



# Planning Commission Meeting Agenda

Monday, March 28, 2022 at 4:30 PM  
57 North Liberty Street, Cumberland, MD

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The following link may be used to view the meeting live:

## **CALL TO ORDER / ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **APPROVE MEETING AGENDA**

## **CHAIRMAN'S COMMENTS / COMMISSION MEMBER COMMENTS**

## **CITIZEN'S COMMENTS**

## **ADOPTION OF MINUTES**

1. Review and Adopt the Meeting Minutes from the November 11, 2021 Meeting

## **CONSENT ITEMS**

## **PUBLIC HEARINGS / MEETINGS**

2. ZTA 22-01 - Proposed Zoning Text Amendment to Amend the Definitions (Section 25-23) and the Use Regulations Table (Section 25-132) to permit Fantasy Gambling in the B-L, B-H, B-CBD, B-C, I-G, G-C, G-I zoning districts - Jeff Silka, Applicant
3. Review and Discuss the 2021 Annual PC Report, prepared by Morgan Alban, GIS Specialist.

## **DISCUSSION / ACTION ITEMS**

4. ZTA 22-01 - Discuss and Vote on proposed Zoning Text Amendment
5. Discuss and Make Recommendation to Mayor and City Council

## **BRIEFINGS**

## **CITY PLANNER'S REPORT**

## **ADJOURN**

*Municipal Planning and Zoning Commission*  
*Virtual Zoom Meeting*  
*November 9, 2021*

The regular meeting of the Municipal Planning and Zoning Commission for the City of Cumberland, Maryland, was held on Monday, November 9, 2021, at 4:30 p.m., via a Virtual Web-Ex Meeting. Members present were Chairman John Jacobs, Mr. Aaron Hendrickson, Mr. Vic Rezendes.

Others attending the meeting were Ms. Morgan Alban, Engineering Consultant, Ms. Debbie Helmstetter, Code Technician, Frank Ille, Loves Travel, and Mr. Michael Coughenor, Loves Travel Shop. Mr. Kevin Beachy, Loves Travel Shop, and Mr. Joe George, Loves Travel Shop.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was held.

**MEETING AGENDA**

Mr. Vic Rezendes made the motion to approve the agenda and Secretary Aaron Henderickson seconded the motion to approve the Agenda as presented.

**ADOPTION OF MINUTES**

The minutes for August 9, 2021 and September 28, 2021 were reviewed, adopt and approved.

**CHAIRMAN COMMENTS**

No Chairman Comments.

**CITIZEN COMMENTS**

No public comments.

**DISCUSSION/ACTION ITEMS:**

1. **SPR21-000001 – 13300 Ali Ghan Road** – applicant Mr. Mike Coughenour, has filed an application for a Major Site Plan for the proposed private campground/RV Recreation area on the existing property. Once the staff has reviewed the criteria for the project it was determined to be a minor site plan.

The proposed Phase III addition would create a Private RV Campground Area with 21 RV hook-ups spaces, a private Pickle Ball Court, enclosed by a fence, showers, washers and a walking trail. The RV stay will be approximately 45-50 dollars per night and the area will be manned/patrolled 24/7. There will be a community fire pit for barbecues and the maximum stay of 28 days. The bathroom and shower area will have a key code for entry. The target date for opening is in August 2022.

The Commission would like to see the language put in writing that this area would not be allowed to become a long term residence, parking area or a trailer park in the future.

## 2. **Comp Plan Update** – Morgan Alban – GIS Specialist

- a. There were discussion and coordination of preparing materials and organizing groups for Neighborhood Element of The Comprehensive Plan. Ms. Morgan Alban stated she would like to get a handful of people from the active members in their neighborhood. Mr. Vic Rezendes wishes to help with the neighborhood as best as he can, but he would like to define the neighborhoods before, not all is necessary. Just break it down to a few active members/group and to:

1. West Side
2. East Side
3. North End
4. South End

With new people, younger and older, moving in it would be nice to provide them with a google doc for them to review and give us feedback.

## **CITY PLANNERS REPORT**

No Report.

## **ADJOURNMENT**

*Motion was made by Chairman John Jacobs to close the meeting. All members were in favor. Meeting adjourned.*

Respectfully,

Mr. Aaron Hendrickson, Secretary  
March 28, 2022

**ZTA 22-01 – FANTASY GAMBLING**  
***Proposed Zoning Text Amendment***  
***March 28, 2022***

**NOTE:** (New language to be added is depicted in **bold-faced capital letters** and language to be deleted is depicted in ~~strikethrough~~ font)

**Introduction:**

In 2021, the State of Maryland passed legislation legalizing sports betting and fantasy sports competitions at licensed facilities. Area businesspersons have expressed interest in obtaining such licenses. The Mayor and City Council intent to pass legislation authoring that activity subject to state law. The City of Cumberland's current Zoning Ordinance does not address gambling facilities. The proposed Zoning Text Amendment would define gambling and amend the Use Regulations Table so as to designate the zoning districts where gambling will be permitted.

