

CITY OF CUMBERLAND PLANNING COMMISSION

MEETING AGENDA

July 24, 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:

- SPR23-000001-Site Plan review for Burgmeler Real Estate Co. of MD. On Ali Ghan Rd.
- ZMA23-000001- Sponaugle Towing- Map Amendment for B-C zone in South Cumberland
- ZMA22-000003 – Jared Court-R&R Floating Zone for 502 Regina Ave.

Discussion Items:

- ZTA23-000002-Revisit text amendment and get signature for approval

Briefings:

- None

5. City Planner's Report:

- None

Kevin Thacker

6. Adjourn

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.

Burgmeyer Real Estate Co. of Md, Inc. Transfer Station

Staff Review & Recommendations

July 24th, 2023

Overview:

On July 7, 2023, applicant James Young, of Stiffier McGraw (on behalf of property owner Burgmeyer Real Estate Co. of MD, Inc), filed a major site plan for a proposed transfer station along All Ghan Rd, Cumberland, MD. The entire project site consists of 8.848 acres with a 1,200 sq.ft. office and scales in one section and the transfer station located adjacent to it. A copy of the application form and site plan review checklist is attached to this report.

The proposed site is located within the I-G – Industrial General, and the proposed buildings and usage of the site are permitted uses within that zone. A copy of the accompanying site plan has been included in the Planning Commission's meeting packet for the July 24th meeting.

Procedural Status:

The applicant submitted a conceptual stormwater plan for the Site Plan and was approved on June 26, 2023. Staff reviewed the Initial site plan attached to the conceptual stormwater application and made some comments, which the applicant addressed through the email comments from Triad Engineering and James Young of Stiffier McGraw.

Staff Review:

Staff reviewed the proposed project for compliance with the applicable site plan and zoning district requirements. After the review was complete, staff found no issues that would require a variance or any other issues that would require a Board of Zoning Appeals hearing. The Director of Engineering has determined that no traffic study is necessary for the proposed Phase I Improvements, due to the limited scale of development.

The project will also need approvals for the final stormwater management plan and an erosion and sediment control plan, for which the staff is proposing additional standard conditions of approval. As noted, the conceptual stormwater management plan was approved by the Engineering Department on June 26, 2023. Final stormwater management plan and Soil Erosion and Sediment Control plan approval must be obtained by the applicant prior to approval of a building permit.

Staff Recommendations:

Staff recommends that the Planning Commission apply the following conditions to any approval of the Site Plan:

1. Approval of this Site Plan by the City does not relieve the owner and applicant from the responsibility of compliance with all applicable local, state, and federal codes, ordinances, and regulations lawfully in effect at later stages of the approval and development process.
2. Prior to Building Permit approval, the applicant shall obtain final stormwater management plan approval by the City of Cumberland. Stormwater management and maintenance easements for all required stormwater features shall be depicted on the final site plan that will be submitted with the building permit application and the easements shall be recorded by deed in the Allegany County Land Records prior to the filing of a building permit application for the site. If any material changes in the site plan must be made in order for the stormwater management plan to be approved, then the applicant shall obtain approval of a revised site plan, prior to submission of a building or construction permit application.
3. Prior to Building Permit approval, the applicant shall obtain any necessary soil erosion and sediment control plan approval required for the proposed development from the Soil Conservation District. If any material changes in the site plan must be made for the soil erosion and sediment control plan to be approved, then the applicant shall obtain approval of a revised site plan, prior to submission of a building or construction permit application.
4. Prior to Building Permit approval, the applicant must submit proof of ownership where the property has been transferred into their name and possession.
5. **Planning Commission Action:**

Approve the proposed Site Plan (SPR23-000001 87) with the findings and conditions contained in the staff report for the aforementioned project, dated July 24 (Report Date), 2023 and/or the following specific conditions, if any, deemed necessary by the Planning Commission:

Deny the proposed Site Plan (SPR23-000001) based on the findings and conclusions determined by the Planning Commission as listed below:

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: _____

ATTACHMENTS



City of Cumberland

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
801-722-3000, ext. 5800 • Fax 801-759-8432 • complaints@cumberlandmd.gov

SPR # _____

SPR23-00001

SITE PLAN REVIEW

Reviewed by Municipal Planning & Zoning Commission

MINOR SITE PLAN REVIEW includes SFD w/in gateway or view-shed protection overlay districts, minor subdivisions, multi-family developments with five or fewer units, private driveways w/in public rights of way w/City engineer approval, new construction less than 15,000 SF, steep slope developments disturbing less than 10,000 SF of land surface, and small wind energy systems subject to conditional use approval by the ZBA.

