

Planning & Zoning Commission

Minutes

March 2, 2021

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, March 2, 2021 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland. **DUE TO COVID-19 THE PLANNING COMM. HEARING WAS HELD REMOTELY.**

Commissioners in attendance: Mary Losty, Chairperson, Hubert Trego and Jerry Burroughs,
Online: George Breig, Eugene Lauer, William Craig, Vice Chairman and Chan'Tay Nelson
Absent: NONE

Others in attendance included: Pat Escher-City Planner, Patrick Thomas-City Attorney and Dale Price, IT Dept.

Chairperson Losty called the meeting to order with a moment of silence at 6:00 p.m.

Approval of the Agenda

Motion to accept the agenda as presented by Comm. Burroughs and seconded by Comm. Trego. All approved.

Approval of Minutes

December 8, 2020 minutes to be approved. Motion to approve minutes by Comm. Breig and second by Comm. Trego. All approved. Check the misspelling of Jerry Burroughs name.

February 2, 2021 minutes to be approved. There was no January meeting. Motion to approve the minutes, by Comm. Burroughs and seconded by Comm. Trego. All approved.

Old Business

PZ 2021-001 Advanced Auto and Dorchester County Social Services – Architectural review and a Sign Program for Dorchester Square

Staff stated that tonight is to review the plans for the Social Services and Advanced Auto locations at the building where the new Tractor Supply Store is to be located. (Old Metro Building at Dorchester Square shopping center). A group met before this meeting and made a few comments about the architecture and look of the building with the coordination of Tractor Supply and others to make the colors and materials flow together. Advanced Auto would be a separate building, with the same colors and design. Each business will make sure their median strips are full of vegetation.

The sign proposed would be oversize and within a 50-foot set-back from the highway. Applicant is asking for additional height and square footage to the sign. UDC Section 6.5.2 E. 5, the Planning

Commission has discretion to provide some flexibility with signage on these larger sites. Staff is recommending that the signage be approved, and architecture design of buildings be approved. Additional, comment that maybe some lighting in the landscape areas would be nice.

Chairperson Losty, asked about the set-back for the signage? Applicant would like to be about 30-foot set-back and away from the guardrails.

Mr. Hunter Fairchild stated that Mr. Tim Crosby is the architect for the project. An architectural committee met with Mr. Fairchild. The committee consisted of Comm. Burroughs and Comm. Nelson, Chairperson Losty and City Staff, and appreciated their feedback from them. Chairperson Losty recommended that some paneling be raised up in certain locations. Landscape lighting that was suggested is included for the planting areas.

Comm. Trego asked about the amount of parking spaces total. Staff stated that this area does have parking and parking easements with the shopping center overall. Mr. Fairchild commented that just in this area is about 240 parking spaces including the handicap.

Mr. Fairchild stated about the signage that will be shared with Tractor Supply and Advanced Auto. Due to the location of the guardrails the monument base for the sign needs to be a certain size for the height and square footage of signage. The signage is under the 50 square footage.

Motion to accept the **PZ 2021-001** Advanced Auto and Dorchester County Social Services – Architectural review and a Sign Program for Dorchester Square as proposed, made by Comm. Burroughs and seconded by Comm. Trego. All in favor.

PZ 2018-010 411 Dorchester Ave – Factory F – Preliminary Site Plan Review

Staff stated that the Eastern Shore Land Conservancy and Cross Street Partners have been working together to finalize the building and are looking for clients to occupy it. This is the Preliminary Site Plan Review. There will be retail space, event space, office and research space, shared kitchen (lease negotiation area). This project is in conjunction of the State's Project of Cannery Park and with the trails from Dorchester County. Parking for this building should be enough for everyone. Staff has recommended for an MOU for the shared parking and the potential of the park special event days. Stormwater management needs to be submitted and approved. City Engineer has a few concerns with stormwater and other issues.

Mr. Tim Glass from Lane Engineering, stated that this project is integrated with the park, stream restoration, and the rails and trails. The stormwater from the parking area is to be captured before getting to Dorchester Ave. with the proposed detention ponds and will be filtered before reaching the stream. The design for the building and areas around are made for heavy foot traffic with patio area and walkways.

Comm. Trego asked about the roadway being improved during this project? Staff stated that the City Engineering Dept is working on walkways and improvements to the street. Mr. Tim Glass

stated about the curb work along the building and sidewalk with grass strip between sidewalk and curb.

