

Planning & Zoning Commission

Minutes

July 10, 2018

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, July 10, 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, Marshall Rickert, Mary Losty and Hubert Trego

Others in attendance included: Pat Escher, City Planner, Herve Hamon, City Council Robert Hanson, City Council Dave Cannon and City Council Steve Rideout.

Commissioner Burroughs called the meeting to order at 6:00 p.m. and asked for a moment of silence. To remember a past member Dwight Cromwell.

Approval/Amendments to Agenda

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

Minutes

June minutes approved with correction that Hubert Trego and Mary Losty were not present. Page 4 regarding Food Trucks was second by Bill Craig. Motion from Comm. Rickert to approve, second by Comm. Craig. Motion carried with two abstentions.

Comm. Burroughs moved to have the public hearing on Food Trucks moved to this portion of the meeting, because of the public being here for the issue. Motion carried unanimously.

Chairman Burroughs asked if Ms. Escher would introduce the new City Housing Specialist here tonight, Ms. Yvette Robinson from Michigan. She will be helping with improving the housing stock and home ownership in Cambridge. She will be here one week each month and at other times working from her home in Michigan. Everyone welcomed her.

New Business – Public meeting

Staff stated that at the City Council meeting this issue was discussed. Mr. Van Dyke wanted to have permission to operate his food truck until this Commission resolve the language for the UDC. The City Council recommended that because of the discussion and language that the P&Z will draft tonight Mr. Van Dyke can operate under those conditions. So, the Commission has the draft language, which Staff has sent out to all the members here and a few comments have come back to her.

The current language proposes that in the DWDD subdistrict - core, food trucks will only be permitted if, they are associated with a brick and mortar restaurant and they are supplementing the kitchen.

Food trucks will be allowed on private property, not necessarily on City right of way. We have heard that within the civic subdistrict should allow food trucks, so we amended some of the language to include that subdistrict. They are allowed on City right of ways in the industrial zone, as we heard, because of the lack of restaurants. Staff shows what 500 feet would look like from brick & mortar and 300 feet.

Comm. Craig was okay with 300 feet, as were others on this Commission. He continued with agreeing with the generators and as did Comm. Rickert.

Comm. Lauer agreed with the language is right now, the footage, zoning official and generators. He wanted to go through each of the zones for clarification.

Comm. Rickert stated that Cambridge already has a regulation for parking. If the food trucks park on a right of way, subject from the parking officials, he has no problem with it.

Comm. Lauer stated that Salisbury has 150 feet and only allows one food truck in the downtown area at a time. There are no regulations by zones. He is concerned about our residential areas and other zones institutions, civic and others.

Staff informed the Commission that on private property, like the high school, a food truck owner only needs to have permission from the property owners. If use of the right of way is not an issue, the Commission needs to decide that matter.

Comm. Trego asked how many food trucks, so we have in Cambridge. Staff stated that there is Little Bit-of-Bull, 2 Chicks, and inquiries of others wanting to come to Cambridge. This all started last year, several food trucks wanted to come to town, but under current regulations no food trucks are permitted in the City. The UDC is silent on this issue, the City Charter prohibits them. The effort that has been going on is to allow food trucks, under certain circumstances. We tried to create legislation last year, but it did not move forward. Staff stated that there are not that many trucks, as the code stands now, they are not permitted. We are not trying to restrict a permitted use, but to try to allow a non-permitted use in the City of Cambridge. Comm. Trego continued that a food truck can be just about anything, truck with cooler and motor.

Staff stated this meeting is to discuss the language for allowing food trucks into the City that are at this moment not permitted in the City limits. Mr. Van Dyke has permission to operate in the City by the City Council, until this Commission feels comfortable with the language.

Comm. Nelson agreed with Comm. Trego and she is in favor to allow the food trucks and the 300 feet.

Comm. Losty wanted Comm. Rickert to clarify on his parking statement. He suggested that after reading the letter from Salisbury and he felt it should be required to comply with the parking laws, have them reviewed by a parking authority. We do not need to be in that area of regulation, because it already is in the books in every city in the country.