MAJOR SITE PLAN REVIEW includes all site plans for all developments which are not subject to minor site plan review.

Site Plan Review Checklist (7 pages) may be found on City website.

City Staff: Please attach a copy of the Site Plan Review Checklist

06-01013

Project Location ALLIANCE RD. between Shrine & LOVE Tax ID # 116-5
found on deed or view: www.dat.state.md.us / Real Property Search

Applicant Name BURMEIER ROLL FORMS CO. of MD, Inc Phone 614 943 8975

Address 1566 OLD SIXTH AVE. ALTOONA, PA 16601

Fax _____ Email jyang@slrroll-form.com

Contact Name Jim Young "to" STAFF, M. Green Phone 614 696 6880

Short Description of Project Subdivision of 21 Acre Parcel (B. 10.00) & DEVELOPMENT OF 21 ACRE INTO 2000 UNITS THROUGHOUT STATION

Attach a complete set of preliminary site plans in triplicate, drawn to a scale of not less than one 1" equal to 50'.

Minor Site Plans (not requiring Planning commission review) may be sketched.

Major Site Plans require a plat prepared (signed and sealed) by a certified engineer.

Both must include the following:

- Lot Size
- Building footprint
- Ingress/Egress
- Stormwater Management
- Off-Street Parking
- Buffers

The detailed requirements of applications for specific uses can vary and additional information may be required. See Cumberland Municipal Code on City's website. Chapter 25. Zoning. Article VIII – Site Plan Review. Sec. 25-202 – When site plan review required – General.

Major Site Plan Reviews require completion of an Engineering Department Site Plan Review Checklist. (available)

A plan review fee is payable at time of application.

Minor Site Plan - \$100.00

Major Site Plan - \$300.00

A Planning & Zoning Commission brochure is available.

Applicant's signature: James Young Date: 7/7/23

To apply online go to cidermserve.com/Cumberland

GENERAL SITE DESIGN CRITERIA (Article VIII, Section 25-205)

1. General Zoning Ordinance Compliance: (§§ 25-132 & 25-133)

a. Zoning classification of development site: Industrial General (I-G)

- i. Is proposed use allowed in Zoning District?** Permitted
 Conditional (*Must be approved by BOA*)
 Pre-existing, nonconforming (*BOA variance may be required*)
 Not specified (*ZA interpretation may be required under § 25-22 (a)*)
 Prohibited (*Reasoning will be necessary*)

ii. Applicable overlay zone? N/A

iii. Special Principal Use Provisions apply?... (Section 25-206)

1. Multi-Family or Single Family Attached housing (*Go to Section 25-197*)
2. Automobile Sales & Service Establishments (*Go to Section 25-206 (a)*)
3. Auto Repair Stations & Garages (*Go to Section 25-206 (b)*)
4. Auto Service Stations (*Go to Section 25-206 (c)*)
5. Bed & Breakfast (*Go to Section 25-206 (d)*)
6. Clubs, Lodges, or Social Buildings (*Go to Section 25-206 (e)*)
7. Commercial Swimming Pools (*Go to Section 25-206 (f)*)
8. Communications Towers (*Go to Section 25-206 (g)*)
9. Drive-In Service Places (*Go to Section 25-206 (h)*)
10. Hospitals or Nursing Homes (*Go to Section 25-206 (i)*)
11. Motels, Hotels, or Motor Inns (*Go to Section 25-206 (j)*)
12. Off-Street Parking Lots or Structures (*Go to Section 25-206 (k)*)
13. Places of Worship (*Go to Section 25-206 (l)*)
14. Planned Industrial, Office, or Research Parks (*Go to Section 25-206 (m)*)
15. Planned Shopping Centers (*Go to Section 25-206 (n)*)
16. Retail/Accessory Light Manufacturing (*Go to Section 25-206 (o)*)
17. Schools and Similar Educational Institutions (*Go to Section 25-206 (p)*)

iv. Are accessory structures proposed? (Section 6.04.01) Yes No (Skip to #1b)

1. Are proposed accessory structures on same lot as principal use? Yes No
2. Are all accessory structures 5+ feet from nearest principal bldg. wall? Yes No
3. Are any accessory structures located within a front yard setback? Yes No
4. Do any accessory structures exceed 20 feet in height? Yes No
5. Do any accessory structures exceed 50% of the max. bldg. height? Yes No
6. Will the lot coverage of all accessory bldgs. exceed 30% of the yard? Yes No

v. Special accessory use/structure provisions apply? (Section 25-134)