Motion to approve the **PZ 2018-010** 411 Dorchester Ave – Factory F – Preliminary Site Plan Review with the comments made by George Hyde, City Engineer and Staff made by Comm. Trego. Second the motion by Comm. Nelson. All in favor.

PZ 2021-006 SE 901/903 Pine Street Corner Store – Special Exception

Staff stated this Special Exception is to revise a corner store (NC-4 district) from the last meeting, some questions were raised about the bus stop, site constraints etc. Staff met with the owners and Comm. Burroughs, Nelson, and Chairperson Losty to discuss some concerns. This Commission is not approving, but making a recommendation to the BOA, which will establish whether or not if this was an existing corner store. Staff is hopeful this Commission will send a positive recommendation to the BOA, which will be the next step for this application.

Mrs. Shelia Jones stated that the site visit really helped them get the Commissioners the information they needed to go forward with their application. The City will provide a no parking/loitering sign at the corner of the building to prevent vehicles from parking there. Staff stated that the report sent to Mrs. Jones has the list of recommendations on page 4.

Comm. Burroughs added that produce stand in the front of the building should not block the flow of traffic at the intersections. Ms. Jones agreed.

Motion to **PZ 2021-006** SE 901/903 Pine Street Corner Store – Special Exception with a positive recommendation to send forward to the Board of Appeals, by Comm. Trego. Second by Comm. Nelson. All in favor.

PZ 2020-010 Heron Point and Waterford Estates – Site Plan Revision: Review landscape and lighting plans, review of the public works agreement, removing some units to create outdoor amenity

Staff stated that this applicant would like to modify the original landscaping and provide new lighting fixtures for the streets. The original proposal was for over 100 acres with clubhouse and amenities.

Per Mr. David Angelini and Mr. Jason Lannotti (design team), the original scope was for 702 dwelling units at the beginning. They have refigured the lots to allow for more green space and a community center. The infrastructure to the community center has not been installed. The yellow shaded areas on the map are the lots they want to turn over to open/green space.

Comm. Lauer asked about document Feb 4, 2021, and its status on this issue. Staff stated that the document is their overall application to the City Council. This Commission is the approving body and not the City Council for the overall application for this site.

Comm. Trego asked if the Westside Bypass from Washington St to Jenkins Creek Rd, is going to open that portion. Staff commented that improvements need to be made on Route#343/Washington St and the Bypass intersection. Originally it was supposed to be a circle or round about, now it is an intersection with acell and decell lanes. The whole Bypass will not be open to the public until all the improvements are made.

Chairperson Losty asked about the numbers of 90 lots Waterford and Heron Point has 42 and 72 lots. The new numbers are 42 lots and 88 lots, what is the accurate numbers? Jason Lannotti stated Heron Point will have 72 townhomes (six strings of six each) and single-family is going to be 42. Then the Waterford will be 82 single family. Staff stated that the DPW agreement is still looking for the Clubhouse to be built in the future.

Comm. Trego stated that he was concern about the homes. What is the lot size? Staff stated that the single-family homes were already approved, the subdivision is approved from the original plan. Tonight, we are looking at the amenities with the subdivision. The architectural drawings were approved last year for the homes. The lot sizes have not changed. Tonight is the overall lighting and the overall landscaping, street trees, buffers etc.

Comm. Burroughs asked about the number of lots in the Phase 1. Staff stated that Phase 1 is going to be 82 lots and the clubhouse will be in Phase 2. It was stated that Waterford Estates was originally approved as a subdivision by the City of Cambridge and it was a very large multi-phase project. They have only bought the property needed for Phase 1, that will have the 82 units. They do not own the land for the clubhouse to be built on, nor the land for the other residence yet. Staff understands that this request is because they are doing just Phase 1, that this will not be required to do the Clubhouse and it will come with a later Phase. The DPW agreement is for the overall subdivision, whomever may finish the work will still have the same requirements from DPW and this Planning Commission.

This Commission has asked the developer to supply them with the proposed amenities that they would like to have before this Commission approves any.

Comm. Breig thinks that the Phase 1 developer should put some money towards the Clubhouse if they build it or the next developer does. Staff stated that this Commission can make that a requirement for the first developer to put money in escrow for the Clubhouse.