Mr. Charles Gabbin – “Gabbin’s Ice Cream” - He stated that he has been using his truck for over 20 years ago. When he started he asked the City what the requirements were and they did not have any then. Some businesses have asked him to come to their location to service their employees and others like the court house. Staff informed this Commission that Mr. Gabbin was exempt from this language because his primary food item is ice cream. The City Council stated that the ice cream trucks were exempted, they have no fixed location and don’t sit very long in one spot. Tonight, we are speaking of food providers that have their primary items are sandwiches, BBQ and other more meal type items.

Staff read the current definition; A mobile food establishment – shall not include push or food carts, vegetable farm stands, delivery vehicles, ice cream trucks. Including ice cream trucks selling food products with the sale of ice cream, or activities covered under seasonal sales, or personal exception.

Mr. Allen McRae – Meadow Ave & Old Metro Mkt – The City of Cambridge has been very difficult for some of us to run a business and others have stated the same thing to him. He thinks that the City is trying to over regulate and suggested a Citizens Advisory Committee to help work with the food trucks and brick-mortars. Mr. McRae welcomes the food trucks to the Metro Building, he also serves food in the building.

Ms. Derringer – She also, brought up the Citizens Advisory Committee. She stated of the 300 to 500 feet from all the brick-mortar restaurants, and in the core those restaurants are within 100 feet of each other. They seem to be working just fine. Let the food truck try the 100 feet and then go from there.

Ms. Jeannie Wilson – co-owner of Little Bit of Bull – She was at the City Council meeting when they asked about the City PZ concerns in regulating the Food Truck. The responds from Mr. Wheeler at that meeting was incorrect information.

1. Little Bit of Bull does not pay city taxes and that is not correct, Ms. Wilson does pay city taxes and she is a property owner at 404 Henry Street.

2. Salisbury is having issues on food trucks. Ms. Wilson emailed to the City of Salisbury and they are not changing anything now. They are building a space just for food truck in the City of Salisbury with 150 feet setbacks.

3. Hurlock voted down the action to allow Food trucks. Ms. Wilson informed that the only vote that was taken in the matter is to allow them to set up. There have been no other votes.

Comm. Rickert stated that this Commission is working with a group of citizens to come up with a way to allow Food Trucks. Our goal is to come up with a regulation which is needed according to the City Charter to permit Food Trucks and we are listening to groups and have accepted many suggestions from the community and we hope this does not view this as adversarial.

Mr. Henry Van Dyke – owner of Little Bit of Bull – Salisbury figures that this issue does not need regulations, so Cambridge should too. It would regulate itself, we will not be taking meals from any business that the clients want to enter, there is plenty for everyone. Setback of 150 feet, at 500 feet would be too far from the court house or other business, 2 Chicks at ES Hubbert is with 500 feet of McDonalds. 500 feet could be the equal of two blocks down town.

He continued with the hospital here in Cambridge does not have a cafeteria on Saturdays, we cannot park in the lot because of their liability insurance, but we could on the street out front or the area of the boat ramps. We do need to have clear language for this code, so we can know what we can and cannot do in the City limits.

Letter from the City of Salisbury forwarded by Mr. Van Dyke, does limited an amount of food trucks in an area and they must use two parking spaces.

Comm. Craig asked what the liability is to park in the lot of the hospital. Mr. Van Dyke stated he has not really asked them, they say no, and we say okay and we can only relay to them that the City will not allow them park on the streets. Why should I come to Cambridge? What can Cambridge offer me as a business?

Mr. Dudley Parr – director of Overflow Café – they bought Mr. Van Dykes old food trailer, so they could have a mobile kitchen for their café. When Mr. Van Dyke was across from us it made our business better and brought more people to our corner. Just like a food court at the mall and it gives you choices, there is a variety for the area and makes the food in Cambridge better. They have the trailer for extra kitchen space and they will not be vending out of it like the trucks do. Are there going to be fees and permits and remember we are a non-profit organization? We raise money just to pay our regular bills. Staff commented that would be for the City Council not this Commission. Mr. Parr would like to see regular guidelines, what and who decides appropriate? He continues that we serve folks on the margins, low income and not the main stream clients. As the regulations now read, if we could go into the neighborhoods like Greenwood Ave to have a cookout or just to service the low income, we could not do that as of now. He would like to see that this issue be open to more than just the industrial areas for Food Trucks and he understands wanting to protect the downtown core.

Ms. Sandy Spedden – stated that Parr and Van Dyke answered all her questions and she does not need to speak now.