**AMEND SECTION 11-132 – GAMBLING AS FOLLOWS:**

Sec. 11-132. - Gambling.

- a) No person within the city shall set up, keep or maintain any faro table, faro bank or gambling device or run a gaming table or game of chance of any kind, except those not prohibited under the general laws of the state.
- b) No owner, proprietor, lessee or occupier of any house or building shall knowingly permit gambling on ~~his~~ **SUCH** premises.
- c) **SUBSECTIONS (A) AND (B) SHALL NOT APPLY TO STATE-LICENSED FANTASY COMPETITIONS AND SPORTS WAGERING PERMITTED UNDER AND IN ACCORDANCE WITH SUBTITLES 1D AND 1E OF TITLE 9 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.**
- d) If any person is arrested and convicted with a violation of any gaming law of the city, and there is taken into custody in connection therewith any gaming device or gambling paraphernalia used in connection with such offense or incident thereto, such gambling device or paraphernalia shall be confiscated and destroyed by the chief of police.

**AMEND SECTION 25-23 – DEFINITIONS AS FOLLOWS:**

**GAMBLING FACILITY MEANS A BUILDING OR OTHER STRUCTURE USED, IN WHOLE OR IN PART, FOR GAMBLING PERMITTED UNDER STATE LAW AND SECTION 11-132 OF THE CITY CODE.**

**USE REGULATIONS TABLE**

<b>Key:</b> 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

<b>Residential</b>											
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 Use					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							
<b>Commercial Uses/Sales</b>											
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		
<b>Manufacturing</b>											
Heavy manufacturing									P		
Light manufacturing and assembly						P	C	P	P		P
Incinerators									P		
Junk yard (salvage yard)									C		
<b>Restaurants, Bars, Nightclubs</b>											
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
<b>Office, Clerical, Services Not Related to Sale of Goods</b>											
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
<b>Health Care and Related Uses</b>											
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				
<b>Motor Vehicle Related Sales &amp; Service</b>											
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		
<b>Recreation, Amusement, Entertainment</b>											
Commercial indoor recreation, indoor theaters					P	P	P	P	P	P	P
Commercial outdoor recreation					C	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
<b>Gambling Facilities</b>					P	P	P	P	P	P	P
<b>Adult Businesses<sup>1</sup></b>											
Adult entertainment establishments									P		
Adult retail establishments									P		
<b>Cemeteries and Funeral Homes</b>											
Cemeteries	C	C	C								
Funeral homes	C		C	P	P	P	P			C	
<b>Educational, Research, Cultural, Religious, Social, Fraternal</b>											
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
<b>Transportation/Infrastructure Facilities</b>											
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

<sup>1\*</sup> Adult businesses may not be located within 1,500 linear feet of any public library, public park, public playground, school, church or similar place of worship, child care center, community center, or residence.

Wind energy system, large											
Wind energy system, small	C	C	C	C	C	C	C	C	C	C	C
<b>Agricultural Operations</b>											
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:

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

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Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

In favor of motion: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

Number of voting members present: \_\_\_\_\_

Signed:

\_\_\_\_\_

Chair, Cumberland Planning Commission

Date: \_\_\_\_\_

\_\_\_\_\_

Secretary, Cumberland Planning Commission

Date: \_\_\_\_\_





## ANNUAL REPORT OF THE CUMBERLAND PLANNING COMMISSION

**CY2020: January 1 – December 31, 2021**

*Adopted by the Cumberland Planning Commission on March 28, 2021*

### **I. Introduction**

The Land Use Articles of the Annotated Code of Maryland (formerly known as Article 66B) requires that every local Planning Commission prepare and Annual Report to assess development activity and public facility changes over the past year and assess their consistency with adopted plans for the local government, adjoining local governments, and state agencies that provide funding assistance for the City's public facility improvements. The reporting requirements were expanded in 2009 by the Maryland General Assembly to include requirements for local governments to establish a specific percentage goal to increase the percentage of new development located within the local government's Priority Funding Area and to report on a series of "performance measures" to demonstrate the community's progress in concentrating growth and development. An additional legislative change adopted in 2014 requires that a report on the implementation status of adopted Comprehensive Plan initiatives to be included in an annual report not more than five years after adoption or update, which would be the 2018 Annual Report for the 2013 Comprehensive Plan. These new requirements are all codified in the Land Use Article. The New Law exempts municipalities from the additional (2009) reporting requirements where all of the land in the municipality is located within a Priority Funding Area and where the municipality issues fewer than 50 building permits for "new residential units" in the reporting year. According to the 2010 determination by the Maryland Department of Planning, eligibility for this reporting exemption is based on the actual number of permits issued regardless of the number of dwelling units that were permitted by each permit.