In response it was stated that the homes, after they are built, the homeowners will be subject to an HOA, which will be responsible for collecting the fees to go towards a Clubhouse that may or may not be built. Staff stated that this Commission does not want to exclude the Clubhouse from the

first Phase totally or exclude the residents from a future amenity and we can discuss that at a later meeting.

Staff said it needed a motion to approve the revised lighting, reduction of the landscaping in the residential portion with one tree per lot and staff will work with the other landscaping and amenities for Heron Point and the buffer zones. Staff and applicant will collaborate to come up with a design for the amenity area, landscaping, streetscape for the Waterford Estate.

Motion to approve **PZ 2020-010** Heron Point and Waterford Estates with revised lighting and reduction of the landscaping in the residential portion with one tree per lot, made by Comm. Lauer and seconded by Comm. Trego. All in favor.

New Business

NONE

Public Hearing

TA 2021-009 Text Amendment 421 Maryland Avenue to Allow for a Third Residential Unit (PZ 2017-021)

Staff stated that applicant has tried to get a commercial unit at this location of 421 Maryland Ave and this Planning Commission approved to allow him to have a residential rental unit in its place. This is for the Text Amendment to go forward to City Council.

Mr. Patrick Thomas read the Ordinance #1172 to the Commission.

Motion to approve **TA 2021-009** Text Amendment 421 Maryland Avenue to Allow for a Third Residential Unit (PZ 2017-021) made by Comm. Breig and seconded by Comm. Nelson. All in favor.

TA 2021-010 Text Amendment Permitted Use Table #1 to Allow Office Use in CMU Zone.

Staff stated that this Table #1 to combine “Office and Shops” with “Professional Offices” and amend Table #1 to reflect that change in the CMU zone.

Motion to approve **TA 2021-010** Text Amendment Permitted Use Table #1 to Allow Office Use in CMU Zone, made by Comm. Burroughs and seconded by Comm. Trego. All in favor.

Discussion Items

Hyatt Density discussion – Mr. Sandy McAllister and Mr. Knopf

Mr. Patrick Thomas stated that Mr. McAllister sent a letter to Planning Staff. Ms. Escher, dated January 26, 2021, requesting a zoning verification related to the Development Expansion Areas. Ms. Escher responded back with email on January 29, 2021.

Staff stated that she was requested to do a zoning determination letter stating that multi-family was an approved use within the RP-2. She looked at the Tables combined, but for this discussion, she focused on the chart with the RP-2, and it lists hotel rooms, time-share, commercial and retail space, it does not list multi-family. Table for RP-1, RP-3, and RP-4 parcels list the multi-family residential as a use. Within this category it does talk about multi-family residential lots and give a density of 15. Her opinion as the Zoning Official is the multi-family is not listed under the description and therefore if we were to do some multi-family, on this particular property, that this chart along with the other charts will need to be modified and thereby creating an amendment to the Master Plan. That would make this a Master Plan amendment and she cannot write a zoning determination letter saying that multi-family is an approved use as per density on this site.

Mr. Sandy McAllister (Rep for Chesapeake Communities, LLC) responded that they understood the reluctance of this Planning Commission and members of the community to consider the early intensified density of 100 per acre. He asked staff for a review of the confirmation of existing zoning and received a response by email that said she recommended that to address and correct this chart, he would need to come back to this Commission for this discussion item.

Had not been raised this in the past, but Mr. McAllister deems important:

