

CITY OF CUMBERLAND PLANNING COMMISSION

MEETING AGENDA

May 22, 2023 – 4:30 PM

Mayor and Council Chambers - 2nd Floor – City Hall

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Chairman/Commission Member Comments**
4. **Citizens' Comments**

Consent Items:

None

Public Hearings/Meetings:

ZTA23-000001- Auto Impoundment Areas

ZMA23-000001- Sponaugle Towing- Map Amendment for B-C zone in South Cumberland

Discussion Items:

2022 Annual Report Presentation

Briefings:

None

5. **City Planner's Report:**
 - **Brief introduction of Kevin Thacker to the Planning Commission**
 - **Projects for discussion next month**
6. **Adjourn**

Kevin Thacker

NOTE: If the scheduled Planning Commission meeting is cancelled due to inclement weather, acts of nature, or the lack of a quorum, any items on the agenda that cannot be conducted will be rescheduled for Planning Commission's next regular meeting.

File Attachments for Item:

1. Agenda Packet

Cumberland Planning Commission Staff Report
ZTA 23-000001 – Automotive Impoundment Areas
Proposed Zoning Text Amendment
May 22, 2023

Introduction:

The City of Cumberland has made the requirement in Section 13-47 that all towing companies that work for the City of Cumberland have a location based within the city limits. Currently on the I-G (Industrial General) zone is where they can be located to be conforming to the Zoning requirements of the city. Sponaugle Towing and Buckley's Towing have operated for more than 30 years at their current location in the B-C (Business Commercial) zone. They have no complaints against them and operate a business that conforms to the requirements of Auto Impoundment Areas.

Sec. 13-47. Stationary impoundment and towing of vehicles for unpaid citations.

- (a) When any vehicle is found parked or moving at any time on any street in the City of Cumberland against which there are three (3) or more unsatisfied or unpaid citations for parking violations under this division, and when at least thirty (30) days have elapsed since the issuance of the third unsatisfied citation, the police department or any person, official or enforcement officer assigned to enforce this division is hereby authorized and empowered to install or cause to be installed vehicle immobilization equipment (hereinafter called "boot" or "booting") on the vehicle or to remove or cause to be removed said vehicle, either by towing, conveying or in any other manner, **and impound the same in a place designated by the chief of police**. Any vehicle so impounded shall be released to the owner upon the payment of all fines imposed pursuant to the provisions of this division, a charge of twenty dollars (\$20.00) for the attachment and release of the boot if the vehicle is booted, and the costs of towing and storage if the vehicle is towed.
- (b) Any person tampering with, defacing or attempting to remove a boot shall be deemed to have committed a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment for a period not to exceed six (6) months.

(Ord. No. 3031, § 2(18-53), 2-28-89; Ord. No. 3629, §§ 1, 2, 1-6-09)

Cumberland City Police Codes

III. APPROVED TOW COMPANY LIST

- A. The Chief of Police shall establish a list of tow companies and their services.
- B. Any tow service that wishes to be placed on the tow list must first submit a completed CPD form MV-8 Tow Truck Service Application.
- C. In order to be considered to provide services for the City of Cumberland the tow company:
 - 1. Shall have a reputable, honest and professional business practice
 - 2. Be available for an immediate response
 - 3. Shall have the proper business licensing
 - 4. Shall provide 24-hour service
 - 5. Shall have a secure impound lot within the City limits of Cumberland.**
 - 6. Shall obtain commercial liability insurance in the amount of at least \$100,000 per person, \$300,000 per occurrence bodily injury liability, and \$100,000 per occurrence property damage liability (MD Annotated Code TA 13-920(h) (1))

7. Tow company vehicles must be in good condition and in compliance with all vehicle laws.
8. Tow company vehicles must be properly registered with the Motor Vehicle Administration
9. Tow company vehicles must be equipped with safety lights including amber flashing lights.
10. Tow company vehicles must have the name of the company prominently displayed on the vehicle.
11. Tow company employees, while working on or along any roadway, must wear high-visibility clothing.
12. Tow trucks must be equipped with equipment needed to remove debris from the highway dropped from any vehicle, such as a broom shovel, etc.

AMEND SECTION 25-132 – USE REGULATIONS AS FOLLOWS:

Sec. 25-132. Use regulations.

- (a) Uses permitted within the various zoning districts are listed in the table entitled "Use Regulations" on the following pages.
- (b) Any use which is not included in the table shall be considered as prohibited, except pursuant to subsection 25-22(d).