Ms. Katie Clendaniel – Main Street Exec. Director – 13th year of the Taste of Cambridge and we have many of the restaurants from downtown, around town and some from other places, even Mr. Van Dykes participating in the crab cookoff. People are confused about what is being proposed. She has stated with some of the downtown restaurants and their comments are: brick & mortar restaurants are what we want to help and protect through the whole city. Building owners and renters are improving the properties before opening and we welcome that. They pay real estate taxes in the City and County. They are employing at least 30 to 40 persons in their business. Residents and tourist are coming to these establishments and so they are staying open 12 month

and not 9 months a year like some areas around. We can work with everyone and we have events that welcome food trucks, farmers market and other times. Thursdays from 3 to 6 pm and maybe Saturdays in the future.

Chairman Burroughs stated that we have heard from many and he would like to ask Mr. Van Dyke. Do you operate during the winter season? Mr. Van Dyke commented that last year he did not, his model of business has changed and so he can be open all year around. Chairman Burroughs stated that the hunting season is coming and that brings a lot of people from around to our area. Mr. Van Dyke said that it would be great for his business. He usually operates lunch type foods and not breakfast for starting your day, but others can do that too. Set up time, on a site is about 10 minutes time. He cooks his meats about 16 hours and that is to be ready for the next business day. Services is usually from 11 am till 2 pm in industrial areas, but to setup at one location and it not work then he would look for another spot. So, to commit to one place like the court house, it may work for a while, but he may do more business somewhere else.

Comm. Losty asked if Mr. Van Dyke ever tries to catch the shore traffic most weekends. Mr. Van Dyke responded not right now, but he was last year, and most were local clients.

Comm. Lauer asked staff about the mobile food establishment located and operating on public rights, shall not remain in the same location more the three consecutive hours unless servicing an event. This section begins with you can only operate on private property. So, was there an intent to say that there are circumstances in this district that they cannot operate on a right of way? Staff responded that if it was residential and they were servicing a party, that is when they can be on a right of way, but not in any other zones. Comm. Lauer continues, would propose to brick & mortar restaurants and designate that they be allowed to operate in right of ways in civic, institutional, general commercial areas in addition to industrial and where there is designated parking and provided that the traffic was not impeded by the judgement of the police department. Was there anything about the hours from the City Council? Staff commented that City Council did not discuss the language, just to let Mr. Van Dyke be allowed to operate. We went in May to City Council, then we had lots of discussions and so the City Council is allowing Mr. Parr and Mr. Van Dyke to operate and that is all, we are to determine the language.

Comm. Lauer motioned that it be allowed on private property, as set forth in the ordinance, that there be a 300 feet limitation from brick & mortar restaurants and addition to that they be allowed on rights of way, where the designated parking is allowed provided that the traffic flow is not impeded in the judgement of the Police Department. That is because we are going to have a bigger vehicle on the right of way and the Police Department would have to make that judgement. Then they be allowed at civic institutional in general commercial areas in addition to the industrial areas of the rights of way. Second by Comm. Rickert. All agreed

Staff continued that they would be allowed on private property, they would have to have a 300-foot setback, they are allowed in the right of way pending police review in civic, institutional, commercial area and those are the only districts that they would be allowed on the right of ways. Comm. Lauer stated yes. Staff will draft the language again and send it out to the Commission and then you can all comment to finalize this issue.

Comm. Craig comments that as he sits here and thinking about this issue and looking at all these zones, would it be easier to say which zones we are not going to allow, instead of listing all the zones that are allowed.

Comm. Rickert asked Mr. Van Dyke if he could operate if we recommended this. Mr. Van Dyke responded somewhat yes, and it is a step forward.

Staff continued that to specifying the zone districts was because we were concentrating on the commercial areas, then not on the residential as much. Councilman Rideout asked if there was a family gathering and you want a food truck there, “special event” as we say it is for uptown approved by City Council like the crab fest, seafood fest. Staff stated a residential private party is not a “special events”.

Comm. Rickert stated that we have passed a proposed ordinance to the City Council, why do we not try to work with what we have. All the feedback that we have and with this, we can work on this. We have had two hearings and after you draft the final language set a time limit for feedback from this Planning Commission and send to City Council.

Old business:

PZ-2017-013 – Egypt Road Solar Energy Systems – Landscape Buffer. Comm. Losty will reclude herself from this case.