In Cumberland, all of the City's area is located within a Priority Funding Area. Consequently, the City is not required to establish a specific percentage goal to increase the percentage of new development located within the City's Priority Funding Area, in accordance with the Land Use Articles. In regard to the second reporting exemption criterion, the City issued 4 building permits for 4 new residential units in 2021. Therefore, the City is exempt from the additional reporting requirements added to the Land Use Articles of the Annotated Code of Maryland in 2009.

Once prepared by the Planning Commission, the report and its recommendations must be filed with and presented to the local Legislative Body, which may direct actions necessary "to ensure that the Annual Report be made available for public inspection, and that a copy must be mailed to the Secretary of the Department of Planning. This report shall fulfill the aforementioned Annual Report requirements for the City of Cumberland.

## II. Development Activity

### A. Construction & Occupancy Permits

To evaluate construction activity during 2021, staff reviewed all building, demolition, and occupancy permits issued over the calendar year. Permits issued for minor alterations, outbuildings (such as storage sheds or garages in support of an existing primary use structure), building additions (that did not result in new residential units or independent business spaces), and repairs were ignored in the analysis. Only building and occupancy permits that resulted in the construction of new residential units or nonresidential units were included in the inventory. These permits represent development activity that added new capacity to the City, rather than building renovations and minor additions or changes in use from one commercial use to another.

When evaluating permit data, it is important to understand that a considerable time lag can occur between the issuance of a building permit to begin construction and an occupancy permit to occupy a completed building. This time lag can range from six months for a typical single-family home when work begins at the start of the seasonal construction period to several years for a major project that is built in phases or is delayed by unanticipated site conditions, financing interruptions, or difficulties securing building supplies and/or unfavorable weather interruptions. Consequently, only a small number of the occupancy permits issued in any given fiscal year may be for buildings that received a building permit in the same fiscal year.

A tally of the 2021 permits that fall within these criteria shows that the City issued 4 building permits for new residential construction. This is an increase of 2 building permits from the 2020 count, and is generally reflective of the varying low totals from earlier years, where only 2 permits were issued in 2020, 1 permit issued in 2019, 2 issued in 2018, 1 permit issued in 2017, and 4 issued in 2016. Consequently, the total reported value of the new residential unit building permits issued in 2021 was approximately \$1,170,000,300 (assuming the reported pre-construction value figures were accurate).

There was 1 building permit issued for a multiple family dwelling project in 2020, the Allegany Junction Apartments, for which significant construction is underway. This project had a substantial estimated cost of \$5,349,000.00, and is the first large-scale residential project since the Cornerstone Hill, Klots Mill, and Penn Avenue, which were all completed by the end of 2016.

The City's permit record also shows that a total of 44 demolitions permits (removing a total of 35 residential dwelling units from the housing stock) were issued in 2021. These figures represent a continued high level of demolition activity over the past several years (35 residential demolitions removing 32 residential dwelling units in 2020, 21 residential demolitions removing 20 residential dwelling units in 2019, 64 residential demolitions removing 62 residential dwelling units in 2018, and 14 residential demolitions removing 13 residential dwelling units in 2017. When the number of residential units demolished in 2021 (35) are subtracted from the

number of new residential units permitted for construction during the year (4), and the net commercial to residential conversions are considered (0), the City realized a net loss of 31 residential units. As long as the number of demolitions continues to exceed the number of new residential dwelling units constructed during each year, the overall pattern of housing stock decline is likely to persist. A majority of the residential demolitions in previous years resulted from the Maryland Avenue redevelopment project as well as the City's continued efforts to remove/rehabilitate blighted structures throughout the City.

The City also issued a total of 4 residential occupancy permits that resulted in an additional net gain of 3 residential dwelling units from the City's housing stock. When the number of residential units gained or lost due to conversions of existing residential and commercial buildings is considered (+3 residential units), **the City's overall housing stock experienced a decrease of 28 residential units in 2021.** This net decrease represents a slight decrease from the loss of 32 residential units in 2020. Again, this decline can be expected to continue and grow until the city experiences some significant growth in residential subdivision and building permit activity.