USE REGULATIONS TABLE

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to article IX)											
USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Residential											
Single-family detached dwellings	P	P	P	P			C			P	P
Single-family attached dwellings	P*	P*	P	P			P			P	P
Two-family dwellings	P*	P*	P	P			P			P	P
Low-rise apartments		P*	P	P			P			P	P
Mid-rise apartments				P			P				
High-rise apartments				P			P				
Bed and breakfasts	P		P	P	P		P			P	P
Dwelling units/mixed uses				P	P	P	P	P		P	P
Boarding houses/hostels				P	P	P	P			P	
Home occupations	P		P	P	P	P	P	P	P	P	P
Home offices of convenience	P	P	P	P	P	P	P	P	P	P	P
Residential conversions			P	P						P	P
Group homes	P	P	P	P						P	P
Assisted living subject to the provisions of the zoning district	P	P	P	P			P			P	

Mobile home parks pursuant to the city's mobile home park ordinance			C								
Private residential garage	C	C	C	C							
Commercial Uses/Sales											
Motels, hotels, and motor inns					P	P	P	P		P	P
Retail buildings (less than 5,000 sq. ft.)				C	P	P	P	P	P	P	P
General merchandise buildings (more than 5,000 sq. ft. but less than 20,000 sq. ft.)					C	P	P	P	P	P	P
Retail centers (20,000 sq. ft. or greater)						P	P	P	P	P	P
Planned shopping centers						P	P	P	P	P	P
Retail/accessory light manufacturing				C	P	P	P	P	P	P	P
Flea markets					P	P	P	P	P		
Repair services such as shops for household appliances, watch, shoe, bicycle, and lock repair and other similar services				C	P	P	P	P	P	P	P
Building materials yards						P		P	P		P
Contractor's equipment storage yard or plant								P	P		C
Wholesale businesses, warehouses, and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products, and other flammable, explosive, or noxious materials								P	P		C
Bulk plants									P		
Manufacturing											
Heavy manufacturing									P		
Light manufacturing and assembly						P	C	P	P		P
Incinerators									P		
Junk yard (salvage yard)									C		
Restaurants, Bars, Nightclubs											
Restaurants, general				P	P	P	P	P	P	P	P
Restaurants, fast food, with drive-thru service				C	C	P	C	P	P	P	P
Restaurants, fast-food, w/o drive-thru service				P	P	P	P	P	P	P	P
Brewpubs, microbreweries					P	P	P	P	P	P	P
Bars and nightclubs					P	P	P	P	P	P	P
Office, Clerical, Services Not Related to Sale of Goods											
Government uses	P	P	P	P	P	P	P	P	P	P	P
Banks and financial institutions				P	P	P	P	P	P	P	P
Banks and financial institutions, including drive-in service places				C	P	P	P	P	P	P	P
Personal service establishments				C	P	P	P	P	P	P	P
Health clubs or spas					P	P	P	P	P	P	P
Commercial laundry establishments						C		P	P	C	P

Professional services, including but not limited to offices of realtors, lawyers, clergymen, teachers, architects, engineers, insurance agents, etc.				P	P	P	P	P	P	P	P
Veterinary offices/hospitals					P	P		P	P	P	P
Kennels								P	P		C
Business, administrative, or corporate offices for public agencies, nonprofit organizations, or private corporations				P	P	P	P	P	P	P	P
Child day care homes	P	P	P	P						P	
Child day care centers	C	C	P	P	P		P			P	
Mini-storage facilities						P		P	P		P
Health Care and Related Uses											
Hospitals	C		C	P							
Laboratories, medical	C		C	P	C	P	P	C	C	P	C
Ambulatory health care facilities	C		C	P	C	C	C	C	C	C	C
Adult day treatment, domiciliary care facilities	C		C	P	C		P				
Convalescent homes	C		C	P							
Nursing homes	C		C	P							
Intermediate care facilities	C		C	P			P				
Motor Vehicle Related Sales & Service											
Automobile sales/service establishments, including used car lots						P	P	P	P	P	P
Truck, farm equipment, mobile home, boat, and recreational vehicle sales/service establishments						P		P	P	P	P
Auto service stations/convenience stores						P		P	P	P	P
Auto repair stations						C		P	P	C	P
Auto repair garages and body shops						C		P	P	C	P
Auto impoundment areas								P	P		
Recreation, Amusement, Entertainment											
Commercial indoor recreation, indoor theaters					P	P	P	P	P	P	P
Commercial outdoor recreation					C	P		P	P		P
Gambling activities					P	P	P	P	P	P	P
Public and private parks, recreation areas, historic areas, conservation areas, and other similar uses employing open land with open structures	P	P	P	P	P	P	P	P	P	P	P
Adult Businesses*											
Adult entertainment establishments									P		
Adult retail establishments									P		
Cemeteries and Funeral Homes											
Cemeteries	C	C	C								

