

## Planning & Zoning Commission

### Minutes

August 7, 2018

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, August 7, 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; Mary Losty, Hubert Trego and Chan'Tay Nelson. Not in attendance was Marshall Rickert and William Craig.

Others in attendance included: Patricia Escher, City Planner; Herve Hamon, Planner 1, Dave Cannon,, City Council, Patrick Thomas, City Attorney and Patrick Cominsky, City Manager

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

#### Approval / Amendments to Agenda

Motion to approve the agenda for tonight was made by Comm. Lauer and seconded by Comm. Losty. Motion carried unanimously.

#### Minutes

No minutes to approve for July at this meeting.

#### Old Business:

No old business at this meeting time.

#### New Business:

PZ 2019-001 SE Seasonal Housing Salvation Army – Washington Street & Goodwill Avenue

Staff stated that the Salvation Army and Cold Weather Shelter joined forces and want to locate temporary, winter housing on the Salvation Army site and that it would require a Special Exception. Last year they had some issues and the trailers were not installed. This is the same proposal and the request is for three trailers, one to house a family, one to provide meals and the third will be for female residents. We have talked about this before and trailers are not permitted in the City. Their goal is to come up with some permanent facilities on their site in the future. This is a need of the City and so they are requesting this use for the next three winters, until they can get something permanent. The temporary shelter will be located on site is from December to March. Staff is recommending approval and to forward this to the Board of Appeals for the Special Exception with a favorable recommendation.

Mr. Bill Crabson with the Salvation Army stated that they have been working with the Cold Weather Shelter and we have to still get the water, electric and others utilities to support these trailers. They have estimates for the services and hope to have that in place for this winter 2018-19. The facility that they have right now has 26 beds, most evening they are not full right, but when December gets here they will all be filled. There are two staff members that are working with everyone on this.

Comm. Trego asked about the trailers and are they going to be the same as the one that is on site now? Mr. Crabson answered just a little smaller than the one on site now.

Discussion items where;

- Where the men are housed now? In the main structure that is there year-round that holds 26 beds and small dining area. We want something to have females separate and a family separate.
- The previous Special Exception was for one year and the new, this request will be for three years.
- Were there any concerns for this approval. BOA did not raise any issues.

Mr. Robert White – Cold Weather Shelter – did not have anything to add to the proposal

Chairman Burroughs made a motion to approve PZ 2019-001 SE Seasonal Housing for the Salvation Army as recommend by staff to go to the BOA. Seconded by Comm. Trego. Motion carried unanimously.

PZ 2019-002 – Concept Plan – Chesapeake Drive

Staff informed Commission that this is an application for two buildings in the industrial zone. The approval is for the first building, the future building will need to come back to the Commission. The business will be relocating from Easton and in called AquaDam. These are large plastic dams, that can be used during flooding or repairs in a stream to curtail water from site. The dams are located on site and filled with water to secure the target area. There will be hoop houses for growing plants that will be used in the revegetation process after the work has been completed. The building on the side of the lot will have office and storage space for the business. Staff is recommending approval and this is just a concept review and the site plan is very basic and they will need to prepare a more detailed plan for Preliminary Plan review.

Discussion items: with Charles Corkran, business partner from AquaDam.

- The building located on side of the property – what view will face the street? Staff stated it will be as shown in the enclosed picture with smaller dormer and windows facing the street.

- o Greenhouses (hoop) are used for the vegetation and will be irrigated.
- o The building in the picture is larger than what we will use, it is about 200 feet x 50 with four doors.
- o How many hoop houses? Five Hoop greenhouse for now.
- o To screen the outside storage the applicant will build a berm along Chesapeake Drive with native plantings and also, working with the storm water management.

Mr. Tim Marshall, surveyor, will be working with the AquaDam personnel, refining the concept plan and consolidating the three lots into one together through a line revision process.

Staff stated that there is no vote needed tonight, this is just a concept plan and just need advice to go forward and welcome them to the City of Cambridge.

TA 2018-013 Section 2.4 Non-Conforming Uses and Section 5.1.2 A 3. Exceptions to Lot and Bulk Requirements.

The text amendment for tonight is to change the time frames in this section to be consistent, so for vacancy for the Non-Conforming structure change it to 90 days as well as the section that deals with apartment vacancy. Staff wants to add language for the Residential Zoning District as it relates to the larger commercial apartments. We have amended the language that allows for the maintenance these structures, but we need language in case of unforeseen events such as fire or lighting, that if they are destroyed, then they can within one-year time frame be rebuilt or dealing with insurance and need extra time with proper documentation. Staff is proposing the language to state: *notwithstanding any revision in this section to the contrary, existing multi-family structures within the residential zoning districts, that are damaged or destroyed by accident or by natural causes, may be replaced in kind, provided that construction permits within one year of the structure being damaged or destroyed and is completed in a timely manner as deemed appropriate by the Building Officials. The one-year time frame may be extended if they can demonstrate to the Zoning Official that due to circumstances beyond the properties owners control that the extension is warranted and can be granted from the day of time specified.* This does not affect the NC zones.