There was 1 building permit issued in 2021 for new non-residential construction (compared to 3 in 2020, 1 in 2019, 0 in 2018, and 1 in 2017). The permit issued in 2021 was for a new commercial use and valued at \$11,200,000.00.

The maps and tables provided at the end of this report show the property locations of the permits issued in 2021. All development activity occurred within the City's Priority Funding Area and in areas of the City that are currently served by adequate water and sewer.

## **B. Site Plans**

There was 1 site plan amendment submitted and approved in 2021. This site plan was for an RV Campground on the property of Love's Travel Stops on Ali Ghan Road. There was also 1 site plan submitted and approved in 2020 for a Self-Storage Facility on Offut Street, 1 site plan submitted and approved in 2019 for the redevelopment of Maryland Avenue, also referred to as Cumberland Gateway. There were no major site plans submitted or approved in 2018 or 2017.

## **C. Subdivision Plats**

There was 1 minor Subdivision approved by the City in 2021 for a lot line adjustment. There were none approved in 2020, but an additional lot line adjustment approved in 2019. There were no major subdivisions (creating five or more new lots) filed or approved in 2018 or 2017.

### **III. Regulatory Amendments & Annexations**

The Planning Commission reports that one regulatory action was completed during 2021. There was 1 Zoning Map Amendment initiated and completed in 2021. Additionally, there were 2 Zoning Map Amendments initiated and completed in 2020, 1 in 2019, 1 in 2018, and 1 in 2017.

#### **A. Comprehensive Plan Amendments**

There were no comprehensive plan amendments in 2021, 2020, 2019, 2018, or 2017. The Planning Commission initiated an Economic Development Chapter Amendment to the 2013 Comprehensive Plan in 2015 that was eventually adopted by the Mayor and City Council in June 2016. The nature of the amendment was to summarize economic development policy changes resulting from the 2014 Strategic Economic Development Plan and to recognize that document as a stand-alone supplement to the 2013 Comprehensive Plan. The original 2013 Comprehensive Plan update was completed on December 17, 2013 with the adoption of the City-Wide Element, which was the second and final volume of the plan. The City-Wide Element addressed the local issues and needs raised in the Neighborhood Element (which was adopted in 2012), contained the city's long-range planning and development policies, and also addressed the legal planning requirements of the Land Use Article of the Annotated Code of Maryland.

#### **B. Zoning Text Amendments**

There were no Zoning Text Amendments completed in 2021 or 2020. There was 1 Zoning Text Amendment initiated in both 2019 and 2018, ZTA-1208 and ZTA-1207, respectively. ZTA-1208 was an application to amend the City Code to add sections 25-501 for the purpose of regulating Small Cell Technology in public right-of-ways. This section provides guidelines, safety requirements, installation and inspection processes, and general provisions. ZMA-1208 was approved and adopted April 22, 2019. ZTA-1207 was related to the construction of communication towers and led to the amendment of Section 25-206 (g) of the City of Cumberland Zoning Ordinance and requested modifications of the setback requirements to be treated as Conditional Uses. ZTA-1207 was approved March 26, 2018. There was 1 Zoning Text Amendment initiated and approved in 2017, ZTA-1206, which resulted in an amendment to the Zoning Ordinance. This amendment modified Section 25-132 (Use Regulations Table) to classify Restaurants as "permitted uses" in Residential-Office Zoning Districts. Two minor Zoning Text Amendments were adopted by the Mayor & City Council in 2016. The first, ZTA 15-01 – Boardinghouses, was initiated in 2015 but not adopted until January 2016. This amendment reduced the number of rooms that may be created in a boardinghouse and changed the zoning districts within which they may be permitted. The second text amendment, ZTA 16-01 – Lighting Standards, adopted in December 2016, increased the amount of glare that may be created on prohibited residential uses permitted commercial developments within the city's commercial zoning districts.

### **C. Zoning Map Amendments**

The City initiated and completed 1 Zoning Map Amendment in 2021, 2 in 2020, 2 in 2019, and 0 in 2018 and 2017. ZMA 21-01 (2021) was the petition to apply the Revised Rehabilitation Floating Zone to property on Frederick Street to re-establish a commercial use for the applicant to open and operate a tattoo shop on the lower level of the building. Both ZMA 20-01 and 20-02 were to correct unintended errors in the zoning designation of parcels in 2 areas of the City. ZMA 20-01 was to remove 26 parcels from the Canal Place Historic Preservation District that were incorrectly included in the Canal Place Historic Preservation Overlay Zone on the Official Zoning Map. ZMA 20-02 was to correct the zoning designation of 5 parcels that were intended to be included in the last comprehensive rezoning and be reverted to their original designation of Urban Residential, but had been overlooked. ZMA-1205, initiated in 2019 for the rezoning of the old Allegany High School property but the application has since been withdrawn. ZMA-1204, approved in April 2019, was the petition to rezone 6 parcels due to a change in the neighborhood for the construction of a free-standing, single story, credit union building with a drive-thru and parking lot.