Funeral homes	C		C	P	P	P	P			C	
Educational, Research, Cultural, Religious, Social, Fraternal											
Schools and educational institutions (including private, charter, and magnet schools as defined and permitted by the state department of education)	C	C	C	P			C				
Dormitories, fraternity and sorority houses				P							
Places of worship and related uses	P	P	P	P	P	P	P	P		P	
Private commercial educational institutions including schools for dance, music, art, drama, and other similar activities				P	P	P	P			P	
Clubs, lodges, or social buildings					P	P	P	P		C	
Community and cultural center buildings	C		C	P	P	P	P	P		C	P
Laboratories, research								P	P		C
Transportation/Infrastructure Facilities											
Railroad terminals, repair yards, and facilities									P		
Motor freight terminals									P		
Passenger terminals including taxi stands, bus, and rail passenger stations and shelters						P	P				
Off-street parking lots	P	P	P	P	P	P	P	P	P	P	P
Communications towers	P	P	P	P	P	P	P	P	P	P	P
Small cell technology structures	P	P	P	P	P	P	P	P	P	P	P
Wind energy system, large											
Wind energy system, small	C	C	C	C	C	C	C	C	C	C	C
Agricultural Operations											
Agricultural, horticultural, and forestry uses	P										
Nurseries for growing of flowers, trees, and shrubs not for sale on the lot	P	P	P					P			P
Nurseries for growing of flowers, fruits, vegetables, trees, and shrubs for sale on the lot	P				P	P		P	P	P	P

NOTES:

1. Permitted and prohibited uses in the Conservation District are presented in section 25-142.
2. Permitted and prohibited uses in the Rehabilitation and Redevelopment Floating Zone District are presented in section 25-144.
3. All public, professional, commercial, industrial, or other non-residential uses; all multi-family dwelling uses; all temporary structures; and certain other uses designated in sections 25-139 (steep slope development), 25-140 (development within floodplains, streams, and buffer areas), 25-141 (preservation of habitats of threatened and

endangered species), 25-143 (gateway districts), and article X (Viewshed Protection Overlay District) are subject to the provisions of article VIII (site plan review).

(Ord. No. 3796, § 2, 6-7-16; Ord. No. 3828, § 1, 1-2-18; Ord. No. 3860, § 1(Att.), 10-15-19)

Planning Commission Action:

[] Recommend adoption of the Zoning Text Amendment to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

[] Recommend denial of requested Zoning Text Amendment to the Mayor and City Council, based on the following findings:

Motion by: _____

Seconded by: _____

Vote:

In favor of motion: _____ Opposed: _____ Abstained: _____

Number of voting members present: _____

Signed:

Chair, Cumberland Planning Commission

Secretary, Cumberland Planning Commission

Date: _____

Date: _____

CUMBERLAND PLANNING COMMISSION STAFF REPORT

ZMA 23-000001 Isabelle St & Virginia Ave Ext. – B-C Rezoning Application

May 22, 2023

Overview:

Dennis Sponaugle, on behalf of Sponaugle Towing, LLC has made an application to the Mayor and City Council for a Zoning Map Amendment (ZMA 23-000001) regarding four (4) parcels of land located at Isabelle St & Virginia Ave Ext. in the City of Cumberland. In accordance with Section 25-439 of the Cumberland City Code, the Planning Commission must conduct a public hearing on the application and provide a recommendation to the Mayor and City Council.

In summary, Isabelle St & Virginia Ave Ext. is four (4) residential parcels purchased for the purpose of constructing auto impound yard. The subject area is currently zoned Urban Residential (R-U) and is bordered to the West and North by a large Business Commercial (B-C) zoning district. The subject area is bordered to the East and South by the remainder of the current R-U zoning district.

A zoning map amendment, not part of a comprehensive update, must be a result of a significant change in the character of the neighborhood or due to a mistake. The applicant has provided information to support a change due to a significant change in the character of the neighborhood.

Staff Review:

City records do confirm that a significant change in the character of the neighborhood has occurred due to the growing demand for commercial structures in the project area. The project area already contains the following commercial units Southern States fuel center, City Electrical Supply, Bedford Valley Petroleum, a medical office, Klavuhn Moving & Storage, Sheet Metal Local Union 100, a retail building of more than 3,500 sq.ft. and the Cumberland Firefighters Local 1715. Furthermore, the west end of the property is located just one block from the Canal Parkway.