1. Residential antennas (*Section 25-134 (b) requirements must be satisfied*)
2. Domestic Farm Animal structures (*Section 25-134 (c) – requirements must be satisfied*)
3. Automatic Teller Machines (*Section 25-134 (e) – requirements must be satisfied*)
4. Public Art (*Section 25-134 (f) – requirements must be satisfied*)
5. Small Wind Energy Systems (*Section 25-134 (g) – requirements must be satisfied*)

- b. Lot size and development density requirements: **(Section 25-139)**
- I. Minimum *base* lot size for zoning district: 12,000 a.f.
 - II. Minimum lot area per dwelling unit for zoning district (*res. uses only*): N/A
 - III. Maximum number of units permitted on site (*multi-family res. only*): N/A
 - IV. Does project site comply with applicable lot size requirements? Yes No
- c. Minimum lot width for zoning district: 100 ft. Does plan comply? Yes No
- d. Minimum building setback requirements for zoning district...
- I. Front yard: 25 ft. Does plan comply? Yes No
 - II. Side yard: 15 ft. Does plan comply? Yes No
 - III. Rear yard: 35 ft. Does plan comply? Yes No
 - IV. Corner lot (*secondary street setback 15+ feet*) Does plan comply? Yes No
 - V. Front/rear setbacks shall be reduced to correspond to buildings within 100 feet (*§ 25-133 [d] [4]*)
- e. Maximum bldg. height requirement for zone: 50 ft. Does plan comply? Yes No
- f. Max. bldg. coverage for zone: 55 % X Lot size: 1,270,515 a.f. = 698,783a.f. Maximum total bldg. coverage
Does plan comply? Yes No
- g. Will project generate smoke dust, fumes, or other gases? (*§25-138 [b]*) Yes No
- I. Is an Air Quality Control Permit from MDE required? Yes No
 - II. Has an Air Quality Control Permit been Issued by MDE? Yes No
- h. Will project generate an Industrial wastewater discharge? (*not specified in Zoning*) Yes No
- I. Is an NPDES Permit from MDE required? Yes No
 - II. Has an NPDES Permit been Issued by MDE? Yes No
- i. Will project generate heat or glare? (*§25-138 [c]*) Yes No
- I. Might heat or glare affect areas beyond property boundaries Yes No
 - II. Will such activities be confined within an enclosed building? (*Required*) Yes No
- j. Will the use generate vibrations on adjoining properties? (*§25-138 [d]*) Yes No
- I. Such vibrations shall not be detectable beyond the subject property lines
- k. Will project involve outdoor lighting? (*§25-138 [e]*) Yes No
- I. Will exposed lights be shielded/directed on site to avoid glare? (*Required*) Yes No
 - II. Will exterior lights be located in the B-L, B-H, B-CBD, B-C or I-G Zones? Yes No
 - 1. If yes, glare on *prohibited* residential uses shall be limited to 1.0 foot-candles.
 - 2. Glare on all other residential uses shall be limited to 0.4 foot-candles within the first three feet of the property line.
 - III. Will lights that shine on a public street exceed 1 candle foot at street C/L? Yes No
- l. Will the use generate noise that could be disruptive on an adjoining lot? (*§25-138 [f]*) Yes No
- I. Noise limits in Section 25-138 (f) (2), (3), & (4) shall be satisfied.
- m. Will proposed power facilities conform to the highest safety standards? (*§25-138 [g]*) Yes N/A No
- I. Will power generation facilities be architecturally integrated into bldg.? Yes No
 - II. Will the power generation facility extend into a required yard? Yes No
 - III. Is the power generation facility screened from streets and abutting lots? Yes No
- n. Material storage and waste disposal requirements: (*§25-138 [h]*) N/A
- I. Are all highly flammable or explosive bulk liquids, solids, & gases (except fuels connected directly to a power or heating device or appliance) stored in underground facilities? Yes No
 - II. Are all outdoor storage facilities for fuel, raw materials, and products enclosed by an approved safety/security fence? Yes No

iii. Are all outdoor storage facilities located and secured on the site in a way that will prevent them from being transported off the lot by natural forces (floods, wind, etc.)? Yes No

iv. Will all materials stored outdoors that might cause air emissions or a fire hazard be enclosed in containers that will prevent those hazards? Yes No

2. Are the proposed uses generally compatible with neighboring uses? (Section 25-205 (b) (1))

a. Is the proposed project consistent with the Comp. Plan Future Land Use map? Yes No

b. Are the proposed uses of a similar nature or use category with adjoining uses? Yes No

c. Do the proposed uses commonly occur in similar settings in the City? Yes No

d. Do different adjoining zones allow or conditionally-allow similar uses? Yes No

e. If proposed site contains a nonconforming structure or use, will the proposed use eliminate or reduce the degree of nonconformity? N/A Yes No (BOA variance may be required)

f. Does the project or parking lot (8+ spaces) abut existing residential lots or lots zoned R-E, R-O, R-S, or R-U?