### **D. Subdivision Regulation Amendments**

There was 1 Subdivision Regulation Amendment approved in 2021 for a lot line adjustment on property on Fayette Street. There were no Subdivision Regulation Amendments in 2020. Additionally, there was one Subdivision Regulation Amendment adopted in both 2019 and 2018. Those applications were SR-78 and SR-77, respectively. Both applications were for lot line adjustments. There were no Subdivision Regulation Amendments in 2017.

### **E. Annexations**

No annexations were petitioned or adopted by the City in 2021, 2020, 2019, 2018, or 2017.

## **IV. Infrastructure Improvements/Extensions**

### **A. Street Improvements**

The City constructed one new public road during 2021. This involved the rerouting of a street and at the time of this report, the ROW has not yet been officially accepted by the city. All remaining street improvements during the year involved surface restoration, reconstruction, and paving of existing streets.

Comprehensive patching work was continued in 2021 with financial assistance from Federal, State, and City resources on all or portions of 31 city streets including Adams Avenue, Alley #65, Alley #130, Alley #227, Angle Street, Bishop Walsh Road, Braddock Road, Cherrywood Drive, Cleveland Avenue, Dale Avenue, Fletcher Drive, Hunt Terrace, Kelly Road, Old Fletcher Drive, Perdue Avenue, Riverside Avenue, E. Second Street, Seneca Avenue, Thompson Avenue,

and Wills Creek Avenue. This patching work is intended to temporarily stabilize the travel surface until such a time as funding can be committed to a more extensive street rehabilitation and resurfacing project.

The City began two ADA Improvement projects in 2021. The first project includes the replacement of curb ramps for compliance with the latest ADA requirements at the intersection of Baltimore and Mechanic Street, the intersection of Liberty and Dexter Street, the intersection of Centre and Dexter Street and the intersection of Centre and Frederick Street. This project is in the planning stage and preliminary costs are being estimated to determine the amount of funding needed. Additionally, the Engineering Department is working on the replacement of curb ramps for ADA compliance along South Street between Oldtown Road and Industrial Boulevard. As of the end of 2021, Engineering was working on drawings and specifications to prepare the project for bid in early 2022.

The City hired engineering/planning consultants for the replacement of the Cumberland Street, Baltimore Street, Fayette Street, and Washington Street bridges. These projects were initiated in 2018. At the time of this report, the Cumberland Street and Baltimore Street bridges are in the design phases, whereas the Fayette Street and Washington Street bridge replacements are still in the planning phases. The Washington Street bridge remains closed with pending negotiations with CSX and the Fayette Street bridge has been opened for one lane of traffic. In 2016, the Engineering Department initiated design and cost estimate work for repairs to the McMullen Bridge as well. The project was on hold while the other bridge repair projects had taken precedence. At the time of this report, the McMullen bridge repair project is expected to move forward in FY 21 with the aid of State Funds.

The City has also moved forward with the Baltimore Street Access Improvement project. This project is intended to reopen and improve Baltimore Street, which is currently configured as a pedestrian mall, to vehicular traffic while maintaining elements of the mall. The City's Engineering department is working closely with EADS, MDOT SHA, and Cochrane Studios to ensure that that changes to the project comply with State and Federal Funding requirements. At the time of this report, major renovations have been pushed back to 2022.

The city is also working to solicit an engineering/planning study, which is being funded by the Cumberland Area MPO, for a federal grant to undertake major redevelopment of the Greene Street corridor, which will encompass a full rehabilitation of the street, sidewalk (including ADA crossings), and streetscape improvements. At the time of this report, a Design Report from Alta Planning & Design was submitted and presented to the Mayor and City Council; however, the plan to start work on securing Construction Funding Applications has been delayed due to the Baltimore Street project, which would have been competing for the same funds. This project will be a priority in the future.

Additionally, the City initiated ADA improvements on Queen City Drive, as part of the CDBG 5-year plan. This project will include upgrading sidewalks for ADA compliance along Queen

City Drive at the corners of Bedford and Frederick Streets, below the McMullen Bridge. Bid specifications have been prepared and should be put to bid around March 2022.