Staff Recommendation:

The applicant's proposed use is consistent with a Business Commercial zoning district and a significant change in the character of the neighborhood is clearly evident. As such, City staff recommends that the Planning Commission favorably consider the applicants request.

Additionally, under the provisions of the Maryland Annotated Code, the Mayor and City Council must make a series of specific findings in making its decision regarding the proposed zoning. A recommendation

regarding these findings must be made by the Planning Commission. The specific findings are outlined in the Annotated Code and in Section 25 of the Cumberland City Code. Staff recommends the following findings be determined with respect to these statutory considerations:

1. **Population change**: Staff notes that the 2009 Comprehensive Plan Update calls for a 20% increase in the City's population over the next 20 years. The proposed zoning would provide for economic expansion of the city's commercial base, thereby increasing employment opportunities, expanding the City's tax base, and promoting population growth that could be consistent with the recommendations of the City's Comprehensive Plan. On the proposed site, no structures were occupied and therefore, no decrease in population will occur as a direct result of the proposed zoning change.
2. **The availability of public facilities**: Public facilities in the City of Cumberland were designed to serve the City's peak population of 39,483 in 1940. With a current population of approximately 20,800, the Water Resources Element in the 2009 Comprehensive Plan amendment indicated that adequate capacity exists within the city's current public facilities to accommodate the city's planned growth. The area of the subject property is already served by City water and sewer.
3. **Present & future transportation patterns**: The 2007 Cumberland Area Long Range Transportation Plan identified and scheduled transportation improvements necessary to serve planned growth and development in the community. The subject property is directly accessed by Virginia Avenue, which is considered a local street. The potential traffic impacts of the proposed use are anticipated to be minor and would not reduce the level of service on the adjoining streets. The property also has adequate off-street parking for the proposed uses.
4. **Compatibility with existing and proposed development for the area**: The current zoning and uses in the norther portion of the subject area are half commercial in nature and influenced by the heavy use of Virginia Avenue corridor. Other commercial uses are scattered around the area. The proposed use is therefore consistent with and supportive of the existing mix of uses in that area.
5. **Relationship of the proposed amendment to the local jurisdiction's plan**: The proposed use as an impound yard would be a Permitted use in a B-C zoning district with the proposed text amendment included in these proceedings. Additionally, the proposed use appears consistent with the 2009 Comprehensive Plan and the City's Economic Development Strategic Plan.

Planning Commission Action:

- [] Recommend adoption of the requested B-C Zoning for the affected property at Isabelle St & Virginia Ave Ext to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

- [] Recommend denial of requested B-C Zoning for the affected property at Isabelle St & Virginia Ave Ext to the Mayor and City Council, based on the following findings:

Motion by: _____

Seconded by: _____

Vote:

In favor of motion: _____ Opposed: _____ Abstained: _____

Number of voting members present: _____

Signed:

Chair, Cumberland Planning Commission

Date: May 22, 2023

Secretary, Cumberland Planning Commission

Date: May 22, 2023

2022 Planning Commission Annual Report

Mayor & City Council Presentation
May, 22 2023

Background:

- Required under Sections 1-207 & 208 of the Land Use Article of the Annotated Code of Maryland
- Must be filed annually by PC on or before July 1 for the previous calendar year
- Must review development activity for the previous year and assess consistency of said activity with local and state agency plans
- Additional performance measures must be addressed when:
 - 50 or more building permits are issued for new residential units during the year
 - Portions of the city are not classified as PFA

Background (Continued):

- Report must be adopted by PC and reviewed by Mayor and Council
- Mayor and Council may direct additional studies and other actions to insure continuation of a viable planning and development process
- After Mayor and Council review, the report must be made available for public inspection and submitted to the Secretary of MDP

2022 Report Key Findings:

- City issued 1 building permits for new residential construction
 - 1 permit issued in the PFA.
 - Overall trend in residential activity remains low since the completion of larger scale tax credit projects that emerged from the 2008 Recession.
 - No additional MDP performance measures assessment is required.
- City issued 19 demolition permits that removed 18 residential units in 2021
 - Reflects the city's efforts to initiate the Virginia Ave. redevelopment project and removal of blighted properties
- When the 40 unit residential building is considered (net +40), the City experienced an overall net housing stock increase of 23 residential units in 2022.
- Development patterns were supported by infrastructure improvements and were consistent with local and state plans
- No major changes in current plans or permitting process is necessary at this time



Questions?