Staff report on the proposal and drafted language for a solar field and we formed a committee and stated on the placement of a solar field within the City limits. We have rezoned that property, we have amended the text to permit the zone and this review is primarily for the landscape buffer. Note there were comments from the previous submission and they have not been addressed.

In the Commission packets is a comparison of what was done in October of 2017, then what is being proposed now.

The new proposal has a more varied mixture of plant material, more trees and requesting a few modifications with our zoning requirements. Our requirements are there shall be a berm to be required on all four sides of the property, they would like a relief from that on all four sides. The City requires that a mature vegetation buffer be planted on all four sides, they would like a relief from that requirement and proposed to put seedlings on three sides and mature vegetation on the Egypt Road side. Because they are requesting relief from the berm, the City held a meeting with several Planning Commissioners and City Council members to discuss this relief of the berm and that group recommended that the mitigation of the removal of the berms, should include another row of trees and the trees should be nine to ten feet tall. This application does not have a third row of trees and every forth tree is seven to eight feet tall. Applicant indicated that securing that many trees at that size will be a problem and that is why they are proposing fewer tall trees. Staff went online, and looked to see the survival rate of large trees versus smaller ones. It would depend on how the larger trees are grown, such has a box, then the survival rate is high, versus a field grown tree, the survival is less as smaller root balls due challenge a larger tree. A six and an eight-foot

tree planted together, in a few years the trees are pretty much the same height. In our City Code we also require that the trees are inspected annually, and they could be replaced if needed. The buffer is to be 75 feet wide, which, would consist of a 10-foot pollinator habitat, 18-foot-wide for the maintenance road, which leaves 47 feet for the plantings. The proposal along Egypt Road is just 40 feet wide and the other three sides that have proposed seedlings it now reduced to 30 feet. Regarding the plantings, Staff understands that securing that may large trees could be a problem. We have worked with the applicant by reducing the plantings on the three sides and the reduction of the berm, we may compromise that the trees need to be a minimum of seven to eight feet tall.

The State of Maryland will up hold the UDC requirements and they must comply and any requirements this Commission may waive. Staff recommends trees be seven to eight feet, opposed to the six feet tall with the berm and two rows instead of three rows of trees.

Ms. Erin Walkowiak, with Urban Grid, stated the plans before the Commission, the proposed also includes the sub-station, which will be owned by Delmarva Power and they will submit a separate site plan for that. As to staff's comment about the seven to eight feet trees, we selected to have the six feet, because that was in the UDC when we started this project. That is also a tree stock size for most greenhouses.

Mr. Ryan Showalter, attorney for the project, stated that this project needs to be approved with what we can actually build. Our Goal is to provide screening within consistence with the City intent. The plans have been modified of the plant materials, number of trees and chose a size that they have a good survival rate, cost and availability. He presented a chart and slides of the plantings with the solar panels after a few years. The substation will be owned and operated by Delmarva Power, we are only providing a footprint of the area.

Mr. Showalter continued:

- The final solar panel size will be determined at construction, so that will be at permitting time.
- Buffer on the three sides, north west and south sides of the property. North boundary of the site is the Dorchester Park, which is forested with trees and they are 60 to 80 feet tall. South side is owned by the state of Maryland and they have plantings from eight to ten years ago and the forest is well into the 14 feet to all and have a variety of types of trees. The buffer will extent to those edges. West side is a state forest and Ms. Malkus property and she has planted a buffer of 14feet height. We are proposing to fill in those buffers with additional seedlings and the 30 feet width is to allow some space for maintenance to access all areas of the property.
- Extending the culverts to the property lines and to accommodate the buffer areas. The State of MD will not allow them to disturb the wet lands for the sake of our buffer. So, we will go the edge as best we can and not disturb any wetlands in the area.
- Ten-year maintenance bond for the seedlings- most county standards are five years, but the ten that you are requiring is okay with them.

