due to the First Amendment issues.

Comm. Breig wanted to know if a business's logo was included, would it be a mural. Staff responded that if a logo or other promotional business material was incorporated, then the graphic is considered a sign.

Approve State Planning Report – This is an annual report about residential new construction in the City that needs to be filled out and sent to the State with Planning Commission's review and approval.

Motion to approve the Planning document by Comm. Burroughs and second by Comm. Lauer. All approved.

Comm. Lauer talked about raising the amount for the Commissioners compensation to be included in the new budget.

Chairperson Losty asked for a motion to adjourn the meeting. Unanimously moved.

Respectfully submitted,

Pat Escher, A.I.C.P., City Planner

Mary M Losty

Mary Losty, Chair

June 2, 2020

Date Approved