### **B. Water Extensions/Improvements**

Five waterline replacement projects were initiated in 2021. A replacement of 300' of 10" waterline on Howard Street was initiated and completed in June and also included the replacement of 1 fire hydrant. The replacement of 600' of 4" waterline and 2 new fire hydrants on N. Lee Street was initiated and completed in October. Additionally, the water department initiated a major improvement on Fayette Street in August which involves the replacement of 3200' of 6" piping, 90 house taps, and 6 new fire hydrants. This project was postponed through the winter and completion is expected in May 2022. The other two projects initiated in 2021 consist of the replacement of the 20" water main on Route 220. The water line from I-68 to the State Prison is currently owned by the city and discussions are being held between the City and County to partner on the project or transfer the asset to the County. The final project initiated in 2021 is the water main replacement and street repair on Fayette Street. Construction began mid-October and will take multiple months to complete.

One new waterline replacement project was undertaken in 2020 to replace the waterline along South Street from Oldtown Road to Industrial Blvd. Planning for the project began in the late spring of 2020, work began in August, and the project was completed in September. The waterline replacement project consisted of the installation of 3000 feet of an 8" waterline with 90 house service taps and the installation of 8 new fire hydrants. No new waterline extensions were undertaken in 2019 or 2018. Two major waterline improvements were undertaken in 2017. These projects consisted of the replacement of the 12" waterline at the Route 51 Bridge and the replacement of the Decatur Street 24' cross-town water main. There was also one major waterline improvement undertaken in 2016, which consisted of the 12" waterline along Willowbrook Road. At the time of this report, all of these projects are complete.

### **C. Sewer Extensions/Improvements**

There were no major sewer line extensions or improvements initiated in 2021, 2020, 2019, 2018 or 2017. During 2021, the City continued its work to expand storm water storage capacity as part of the Combined Sewer Overflow project, initiated in 2010, (which involved the planned addition of a storage and handling facility at the City's Wastewater Treatment Plant). This project was completed in January 2021. In other efforts to expand Combined Sewer Overflow, the replacement of the CSO line connecting Evitts Creek Pump Station that parallels the Canal Towpath is still in the design phase. This project has been complicated because of the location of the sewer lines deep under the CSX Yards. City staff has been working with consultants at WRA, LLP, who have developed a preliminary schedule for the project and is working with CSX to obtain a Right of Entry permit

## **D. Other Public Facility Improvements**

There were no other significant public facility improvement efforts initiated in 2021, 2020, 2019, or 2018.

## **V. Consistency Assessment**

### **A. Consistency Between Infrastructure Improvements & Development Activity**

All of the development activity that was permitted and undertaken during 2021 occurred within the City's Priority Funding Area and in areas where adequate infrastructure capacity was determined to exist. All development activity also occurred within areas designated as Septic System Tier 1 (served by municipal sewer) on the City's adopted SD 236 Septic System Tier Map. This map appears in the appendix of the City's 2013 Comprehensive Plan.

Overall residential development during the year resulted in a net decrease of 28 units, which was a slight decrease from the net loss of 32 units in the previous year (2020). Only 4 building permits for new residential units were issued in 2021. The lack of any new major or minor subdivisions over the past few years suggests that the City can expect few residential building permits to be issued in outlying years. One new commercial building permit was issued in 2021, but located outside the Central Business District.

### **B. Consistency with Adopted Plans**

All development activity permitted in 2021 occurred in areas of the City where such activity was permitted by current zoning. These developments were approved as consistent with the 2013 Comprehensive Plan (conceptual future land use map), and were located within the City's Priority Funding Area. As part of the adopted 2013 Comprehensive Plan, the City established a desired population growth rate of up to 15% over a twenty-year planning horizon. The potential population impacts from development activity approved and permitted within the City would not exceed that rate of growth.

The City's major infrastructure improvement projects undertaken in 2021 are all specifically recommended by or otherwise consistent with the City's Comprehensive Plan and supporting documents. These improvements resulted in little or no additional infrastructure capacity, which is to commensurate with the level of development activity that occurred within the City in recent years.

### **C. Consistency with Adjoining Government Plans**

In 2014, Allegany County completed the process of adopting a major update of its 2002 Comprehensive Plan. The development activity permitted in the City during 2021 was not incompatible with the County's 2014 Comprehensive Plan.



#### **D. Consistency with State Financing Agency Plans**

All of the major infrastructure improvements undertaken in 2020 involved State and/or Federal support. These projects were determined to be in compliance in order to receive funding. All infrastructure improvements undertaken in 2021 were located within the City's Priority Funding Area.