CAN sent the letter to the staff about a letter from a citizen who owns property on West End Avenue. Current code states that someone can make repairs to a structure, over a 12-month period. Mr. Graham, the property owner, was making extensive interior improvements that required his tenants to leave so the 90 days and/or 120 days occupancy has lapse. Are we doing a disservice by having someone purchase a property, improve the property and because it is not continuously rented, they lose the two-unit structure? Is that the intent of this text? A new landlord or a current landlord wants to make extensive improvements, the tenant must vacate, we should work with that property owner.

Graham also asked that if he wants to sell the property after improvements, there were several people that want to live in half and rent the other half of the two-unit structure. So, the question is, if we think that this is a good thing, because we can make it a Special Exception, we can require that it is a home occupied by the property owner for an extended period time for the life of the

land, we can make sure that the property owner could provide documentation to the City annual demonstrating that they live on the property.

I have talked to prospective owners, who have said if they have return the property back to a single family, they will not purchase the property. If the language is crafted well, that for those who live here, this could be the first-time home ownership unit, the rental income can supplement the mortgage and the property will be well maintained due to the landlord living on the property.

1. If I am improving my property and have to vacate it, shall I be penalized?
2. If it is a Special Exception, and if I want to buy a two-family dwelling unit and the owner has to occupy one unit, we could get some of these properties bought and improved?
3. If we can make it a pilot program, for one to two years and if it is working then we can continue it or not.

Mr. Tom Puglisi – Willis Street- “CAN” (Cambridge Association of Neighborhoods)– we strongly support maintaining the current standards to converting multi-family homes back to single family homes, if they have not been occupied for the required time.

Mr. Charles McFadden – President for “CAN” – we aren’t interested in the Residential Zoning district, but the NC district, we are opposed to any change. There are 52% rental units in the West End Dsistrict and we want reduce that number. West End District has small lots, four cars where only two are allowed, smaller streets which makes it very crowded. They are opposed to the changes, because the landlords have not shown good faith efforts. They are not following the laws and when they get caught, they still do not comply. CAN are not happy with those landlords. Staff stated that this is for those owners that will also occupy the property with the renter. Mr. McFadden responded, they have the 90 days to comply. Staff stated that we are working on the language so those who take more than the required days, will not get penalized due the more extensive nature of the remodel.

Mr. Herve Hamon – HPC Staff – we are trying to amend the Certificate of Appropriateness process, the time to complete the work and enforcement action after a manner of time. Mr. McFadden stated that after a building permit has been issued and landlord takes more than a year to complete or has not started the project. Do not give them more time. Mr. Hamon responded that a permit is for six months and we cannot make them start the same day as the permit, owner can start anytime in the time permitted by the permit and they can also get an extension of another six months.

Staff recommends that “CAN” meet with City Planning Division. with comments and bring back to this Commission for a final language. We understand the concerns from the community and we are working on it. Comm. Losty will volunteer to be on that committee.

Mr. Craig Linthicum – Vue de Leau Street – commented that not everyone is bad when someone buys a property and wants to renovate, issues may arise. He has learned that from experience. On

June 1<sup>st</sup>, he lined up all his contractors, met with HPC Commission, started the renovations. There are new challenges after you start the renovations you do not see from the outside, when open a wall up and see extensive termite damage for example. He agrees with staff.

Comm. Losty made the recommendation for the text amendment TA 2018-013, from this Commission, the time frame from 90 days, E.1. to be proposed as written by Staff, second by Comm. Lauer. Motion carried unanimously.

#### TA 2019-001 School House Property – Mill Street

Staff stated by creating an overlay zone in the NC3 zone the School House project may go forward. This Commission and the City Council had approved it, but because the applicant did not file the final documents and the adoption of the UDC; the project became null and void. This amendment would enable the project moving forward under the current zone. The Commission will have to hear the project again. The language that staff is proposing is: Overlay District, like the Historic Preservation Overlay District, our Waterfront Overlay District and so this is not something to new. Visitor parking was added with the two parking spots for each unit.

Mr. Tim Crosby – architect – contract is pending on this property and depends on this overlay. His client would like to proceed with the project as it was planned and approved originally. They know that it will have to be presented again to this Commission. Great use and is a good project. Crosby agrees with the overlay.

Comm. Losty stated that before Ms. Escher came to town, the Commission. approved a great project and thinks it will help the property and the community. Visitor parking should be included.