Yes (Buffer Strip required under Article XIII) No (Skip to #3)

i. Is an 8-foot wide buffer strip shown on along all applicable lot boundaries? Yes No

1. Minimum buffer strip improvement requirements:

a. Is a solid/continuous landscape screen shown? Yes No

b. Are proposed trees/shrubs at least 3.5 feet high? Yes No

c. Will proposed species grow to at least 6 feet tall w/in 3 growing seasons?

Yes No

d. Where buffer strip location is at a lower elevation than the areas to be screened, will the proposed plantings be tall enough to provide the additional height needed to overcome the difference in elevation? Yes No

e. If buffer plantings are not practical, is a 6+ foot high fence provided?

Yes No

2. NOTE: Within B-C & I-G Zones, PC and BOA may require additional screening

3. Is the project designed to be served by adequate... (Section 25-205 (b) (4))

a. Public Water? Yes No N/A

i. Has the City Engineer determined that a water study is needed? Yes No

ii. Are improvement needs from study reflected in the Site Plan? Yes No

b. Public Sewer? Yes No N/A

i. Has the City Engineer determined that a water study is needed? Yes No

ii. Are improvement needs from study reflected in the Site Plan? Yes No

c. Streetlights (including placement and specifications)? Yes No N/A

d. Stormwater management facilities? Yes No N/A

i. Will the development disturb more than 5,000 square feet? Yes No (Skip to #3-e)

ii. Was a stormwater management plan prepared for the site? Yes No

e. Emergency services? Yes No N/A

f. Refuse disposal and collection? Yes No N/A

g. School Transportation (Not specifically required) Yes No N/A

4. Does the site provide for adequate parking & safe traffic/pedestrian access & circulation? (See Article 12)
- a. Has ZA (In consultation with City Engineer) determined that a traffic study is warranted for the project?
- Yes No (Skip to #4-b)
- I. Has required traffic study been submitted? Yes No
- II. Are any recommended improvements incorporated into the plan? Yes No
- b. Is project a renovation or expansion of an existing nonconforming structure? Yes
- No – Skip to #4-c below
- I. Will bldg. floor area be expanded by 25%+? Yes No - Skip to #4-c-III below
- II. If yes, off-street parking requirements in #4-c shall be satisfied for entire building.
- III. If no, off-street parking requirements in #4-c shall be applied only to building addition.
- c. Compliance with parking/loading requirements (Article 12)
- I. Is the site located within a Gateway Zone? Yes (§ 25-143 standards apply) No
1. Is not more than 1/3 of all required parking located in front of the principal building? (§25-12 [c] [1])
- Yes No
- II. Is the site located within a Rehab & Redev. Zone? Yes (§ 25-144 standards apply) No
- III. If no to I & II above, Article 12 standards must be satisfied as determined below...
1. Applicable parking space requirements for proposed uses:
- a. Is applicant seeking a reduction in minimum parking requirements? No
- Yes (BOA Conditional Use approval required under § 25-337 [b] [2])
- b. Off-street parking for proposed uses (Section 25-337 [e]): Industrial/Office
- Does plan comply? Yes No
- I. Minimum space size requirements: (Section 25-337 [c])
1. Parallel spaces (7 feet X 22 feet)? Yes No
2. Standard size perpendicular space (8.5' X 18') Yes No
3. Standard size diagonal space (§25-337 [c] [5]) Yes No
4. Compact car spaces (§25-337 [c] [6]) Yes No
- a. More than 20% compact spaces? Yes No
- b. Are compact spaces designated? Yes No
5. Will a column or obstruct. interfere w/car doors? Yes No
- a. Is space width increased by 1 foot? Yes No
- b. Is space size measured from obstruction face? Yes No
- II. Are parking aisles 20 feet+ wide for 2-way traffic? Yes No
- III. Do 1-way traffic aisles comply with §25-337 (c) (10)? Yes N/A No
- IV. Are entrance and exit drives: (Section 25-337 [c] [8])
1. Between 10 & 15 feet wide at curb line (1-way) Yes N/A No
2. Between 20 & 25 feet wide at curb line (2-way) Yes No
- V. For lots >3 spaces, will cars have to back into street? Yes No
- c. Handicapped parking requirements (25-339): 2 Spaces
- Does plan comply? Yes No