#### **E. Consistency with Recommendations from Previous Annual Report**

The last Annual Report prepared by the City's Planning Commission and Staff covered calendar year 2020. Most of the infrastructure projects initiated or undertaken in 2021 were continuations or projects discussed in the 2020 Annual Report. All projects undertaken during the year and all findings from this report are generally consistent with the previous report.

### **VI. Conclusions & Recommendations**

Based on this assessment, the City experiences a continued decrease in residential development activity in recent years. Judging from the lack of new residential subdivision activity, the City anticipates that this trend of low to no residential construction activity will continue in the immediate outlying years. Overall, the City's housing stock experienced a decline of 28 units in 2021, when net losses from residential conversions and demolitions are considered.

All development activity approved in Cumberland in 2021 was generally consistent with the City's 2013 Comprehensive Plan and supporting documents, the City's Zoning Ordinance, and the applicable provisions of the County's plans. The major infrastructure projects undertaken by the City during the year were consistent with the City's plans, consistent with the demands created by the development permits that were issued, and consistent with the applicable requirements and plans of State financing agencies.

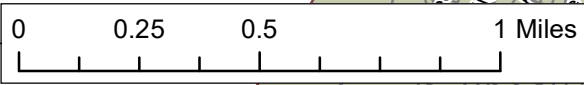
Consequently, Staff has determined that no changes in the City's current policies or plans are needed in response to the activities permitted and undertaken by the City during 2021.

## 2021 Residential Permits

Permit #	Issue Date	Job	Cost of Job	Applicant's Name	Contractor	Address	Map	Lot	Parcel
BP 21-05	2/25/2021	New Single Family Dwelling	\$120,000.00	Martin Hartung	Martin Hartung	910 Arrowhead Trail	0107		2263
BP 21-08	3/24/2021	New Single Family Dwelling	\$525,000.00	Randy Riggs	Hilligas Construction	1025 Richwood Ave	0107		2497
BP 21-48	12/8/2021	New Single Family Dwelling	\$350,000.00	Ryan Zumbrun	J.L. Wolford Contracting, Inc.	Moccasin Path	0107		2263
BP 21-54	12/29/2021	New Single Family Dwelling	\$175,000.00	Jarrett McCarty		1900 Durham Dr	0100		1679B

## 2021 Commercial Permits

Permit #	Issue Date	Job	Cost of Job	Applicant's Name	Contractor	Address	Map	Lot	Parcel
BP 21-12	4/14/2021	New Commercial Greenhouse	\$11,200,000.00	Grow West LLC	Carl Belt, Inc	975 Kelly Rd	0026		0120



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# 2021 Demolition Permits

Permit #	Issue Date	Contractor	Res/Comm	St. No.	St. Name	Map	Parcel
DP 21-01	3/18/2021	Miller Trucking & Excavating	R	1107-1109	Lexington Ave	0113	0497
DP 21-11	5/7/2021	EZ Out	R	236	Bond St	0104	1996
DP 21-12	5/7/2021	EZ Out	R	101	N Cedar St	0111	2114
DP 21-13	5/10/2021	EZ Out	R	17	Paw Paw Way	0106	0951
DP 21-14	5/7/2021	Miller Trucking & Excavating	R	1	Evergreen Ter	0102	1806
DP 21-15	5/7/2021	Miller Trucking & Excavating	R	6	Altamont Ter	0105	0091
DP 21-17	5/27/2021	K & E Services	R	619	N Centre St	0104	2111
DP 21-18	5/27/2021	K & E Services	R	621	N Centre St	0104	7271
DP 21-19	6/2/2021	Jack Abell	C	112	Wineow St	0109	7180A
DP 21-20	6/3/2021	Sky Nate Properties LLC	R	20-22	W First St	0111	2065
DP 21-23	9/30/2021	C Corp Leasing Inc	R	346	Davidson St	0104	0336F
DP 21-27	11/3/2021	The Belt Group	C	11	S Lee St	0106	0722

Residential - 35

Commercial - 9

# 2021 Occupancy Permits

Permit #	Issue Date	Permit Fee	Applicant's Name	Conversion	Address	Map	Lot	Parcel
OP 21-36	10/14/2021	\$15.00	Joseph Brewer	Conversion 1 Res. To 2 Res.	716 White Ave	0110		3588
OP 21-37	10/20/2021	\$15.00	Matthew Fischer	2 New Res.	418 N Mechanic St	0104		7105
OP 21-40	10/28/2021	\$15.00	Carol Jayne Parks-Ridgeley	Conversion of 4 Res. To 3 Res.	221 Baltimore Ave	0105		0186
OP 21-41	11/5/2021	\$15.00	Leo Lavin	Conversion of 2 Res. To 3 Res.	100 Maple St	0111		0921