- Additional vegetation that may be needed on both corners of Egypt Road buffer if the screening is inadequate. - your requirements and us taking that buffer to the existing forest on the north and south ends the screening will be sufficient.
- We provided a plan grounds management document that indicates how the property will be maintained.
- Seeding mixtures for the groundcover and seedlings will be in the final proposal.
- Forest conservation - staff report and engineers comments have been required by the City and we have been working with City before the grading of the property and the buffers that will be planted.
- Requirement of the lot lines should be vacated, and a lot consolidation should be submitted. This property is plotted into two sub-division. Owner would like to keep that, because this is a long term temporary land uses and may be here for about 20 to 40 years, but it may leave after that.
- Sub-station – will be provided by Delmarva Power

Comm. Craig wanted to clarify, tonight does not affect engineering of the plans. This is only about landscaping tonight. Staff addressed the request to maintain the platted lots, during this process we believed the lot lines were going to vacated as represented by the applicant both to the Commission and Council, so now we have created 600+ nonconforming lots, because we re-zoned the property to Resource Conservation Zoning District. Regarding the inspection of plant material, that is a standard practice and if the plant material is not to City standards we should be able to reject them if they are not healthy or have been damaged.

Comm. Rickert stated that the type of trees – six to eight feet is industry standards to define a product and if the product is sold to comply with landscaping and it is not six feet, the developer does have recourse. Seven to eight feet is not an industry standard product and it makes sense to him to consider the six to eight feet height of trees. Staff stated that you will get a majority of six-foot tree for this project if you allow that. Comm. Rickert continues for the good faith effort to get the trees in the more mature landscaping of the property.

Comm. Craig stated to Mr. Showalter to the property lots and the re-zoning of them. Those lots are history as of now. Mr. Showalter responded that the City has an ordinance that was adopted in that Egypt Road area in the sub-division regulations and dealing with bonding improvements. Comm. Craig continued about the screening and tree sizes and we are trying to help. You are trying to lower the cost of your landscaping. You are cutting the rows of trees, and the size of trees. Comm. Trego and Comm. Nelson both agreed with him.

Chairman Burroughs stated that we have talked trees sizes and that ten-foot trees were not available. Mr. Showalter stated to the Commission that they can be gotten but difficult to get a large amount and very expensive. Nurseries have told them to order them four years in advance, so they can grow them. We have been transparent from the beginning for the text amendment and believed the berm was for a benefit and economical does not work for this property. Comm. Craig stated that we have saved Mr. Showalter thousands of dollars or more from not having to haul dirt to the site grading and to now bicker of tree sizes does not set well. Chairman Burroughs agrees with that comment and continues with the issue to this that he Mr. Showalter also represented

another solar client. He has documentation from Dorchester County that Mr. Showalter can get ten-foot trees and now you are telling us that that is not possible or economical feasible. We are working with you and this applicant and we are not getting what we need and will not approve what is wrong which can be corrected. Size of the trees can be bonded, and we are saving you a lot of money from not constructing the berms. Solar panels are to rotate and will be seen over the trees for the first few years. Mr. Showalter stated the loblolly will take a few years to grown effectively. The project for the County that you just referenced was for a different client and that was for Dorchester County and in a different concept. Chairman Burroughs stated it can be the same in each projected no matter the size of the project. Mr. Showalter's client wants to be economical viable and to succeed and sustain this balance. Chairman Burroughs wants the ten-foot trees and they can be gotten and he wants them in the front.

Commissioner Lauer asked if the project already been financed? Mr. Showalter stated no. Commissioner Lauer asked, has the power been committed or sold? Mr. Showalter stated no. Commissioner Lauer continue, what happens on the finance process in terms to the project to undertake this project, what requirements are they asking for like examination of the project. Erin Walkowiak stated that they will provide a list of deeds and all local approvals and financial analysis basically evaluate the value of those things, including the limitations on the project. We provide cost estimates to those institutions and we will get some feedback this fall and then we go ahead with the project and the financing. Mr. Showalter stated if we have a purchaser for the power they will want to purchase from the lowest cost and that will reflect on the cost to finance this project to the client.

Comm. Lauer asked staff if she was satisfied with the two rows of plantings. Staff stated it was a compromise and the applicant will need to have container grown stock versus field grown trees. Staff stated the we have reduced the buffers on three sides of the project with seedlings, eliminated the berm, the sub-committee asked for three rows and taller trees, her recommendation was for seven to eight feet tall and the Commission is working with the applicant. County and City negotiations should not be considered by the Commission.

Comm. Lauer stated that this project is for the taxes that will be coming to the City so why even pursue this issue if not for the revenue. Staff reinstated that the finance is not for this Commission to consider. Comm. Craig stated that none of that is a concern to him and he is in favor of solar energy. We can table this.