d. Loading area requirements (Section 25-337 [d]): 1 Space

- | | | | |
|------|--|--|---|
| | Does plan comply? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| i. | Is more or less loading area needed for use? (up to ZA) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ii. | Are loading spaces 12' X 55' with 14' of clearance? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| iii. | Will use of spaces interfere with parking or traffic? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| iv. | Are loading areas w/in 50' of a residential zone? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | 1. Within completely enclosed building? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | 2. Enclosed on all sides by wall or 6+ foot high painted wood fence? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. | Will a dustless, durable, all-weather paved surface be provided for all parking areas and associated and associated driveways? (§25-337 [a] [1]) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. | Are proposed off-street parking areas adequately lighted and shielded to minimize glare on adjoining properties? | <input checked="" type="checkbox"/> Complies with Section 25-138 (e) standards
<input type="checkbox"/> Does not comply with Section 25-138 (e) standards or lighting data incomplete | |
| g. | Is prop. nonresidential use parking provided in residential zone? (Section 25-337 [a] [6]) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No – Skip this subsection |
| | i. | Is proposed parking area within 600 feet walking distance from proposed bldg? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | ii. | Is proposed parking adequately screened from adjoining residential properties? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| h. | Does parking lot have a low wall, curb, or bumper guard along all sides of lot that adjoin a lot line? (Section 25-337 [a] [9]) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| i. | Will parking facility contain more than 50 new spaces? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | i. | Are bicycle parking requirements (§25-340) met? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | ii. | Are motorcycle parking requirements (§25-340) met? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| j. | Is a joint use parking lot proposed? (§25-338) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No – Skip this subsection |
| | i. | Are any spaces designated to serve more than 1 use? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | 1. Are §§25-338 (b) & (d) shared space requirements met? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | 2. Are shared spaces in a satellite lot? | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes – Off-site parking modification (§25-341) shall be satisfied | |
| | ii. | Is joint use facility w/in 600' walking distance from use? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | iii. | Is joint use parking agreement needed? (§25-338 [g]) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
- d. Intersection traffic visibility: (Section 25-135)
Project shall provide a clear sight triangle at all intersections, with no visual obstructions between 30 inches and 10 feet above the curb level, in compliance with the following triangle dimensions...
- | | | | | |
|------|--|-----|---|-----------------------------|
| i. | Intersection of 2 street ROWs – 15 feet from point of intersection? | N/A | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ii. | Intersection of street & alley – 10 feet from point of intersection? | N/A | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| iii. | Intersection of street & driveway – 8 feet from point of intersection? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
- e. Is site served by adjoining sidewalks? (generally needed under §25-205 [b] [2])
- | | | | | |
|-----|--|--|------------------------------|--|
| i. | Are sidewalk improvements needed to serve site? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ii. | Does plan include sidewalks/crosswalks to promote safe pedestrian traffic? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

- 5. Open space & Sensitive Natural Area Protection: (§§ 25-138 [a], 25-141, 25-205 [b] [3] & [f])**
- a. Is project subject to open space requirements (subdivision)? Yes No
 - i. Is required open space shown on Site or Subdivision plan? N/A Yes No
 - b. Will project preserve natural drainage areas (streams) and sensitive natural features through minimal grading and preservation of forest areas? (Section 25-138 [a] [2]) Yes No
 - c. Do Threatened/Endangered species potentially exist on the site? (§25-141 [b] - [c]) Yes No
 - i. Has habitat assessment been performed & coordinated with DNR? Yes No
 - ii. Is a Habitat Protection Plan necessary? Yes No
 - iii. Does plan properly avoid/minimize impacts to protected species habitats? Yes No
 - d. Does the site contain a wetland (National Wetland Inventory)? Yes No
 - i. Wetlands to be Investigated by Soil Conservation District
 - ii. Is wetland disturbance subject to MDE Non-tidal Wetland Permit? Yes No
- 6. Does development impact slopes or more than 25%? (Section 25-205 [d])** Yes No
- a. Developments Impacting steep slopes must comply with Section 25-139
 - b. Are Section 25-139 requirements satisfied? Yes No
- 7. Does development impact a 100-year floodplain? (Section 25-205 [e])** Yes No
- a. Developments Impacting floodplains/floodways must comply with Section 25-140 & Chapter 8, Article II
 - b. Are Section 25-140 & Chapter 8, Article II requirements satisfied? N/A Yes No
- 8. Is the site located within a Gateway Zone? (Section 25-205 [g])** Yes (Section 25-143 standards apply) No
- 9. Is the site located within a Viewshed Protection Overlay District? (Section 25-205 [h])** Yes (Section 25-145 standards apply) No
- 10. Sign Requirements (See Article XIV) – Special standards apply for each Zoning District & Sign Type**
 Special Planned Development Floating Zone sign standards can be found in 25-146 (d) (4)