- November 22, 1999 – Mr. McAllister and Mr. Knopf signed a declaration of easement, covenants, and restrictions. Between Chesapeake Resort, LLC, who owns the land, for which the resort is located and Chesapeake Communities, LLC (applicant) to get clarity on the RP-2 zoning.
- The document is a public document, at the Land Records of Dorchester County and in paragraph D “Communities intends to develop the Communities’ properties, which is defined to include RP-2 as a mixed-use development, which may include single family, multi-family, time-share, recreational, retail, commercial, office, marina and other uses.” After that document was executed and recorded, Chesapeake Resort and Mr. Knopf entered in a 30-page Ground Lease, with MEDCO. That Ground Lease has been in effect 1999 and was the bases for MEDCO to come to own this Resort.
- Of the Ground Lease, it makes clear for the City’s UDC 2.4.3 B “no inverse impact on the Resort” if they request a confirmation of this density. The Planning Commission should read the first sentence of Paragraph 6.2.2 of that Lease, which MEDCO occupies this land. “The Parties (Chesapeake Resort, LLC & MEDCO) acknowledge that the success and marketability of the project (hotel, conference center, golf course and marina) will be interdependent of the development of contiguous parcels for residential uses, by an affiliate of the landlord.” Those parcels are referred to as residential partners and the developer is referred to as the residential developer. The parties confirm that action which facilitates the development of the residential parcels will directly benefit the project in strength its ability to generate revenues needed to pay debt service on the MEDCO bonds and tenant’s other obligations. When MEDCO entered the original Ground Lease, it preliminarily and as a condition of the Ground Lease on which it built this resort, acknowledged in writing, that it was interdependent on residential development on contiguous parcels, owned by the

affiliate of Chesapeake Resort and that it would benefit the success of the project. The following paragraph obligates MEDCO to permit an expansion of the marina to accommodate boating traffic for the same residential developments that are acknowledged to be necessary and essential to the financial success of MEDCO.

- This development was inevitable and essential to the success of the resort. Chesapeake Community, LLC the applicant will be the affiliate of Chesapeake Resort, LLC, the owner of the land.
- The issue of the 100 units per acre is just too much for this Planning Commission. If the zoning is not clarified, and the charts list 0 units in the RP-1, RP-3, and RP-4.
- 200 time-shares are permitted in the RP-2, which the density was approved for hotel rooms and time-shares. Time-shares are a multi-family use.

Mr. Patrick Thomas responded that he has not seen the documentation of the Ground Lease, so he can not make a comment of the facts.

Staff responded that the Ground Lease documents are between two property owners and not something that the City should consider. The City reviews what is proposed with the zoning. We are here about the zoning for that property, whether multi-family is a permitted use and looking at the UDC chart, she has decided that the multi-family is not listed in the description, regardless of the 15 units per acre of density. It is not in the description. If the Planning Commission is to consider additional density, they would need to amend that chart.

Chairperson Losty asked for Mr. McAllister to please send the Mr. Thomas the documents about tonight's meeting.

Mr. Knopf stated to the Commission that as the applicant, they asked for a modification to the Master Development Plan to clarify this issue on the multi-family. They believe firmly that time-share is the same as multi-family use. This Commission is unhappy by the density and there was too much. He stressed to this Commission that the Master Plan sites on the property RP-2 as being the densest property to be developed on the site, from 200 units down to 32 units per acre. MEDCO will not compromise with him on the number of units per acre. He needs clarification that they can build 32 multi-family units on this parcel.

MEDCO representative, Ms. Erin Girard of Miles & Stockbridge, stated that she agreed with City Staff, a contract between private parties, has nothing to do with the zoning. She is look at what is in the record that the chart for RP-2 does not state multi-families, she does not see why there shouldn't be an amendment to the chart.

Chairperson Losty asked for comments from the Commissioners.

Comm. Lauer asked time-shares that are like condominiums, he assumes the time-shares were in the form of condominiums, that the ownership could be owned by a company or individuals. Mr. Knopf are based on multi-family uses and before the 200 time-shares was approved originally and what is the difference to the overall resort.

Comm. Craig asked about the clarification in the beginning in 1999, was the density 15 units per acre of what parcel. Mr. Knopf stated that 100 percent occupancy for the RP-2 parcel, and the others RP-1, RP-3 and RP4 are at 80 percent occupancy. So, the vision of this parcel would accommodate the hotel expansion, time-shares, and multi-family units at 15 units per acre, about townhouses. He did not intend for single-family on this parcel.

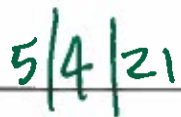
Staff stated that the chart that keeps being referenced RP-1, RP-3, and RP-4 when it has the topic of hotel, time-shares, and number of rooms. They are all indicating zero. There are a lot of discussion, opinions and she does not believe that RP-2 has a multi-family designation. It will require a Master Plan amendment. She suggested the documents in question be sent to this Commission, parties involved to sit together and discuss what they envision.

Mr. Knopf stated that is what they have doing in request to modify the uses in the Master Plan to multi-family.

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

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


Mary Losty, Chairperson


Date Approved