## 2021 Site Plan Reviews

Applicant's Name	Contractor	Address	Map	Lot	Parcel
Michael Coughenour		13300 Ali Ghan Rd	0016		0394

## 2021 Subdivision Reviews

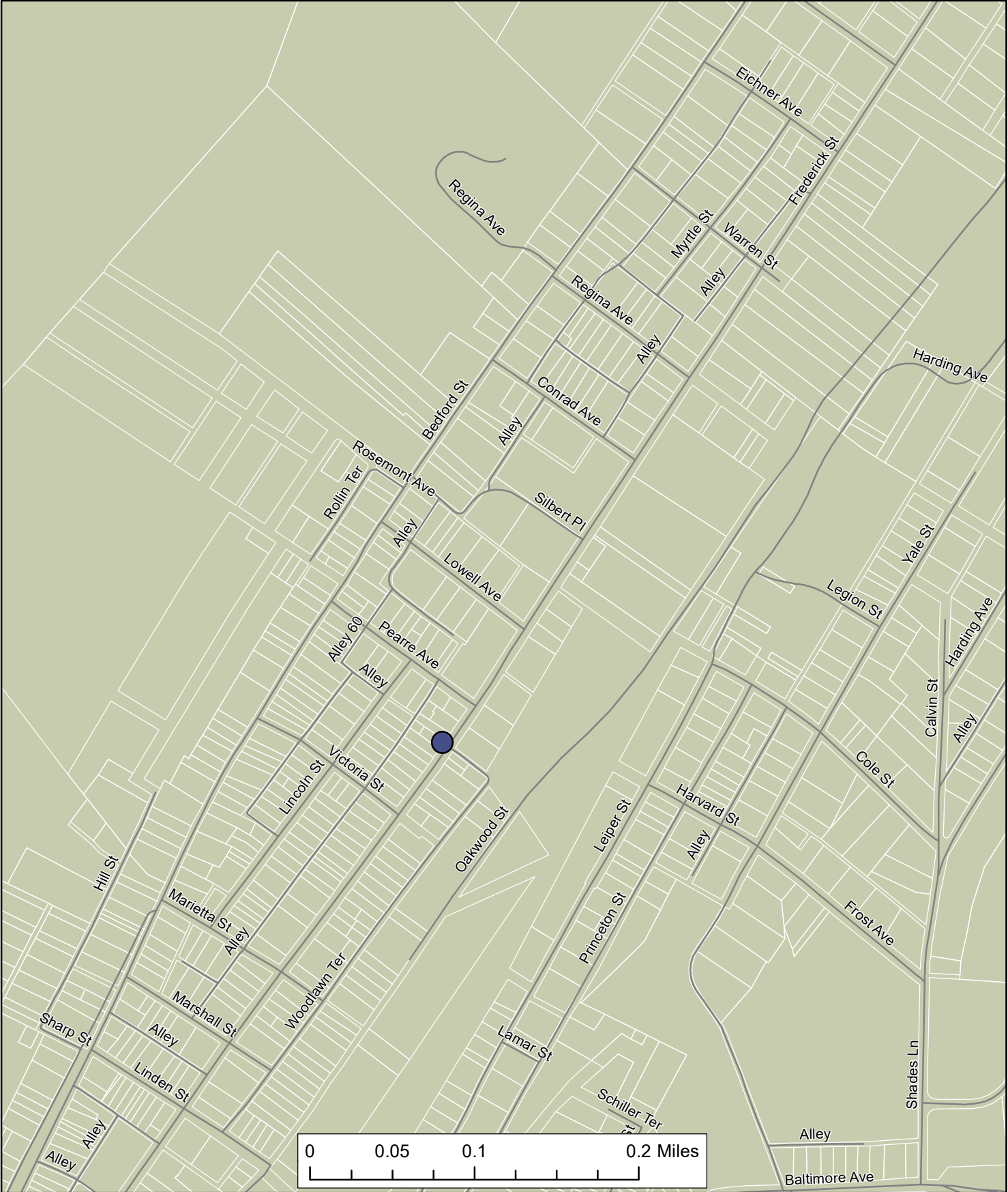
Permit #	Issue Date	Job	Applicant's Name	Address	Map	Lot	Parcel
SR 21-01	7/20/2021	Lot Line Adjustment	David Cox	600 Fayette St	0106		1143



## 2021 Zoning Map Amendments

Application #	Application Date	Approval Date	Applicant's Name	Map	Parcel
ZMA 21-01	6/24/2021	12/6/2021	Rick Toms	0102	0655A



# Zoning Map Amendment 2021



-  ZMA 21-01
-  City of Cumberland