Comm. Lauer responded that the NC-3 overlay could apply anywhere. Staff indicated that there is a map of the overlay and allows multi-family for properties larger than 1 ½ acre and the façade of the building must stay the same. She also stated that this Commission will not be reviewing the Historical portion, but will review the site plan.

Comm. Lauer recommends that this Commission positively recommend the TA-2019-001 per the Staff report, seconded by Comm. Losty. Motion carried unanimously.

#### **Discussion items:**

- City Attorney's determination about the signage for the Medical Marijuana distribution and manufacturing facilities.

Mr. Patrick Thomas – City Attorney – at the last meeting Mr. Crosby appear and expressed concern about the limitation on the sign sizes for the Medical Marijuana facilities in the City. Mr. Crosby did contact the City Attorney by email on July 24<sup>th</sup> and Mr. Thomas researched and believed that the City did design the language because of those facilities maybe coming to Cambridge. He

things the size requirements should be changed to the same for other businesses in those districts. Mr. Thomas stated with staff on his concerns. Staff responded that the size and limitation came from the public testimony, and concerns from the community. Marijuana is a legal drug and have benefits to some health cases in so many ways.

Comm. Trego, does not see it that way. The sign does not need to be large to advertise this business. Everyone in the City knows where this facility is located, just by word of mouth. Staff stated that the business should be treated like any other business in the City and not limit the size in the CMU zone.

Chairman Burroughs asked what the size of the sign is going to be? Staff stated that it depends on the size of the building, one square foot per linear frontage on the street, which would be Meteor Street. So if the building is 25 feet wide, then the sign would be a 25 square foot sign, just like everyone else. He also asked does the sign have to be ground mounted. Staff stated no.

Staff still needs to get direction from the Commission. If there is parking on Meteor and Crusader, then the signage can be split for each side. She has text language and will go forward.

Staff introduced the new City Manager, Patrick Cominsky. Welcomed.

➤ Discussion about fences in rear yards.

Currently the language in the UDC states that if you have a home and it has a projection in the rear than your fence can be six feet tall rear of the most rear portion of the home. So, in some ways it is a problem, the primary portion of the home is at one point and there is a small addition like a sun room, the area between the addition and the rest of the house can have a fence that is only four feet in height. We need to look at the language to state rear of the primary portion of the main home. Staff recommends that a text amendment to allow the six-foot high portion of a rear fence of the primary portion of the home and not the addition. Need feedback from this Comm.

Chairman Burroughs asked what prompted this. Staff stated that this is building permit an application.

Comm. Losty asked for the language as it is now. Staff read that no person shall erect between residences in any district of residence, a fence on his/her property which shall exceed six feet in height and such fence shall not extend at this height forward of the rear of the dwelling.

Staff stated that if an addition was added to the back of the home and wants to change the language to state the rear of the primary portion of the home not the addition. Also, the construction side and the nice-looking side of a fence, if the home owner wants the nicer side on their side. UDC is silent on this issue. This Commission does not want the construction side to be facing the front or street side of the property.

➤ TA-2019-002 – Waterfront Overlay Zone

Staff stated that the hospital property will be moving forward for development and we need to revise the existing Overlay Zone to use the existing form-based codes that will provide for better urban design.

Comm. Rickert wanted to hear this and he is not here tonight, so this is a discussion item. Staff went through the proposed amendments with discussion from the Commission. this amendment will be hear at the next Planning Commission meeting.

➤ Overhead street lights in the downtown –

In the packets is information for decorative lighting on Poplar and Race Streets.

Ms. Katie Clendaniel – Exe Director of Downtown Cambridge – Network of strings of lights crossing or zigzag over Poplar and 400 Block of Rae Streets. We would be accessing City power for the lights from the Cannery Way power point.

This would require a text amendment to permit this type of lighting as UDC prohibits this type of overhead lighting.

Comm. Lauer asked what the lighting is supposed to look like that is being proposed. Ms. Clendaniel responded that the lighting will be hanging across the street and attached to the buildings. LED lights will be above the height for large trucks. He asked if this will be a permanent fixture. She said yes just temporary for right now. Comm. Lauer asked for the purpose for this, jazz the City up some. She stated that it invites people to be out and more lighting against theft.

The Commission had concerns about the height of the lighting, the quality, how attached to the buildings, the timing of the lighting, residents above the commercial properties and who is paying the electric bill for this project. Want more discussion, with pictures provided at the next meeting and does the HPC need to approve this project.

➤ Comm. Trego asked about has City street light still needing to be fixed on Muir Street, side of Grace UM Church. When will it be fixed? Staff will check on this.

Chairman 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  
Jerry Burroughs, Chair

9/6/18

Date Approved