(a) Restrictions

The Contractor shall not (1) knowingly enter into any subcontract under this contract with a subcontractor of a foreign country included on the list of countries that discriminate against U.S. firms published by the United States Trade Representation (See Paragraph (c) of this clause), or (2) supply any product under this contract of a country included on the list of foreign countries that discriminate against U.S. firms published by the USTR.

(b) USTR List

The USTR published a list in the Federal Register in accordance with section 109(c) of publication L 100-202 where countries can be added or deleted.

(c) Certification

The Contractor may rely upon the certification of a prospective subcontractor that is not a subcontractor of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR and that products supplied by such subcontractor for use on the Federal public works project under this contract are not products of a foreign country included on the list of foreign countries that discriminate against U.S. firms published by the USTR, unless such Contractor has knowledge that the certification is erroneous.

(d) Subcontracts

The Contractor shall incorporate this clause, modified only for the purpose of properly identifying the parties, in all subcontracts. This paragraph (e) shall also be incorporated in all subcontracts.

For additional information see Federal Register Vol.53, No. 53, No. 116, Pages 22569-22573.



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 • PHONE 301-739-6442 • FAX 301-739-6432 • TDD 800-735-2258

www.cumberlandmd.gov

RECEIPT

Date: July 18, 2023

Burgmeier Real Estate Co. of MD, Inc
1358 Old Sixth Ave
Altoona, PA 16801

Application #: SPR23-000001
Address: 305 LEE ST
CUMBERLAND, MD 21502
Amount Paid: \$300.00 Check Payment

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 applicant's 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

CUMBERLAND PLANNING COMMISSION STAFF REPORT

ZMA 22-000003 502 Regina Ave. – RR Rezoning

June 26, 2023

Overview:

A petition has been submitted by Jared Court to apply the RR – **Rehabilitation and Redevelopment Floating Zone** to property that he owns at 502 Regina Avenue. The applicant is seeking to re-establish a former commercial use designation of the two-story building. This property was previously occupied as a printing company and other various tenants that used the building as office space. The property is currently zoned R-U – Urban Residential, which, according to Section 25-144 (Rehabilitation and Redevelopment Floating Zone District) of the Zoning Ordinance is a zoning district that is eligible to receive the proposed RR zoning. The property adjoins R-U zoned properties on all sides and there are several other non-residential uses in the immediate neighborhood, Cumberland Floral, Cosmetic and Family Dentistry, Dr. Daniel Gaydeski, DDS, Western Maryland Food Bank, and Pit N Go. Furthermore, according to the Conceptual Future Land Use Map (Map 9) in the 2013 Comprehensive Plan City-Wide Element, the subject property and all adjoining parcels are planned for Residential Uses, which is consistent with the current R-U zoning and the planned residential use of the building.

The applicant is proposing to establish a showroom and office for his contracting business on the first floor of the building and storage for the business in the basement level. To re-establish the proposed commercial use, the applicant is seeking application of the RR-Revitalization and Redevelopment Floating Zone to the property. The existing no-conforming status of the former commercial apparently expired, as staff was unable to locate any records of occupancy permits at this property. There are no known current zoning violations at the property.

Procedural Status:

The applicant bought this property from the City's Community Development office and the Surplus Property Sale program. The applicant began the process of obtaining an occupancy permit after he received the property from the City. City Building and Zoning Official retrieved the previous water account information for the property noting that it had been inactive for more than 2 years, resulting in an losing the potential for the existing non-conforming status. From here, Mr. court began the process applying the **Rehabilitation and Redevelopment (RR) Floating Zone** to the property. The applicant submitted the petition (ZMA 22-000003) to rezone the structure at 502 Regina Ave. to RR (Rehabilitation and Redevelopment) Floating Zone on. A copy of that application form and all accompanying attachments is provided at the end of this report. The applicant was informed that the rezoning petition would be presented to the Planning Commission at a formal public hearing on May22, 2023.