Comm. Rickert stated that the solar issue can be talked about at another meeting for the six to eight-foot tree. He continued to that for this site it is a much better use for a solar field than a dense residential development. We need to vote and move forward. Ms. Erin Walkowiak would like a vote on this project and want to make it right and this is what we are proposing at this time.

Councilman Hanson stated about the County solar project on Bucktown Rd and buffers and berm asked for lenience. The City has this same project coming up, and Mr. Craig, Mr. Showalter and others where on that committee. He continues that this Commission wants the developer to comply with what this Commission is asking. These roads are a big thoroughfare to Blackwater, Harriet Tubman and other farms and locations in our county and we would like to protect the view corridor.

Comm. Lauer stated to the fourth tree needing to be seven to eight feet tall. Staff responded that as the trees grow that difference in height will have a minimal visual effect. She informed the Commission that if they would like to have a variation of heights and the every fourth tree should be taller, then, staff recommends to make it a percentage of the trees should be a specified height would work. If it is a hedge row that the Commission wants, the triangular spacing with uniform of screening height will be the correct approach. The proposal is showing 40-feet instead of 47-foot planting buffer. The three sides are not controlled by the City, so the applicant needs to plant on all the sides of the property and not rely on what the other properties may be provide.

Councilman Dave Cannon – stated that it is his 4th Ward. A Solar project is on a scenic by-way to the Blackwater Refuge and other locations. We need to protect the views of that area for our visitors and he suggests having the three rows of trees as tall as we can get will do that. He wants to know about the maintenance of the property and trees. Staff responded that the applicant has a planned maintenance program, for the wet and dry spells for the plantings.

Mr. Showalter would like a vote on the buffer that is before this Commission and we know that it is not a final vote for the whole plan.

Comm. Craig made a motion to approve the planting plan that was presented by the City Staff, which calls for two rows of trees, seven to eight feet tall with male and female holly plants, all buffers shall be 47 feet wide and the seedling plantings need to be appropriately spaced depending on the tree species and it needs to be 47-foot-wide planting area. The mature plantings shall be properly spaced and be a mixture of evergreens and groups of three, five and seven trees. Trego seconded the motion. Rickert, Lauer, Craig and Trego voted to approve, Burroughs and Nelson did not support the motion. Motion approved 4 to 2.

Nelson reason was for three rows of trees.
Burroughs reason was also for three rows of trees.

PZ-2018-016 – Two Industrial Buildings on Chesapeake Drive

Staff stated that the buildings' design was discussed with the applicant at meeting, including Comm. Losty. In response the applicant created windows and canopy feature at the entrances for both buildings. Staff believes that the designs are much improved recommends the Planning Commission approve that plans as submitted.

Mr. Tom Davis, site designer and engineer, discussed the building's design and landscape plan along the street, storm management and wet lands were addressed with Mr. Hyde, the City engineer.

Comm. Craig asked about the amount of impervious surface on site. There was discussion the ditch in the back of the property is about eight feet deep.

Applicant is requesting relief from 6.2.d., 6.2.e and 6.2.g, of the landscape requirements. They have enhanced the landscaping on the front, but in the back where it faces other industrial properties, they have some landscaping, but they do not meet the UDC's requirement. They do not have internal landscape islands. There are shrubs in the landscape areas in front of the larger building, but none for the smaller building.

Comm. Losty stated that was a little sub-committee and found that the applicants are very responsive.

Motion from Comm. Craig based on the staff recommendation and second by Comm. Losty. All approved.

New Business:

PA 2018-018 – Waugh Chapel U.M.C parking lot

Staff stated that this project is working under a grant to create a permanent parking lot for the church.

Mr. Jeff Hubbard from Lane Engineering, representing Waugh Chapel discussed the project. The project is being funded by a grant obtained by Shore Rivers, it will remove the existing concrete foundations to construct a new parking area with handicap access and storm water management. They want it as a public parking lot for times when not in use by the church. They will provide a hedge and other recommendations from the City staff. Staff stated that this is just a small parking lot, UDC requires a review pursuant to section 6.3. for parking lots greater than 10 spaces in the Downtown Waterfront Development District. They are meeting their intent of not having too much paved parking by having some overflow parking spaces in the rear use permeable material.

Comm. Craig would like the fact that the overflow parking area was permeable. Make sure the additional plantings are not blocking the site distance for people driving onto to the main road.