Staff Review:

In support of the requested rezoning, per the requirements outlined in Section 25-144 of the Cumberland Zoning Ordinance, the applicant has submitted a site plan of the property, a justification statement/letter as to why the structure should be converted to a non-residential land use and how the application satisfies the purpose and intent of the RR Zone. Although the property is zoned for residential uses, a visual observation of the building at 502 Regina Ave. by the Building and Zoning Officer clearly shows that it was originally designed for commercial use. The Building and Zoning Officer determined that an engineering report regarding the structural soundness of the building was not necessary, but a brief inspection completed by City Staff could be supplemented in lieu of a full report.

The applicable performance standards for the RR Floating Zone are specified in Section 25-144 (d) of the Zoning Ordinance. These standards are as follows:

1. Comply with all applicable environmental standards and requirements listed in Section 25-138 (noise, lighting, vibrations, noise pollution, etc.);
2. Satisfy the off-street parking and loading requirements of Article 12;
3. Provide required buffers along existing residential uses required in Article 13;
4. Satisfy specific signage limitations;
5. Comply with certain trip generation limitations or provide a traffic study to show that the use will not exceed the capacity of local streets;
6. Require no access for loading and unloading from a local street;
7. Require no outside storage of materials or products associated with the use;
8. Ensure that any light manufacturing uses will be conducted in an entirely enclosed space; and
9. Comply with operating hours restrictions between 10:00 p.m. and 6:00 a.m.

Staff Recommendation:

Under the provisions of the Land Use Articles of the Annotated Code of Maryland, 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 staff's specific findings are outlined in Section §-204(b)(1) of the Land Use Articles, and are as follows:

1. Population Change:

Staff notes the findings in the 2013 Comprehensive Plan that the population of the City of Cumberland has been in decline since the 1940's. The Plan further notes that the city desires to reverse that trend and support the future growth and economic development of the city, and it contains a number of recommendations to support that goal. The proposed zoning would provide for limited future economic expansion of the city's commercial base, thereby expanding the City's tax base, and promoting population growth that could be consistent with the recommendations of the City's Comprehensive Plan.

2. The Availability of Public Facilities:

The property in question is currently served by all city services. Change in Zoning or the application of the Floating Zone will not affect the availability or adequacy of existing public services and facilities.

3. Present & Future Transportation Patterns:

With available off-street parking and on-street parking in the adjacent areas, staff finds that the proposed map amendment/zoning change will not affect present or future transportation patterns in the area.

4. Compatibility with Existing and Proposed Development for the Area:

The area in question is currently zoned Urban Residential (R-U). However, as mentioned previously in this report, there are numerous commercial businesses operating within the zone nearby the property in question. Staff finds that the rezoning of the parcel in question would provide continuity with the neighboring zoning of Urban Residential and various commercial businesses in the area.

5. Relationship of the Proposed Amendment to the Local Jurisdiction's Plan:

The R-U (Urban Residential) base zoning classification of the property makes it eligible for application of the RR – Revitalization and Redevelopment Floating Zone. The building appears to have been designed for commercial use, with an obvious floor for office space and a lower level for storage, but the former commercial use has been abandoned for more than two years.

Should the Planning Commission and Mayor and City Council agree to rezone the property as requested by the applicant, staff recommends that the following conditions be applied to ensure compliance with the applicable zoning requirements:

1. Permitted uses for the property at 502 Regina Ave. shall be limited to Retail Buildings (less than 5,000 square feet), and Professional Services in accordance with the applicable standards for the B-L (Local Business) as specified in the Development Regulations Table (Section 25-133) of the Cumberland Zoning Ordinance.
2. The proposed use shall satisfy all applicable off-street parking and loading requirements specified in Article XII of the Zoning Ordinance.
3. The proposed use shall satisfy the signage restrictions of 25-402 and 25-406 of the Zoning Ordinance.
4. No outdoor storage, display, or sales of materials or products shall be allowed on the property.
5. The business shall not operate between the hours of 10:00 p.m. and 6:00 a.m.

Planning Commission Action:

[] Recommend adoption of the requested RR Zoning for the affected property at 502 Regina Avenue to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

[] Recommend denial of requested RR Zoning for the affected property 502 Regina Avenue 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: _____

Secretary, Cumberland Planning Commission

Date: _____

Cumberland Planning Commission Staff Report
ZTA23-000002 – Short Term Rental
Proposed Zoning Text Amendment
June 26, 2023

Definition

Short Term Rental: A furnished dwelling unit in which the entire unit or separate portions thereof is available for rent for periods of less than forty-five (45) consecutive days to transient guests.

- **Permitted Zones**

R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
P		P	P	P	P	P	P		P	

- Property owners who rent their property, or part of their property, for short-term vacation rental lodging are responsible for collecting and remitting Lodging Tax to the Allegany County Finance Office, in accordance with the Annotated Code of Maryland, Division IV. Local Finance, Title 20. Taxes and Development Impact Fees, Subtitle 4. Hotel Rental Taxes, Part I. County Hotel Rental Taxes.
- No bed and breakfast or short-term vacation rental shall contain more than five (5) sleeping rooms.
- Only designated rooms shall be used for sleeping.
- No more than four (4) adult persons shall simultaneously occupy any one (1) guestroom.
- Property owners who rent their property, or part of their property, for short term vacation rental lodging must provide two (2) parking spaces for each three (3) or more bedroom apartment unit, rowhouse, two-family dwelling, or single-family dwelling. In cases where existing single-family or two-family dwelling structures are expanded or converted to include more than one (1) or two (2) dwellings, respectively, the board of appeals may permit the parking for at least one (1) unit to take place on the street, provided that it can be clearly demonstrated that sufficient place for all required off-street parking is not possible and that on-street parking is permitted, and that such on-street parking will not increase traffic congestion in the neighborhood in accordance with Section. 25-337
- **Short-Term Vacation Rental License Requirements:**
 - Short-Term Vacation Rentals must be licensed as such.
 - These licenses are issued by the Community Development Director and/or their designees pursuant to the requirements set forth in this chapter and any applicable

requirements set forth in the Rental Housing Ordinance. As part of this license, a Short-Term Vacation Rental host must:

1. Provide documentation and a signed declaration of compliance attesting to compliance with subsections (2) through (7);
2. Comply with all applicable City, State, and federal laws;
3. Ensure that all dwelling units have approved working smoke alarms and carbon monoxide alarms in every bedroom and/or on every level of the dwelling unit as required by the Rental Housing Ordinance;
4. Post the following information in a conspicuous place within each dwelling unit or part thereof used as a Short-Term Vacation Rental:
 - a. Emergency contact information;
 - b. Contact information for the Short-Term Vacation Rental host and/or designated Owner's Agent;
 - c. Street address;
 - d. Floor plan indicating fire exits and escape routes;
 - e. The owner rules and regulations;
 - f. Community Development Department contact information; and
 - g. City of Cumberland rules regarding parking, noise, and trash;
5. Maintain and keep readily available for inspection, a guest registry that includes, at a minimum:
 - a. The name of each renter/guest;
 - b. Check in/out dates; and
 - c. Rent paid.
6. Post valid license number on all listings advertising the Short-Term Vacation Rental;
7. Remit all local taxes and required fees.

- Short-term vacation rentals must comply with all provisions detailed in the City's Rental Housing Ordinance, as well as all applicable property maintenance, electrical, plumbing, and building codes.
- Properties hosting a short-term vacation rental must have no outstanding taxes or liens, and the property must remain free from violations of the City Code, Zoning Ordinance, and Rental Housing Ordinance.
- Short-term vacation rentals shall be inspected annually.
- Once a Short-Term Vacation Rental license has been obtained, property owners are required to post their license number on all short-term rental websites along with their listing to rent their home or a room in their home.
- The Owner's Agent must reside within Allegany County and be accessible for the entirety of any contract where the property owner is not present.

- **The Owner's Agent is responsible for responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Vacation Rental and taking remedial action to resolve any such complaints.**
- **No outdoor advertising signs related to the Short-Term Vacation Rental shall be allowed on the property.**
- **Issuance of License & Fee**
 1. **Upon receipt of a properly completed application and the associated license fee, the Community Development Director and/or their designee(s) shall issue a rental housing or short-term vacation rental license and shall cause an inspection to be made of the premises described in the application. The license shall be posted in a conspicuous place on the premises or maintained in the custody of the property owner and/or Owner's Agent. Short-term vacation rentals must comply with all provisions detailed in the City's Rental Housing.**
 2. **Once the completed application has been reviewed and approved, the applicant shall pay the license fee of \$100 per unit. The license shall be renewed yearly.**
- **Violations**

Any violation of any provision of this article shall be a municipal infraction and the violator shall be fined an amount of five hundred dollars (\$500.00) for a single violation and one thousand dollars (\$1,000.00) for any second violation. Nothing contained in this subsection shall be construed to limit the power or authority of the Mayor and City Council of Cumberland or its appropriate officer, agent, or employee from pursuing any other remedy available to enjoin, restrain, or recover damages and costs incurred as a result of the violation. Further, nothing contained herein shall be construed to preclude any individual, person, firm, corporation, et cetera, from seeking any remedy which he or it might have for any violation of this article.

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

Date: _____

Secretary, Cumberland Planning Commission

Date: _____