Mr. Hubbard stated that most of the plantings would be native to Dorchester County and not just a hedge.

Chairman Burroughs ask if the gas tanks were removed from that lot, was a gas station at one time. Mr. Hubbard did not know but will find out.

Comm. Losty would like to be on the sub-committee about the landscape issues.

Motion from Comm. Craig to approve the application PZ 2018-18 and second by Comm. Nelson. All agreed.

Discussion Items:

Signage for the Medical Marijuana Distribution Facility.

Mr. Crosby representing Dunaway, Meteor Avenue property being converted into a medical marijuana dispensary and CULTA, the City's grow facility behind the public safety building. He loves to use the UDC of the City and likes the word uniform. Except the sign conditions of UDC, as they related to medical marijuana and signage. He believes that limiting the signage for these facilities to four square feet is discriminatory and it should be the same as other businesses in the same zoning district.

Comm. Marshall stated that the ordinance was clear on the reason for this section, several citizens spoke about signage on dispensary facilities and their concerns about existing drug activities. You do not need a great big sign to attract business. He suggests that Mr. Crosby write a letter to the City of Cambridge attorney, Mr. Thomas and ask for a ruling on the site. Mr. Crosby plans to do that, but he must come to this Commission first, what is the difference of this facility or one next door selling alcohol at the gas station, the signage requirements should be no different.

Comm. Craig stated it is a sociological idea that alcohol has been legal for many years, where cannabis has not been. Mr. Crosby states that the smaller signage requirement is an error.

Comm. Marshall stated that in his opinion and if they did make a mistake under Maryland Law, then they will make it correct. Mr. Crosby wants to know why this Commission thinks it is fair for reduced signage, it is a legal business. Comm. Marshall stated that it is a heavily regulated new business, there were a lot of people that supported the State in passing this law. They had church youth groups and a deep cross section of this community, supporting it. They all had the reduced signage request. In about ten years of time from now when medical marijuana is approved to be fully legalized marijuana use is approved it would be more acceptable. Second, was having voiced their support in respect for the Maryland Law, they asked that it not start sending conflicting messages to the community, the ones troubles with addition abuse, as for this we set the setbacks from schools, and discreate signage.

The city attorney will review and comment at the next meeting.

TA 2018-013 – Section 2:4 Non-Conforming Uses and section 5.1.2 A 3. Exceptions to Lot and Bulk Requirements

Staff stated that this was issue was brought up about a year ago, Housing Authority was going to redevelop / rehab their properties, we need to have the repairs in the timeline of one year. Comm. Craig asked if the one-year time standard was common. Staff responded yes. Fire damage? From insurance companies can take a lot longer than that. We may need to have an extension and not let the properties sit for a long time.

Chairman Burroughs wanted to talk about Roof Sign at 714 Meadow Ave. Mr. McRae has a valid sign permit. Permit was issued on Jan 29, 2015, the UDC was effective on January 1, 2015, UDC. Chairman Burroughs responded that old Ordinance already had a code stating that no signs can be put on a roof.

Comm. Craig asked what we can do about it. Comm. Burroughs continued that the sign was put up illegally and put up by somebody that was contracted not from Cambridge.

Staff is asking this commission for direction as there is an approved sign permit. Chairman Burroughs still questions, the ordinance was signed and passed before this permit was done. Comm. Lauer stated that errors do happen, and the Commission can, and the statute of limitations is about three years. Comm. Burroughs said he has been talking about this for the last two years. Mr. McRae indicated that he will move the sign to an appropriate location.

Status on new and old projects.

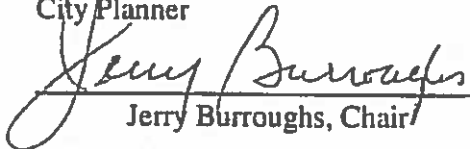
- Starbucks and Chick-fil-A are still coming to Cambridge Marketplace.
- Factory F moving forward.
- Cannery Park design is approved.
- AutoZone is still moving forward.
- Chairman Burroughs asked about radio station WBOC moving to the marketplace. Comm. Craig stated that radio station property may be up for sale soon, he stated to have WBOC to buy and donate to the City to add to their GMP.
- There is a vehicle charging station next to Blackwater Baker on 400 block of Race St.

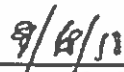
Adjournment

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

