

**PLANNING AND ZONING COMMISSION
MINUTES
January 8, 2008**

ATTENDEES:	<u>Members</u>	<u>Staff</u>
	Buckley	Smith
	Miller	Esham
	Singman	Fussell
	Taylor	
	Brous	
	Staley	

I. CALL TO ORDER – 6:00 PM

II. APPROVAL OF MINUTES – Approval of minutes of November 20, 2007.

MOTION/Miller	SECONDED/Taylor	5-0 IN FAVOR (Brous abstained)
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III. SITE PLAN

1. SEASIDE ESCAPE CONDOMINIUM – Update on location for the dumpster and recycle containers. The project is located at the northeast intersection of Coastal Highway and 79th Street and known locally as #18 – 79th Street.
APPLICANT: THOMAS P. MONAHAN, LLC – File #07-18100003

The Commission unanimously agreed that the dumpster and recycle containers should be located adjacent to the alley, and not on the public street, subject to the approval of the Fire Marshal's office and Solid Waste Department.

2. AVELON HOTEL – Proposed 84 hotels units and 1 manager's apartment to be located on Parcels 4010, 4011, 4012, and 4013 on Tax Map 110, further described as located on the south side of 1st Street between Baltimore and Philadelphia Avenues and to be known as 11 Baltimore Avenue, in the Town of Ocean City, Maryland.
APPLICANT: ATLANTIC PLANNING & DEVELOPMENT/TEKMAN GROUP LLC –File #07-1`8100007

MOTION/Taylor	SECONDED/Singman	6-0 IN FAVOR subject to the following conditions:
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1. Trash refuse containers and recycling containers shall comply with the minimum standards set forth in Chapter 70 subject to the Solid Waste Department approval. All exterior garbage or rubbish containers shall be screened from the street on all but one side by an opaque fence, landscaping, an earth berm or other suitable opaque enclosure. The average height of the enclosure shall be one foot more than the height of the container but shall not be required to exceed eight feet in height.

2. The project shall comply with all regulations pertaining to stormwater management and infiltration as per the Standards of the Worcester County Soil Conservation District and the State of Maryland prior to issuance of a building permit.
3. All construction and/or repairs of curb cuts, sidewalks and streets and/or street amenities shall be approved by the Department of Engineering and shall be installed in accordance with the specifications and standards of that department.

Any existing curb cuts that are being abandoned must be removed and replaced with a sidewalk subject to city specifications.

As an alternate, applicant has presented a proposed deceleration lane as shown on Sheet A2.1/Retrofit on the west side of Baltimore Avenue within the street right of way which will be subject to review by the State Highway Administration and the Engineering Department.

4. Curb cuts located on the State highway are subject to review and approval by the State Highway Administration based on proposed ingress and egress to the project.
5. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.
6. All vehicular use areas shall maintain headroom clearance of seven (7) feet, clear of all obstructions including utilities and lighting fixtures. All supporting columns within the vehicular use areas shall not encroach into any minimum parking space or access drive.
7. All loading zones and service areas shall maintain a minimum headroom clearance of fourteen (14) feet, clear of all obstructions including utilities and lighting fixtures.
8. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
9. The alleys abutting the project shall be improved per Ocean City specifications at the expense of the owner/developer.
10. All private utilities extending across property lines serving new parking lot shall carry approved easements and/or the property shall be deed consolidated as per Section 110-874. As a policy of the City, private utilities may not extend across public ways.
11. Any existing power poles that interfere with the development of this project shall be relocated at the expense of the owner/developer with appropriate approvals.
12. The location of transformers/generators shall be subject to the approval of Delmarva Power and the Zoning Administrator. The generators shall be subject to the noise regulations set forth in Chapter 30, Article V.

13. All landscape shall be installed in accordance with Chapter 98, Article II, Landscaping, and with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
14. All focal lighting, including exterior lights, and parking lot lighting necessary for the safety and protection of property, shall be controlled and focused within the site's property lines to minimize glare on adjoining properties.
15. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
16. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act. Prior to issuance of a building permit, it shall be necessary to submit plans along with the completed critical area application and 10% rule worksheets to this office so we may forward to the Critical Area Commission staff for their comments.
17. The project is subject to impact fees adopted by the Mayor and City Council.
18. The hotel/motel project shall be operated in compliance with Section 110-907, items 1 thru 11 and Hotel/Motel Definition.
19. In the event that the hotel units are to be sold as condominiums, time-share, partnerships or other forms of individual ownership, the condominium plats, by-laws, and covenants are to be reviewed and approved by the Zoning Administrator and the Commission Attorney. The purpose for this requirement is to confirm that the hotel will continue to operate in accordance with Section 110-907 of the Town Code (copy attached).
20. The accessory on-premise employee housing unit shall remain as such and a deed covenant is to be recorded in the land records of Worcester County, Maryland stipulating that the accessory employee housing unit is limited as an accessory use to the principle use and shall be reserved as such to be valid for the total period the use is in existence. A certificate of recording shall be furnished to the department prior to issuance of a Certificate of Occupancy.
21. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
22. All work shall be completed as shown on the approved site plan and any revisions to the approved site plan shall be in accordance with Section 110-184.
23. All parcels shall be deed consolidated as per Section 110-874.
24. Final site plan approval shall expire eighteen (18) months after the date of approval unless a building permit for the project is obtained prior thereto pursuant to Section 110-52(c)(2).
25. If the circular access drive on Baltimore Avenue becomes a traffic and/or pedestrian hazard as determined by the State Highway Administration and/or the

City Engineer, it shall be modified or closed to address the traffic/pedestrian hazards.

26. Additional landscape screening, to be coordinated with the Ocean City Development Corporation, shall be provided around the parking area.

IV. APPOINTMENT

1. Informal Discussion regarding proposed conditional use for watersport activity at the 45th Street Village Shopping Center.

Based on the circumstances discussed concerning future build-out of the approved Planned Overlay project, the Commission unanimously agreed that the applicants should proceed with a public hearing for a conditional use permit to determine if the proposed watersport activity would be an appropriate interim use for the site.

V. PUBLIC HEARING

1. **CONDITIONAL USE** – Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-514, Uses permitted by conditional use in the LC-1 Local Commercial District, to permit the expansion of an existing arcade building and to allow the addition of an 18-hole miniature golf course. The site of the proposed use is described as Lots 3 through 8 and 12 through 16, Block 45, Fenwick Plat, further described as located on the west side of Coastal Highway and the east side of Sinepuxent Avenue between 145th and 146th Streets and known locally as 107 – 146th Street, in the Town of Ocean City, Maryland.

APPLICANT: Nolen Graves for Golf Ventures LLC – File #07-12100002

MOTION/Miller SECONDED/Singman 6-0 IN FAVOR to forward a favorable recommendation to the Mayor and City Council to approve the request as presented subject to the following conditions:

1. The project shall comply with the previous conditions of approval in Case #06-12100001, Conditional Use for Miniature Golf Course, and Case #06-12100003, Conditional Use for Family Amusement Center.
2. If the applicant desires, a fence up to six feet (6') in height to enclose the outdoor play area may be placed a minimum of 2 1/2 feet from the widened sidewalk.
3. Retain as many of the existing mature trees as possible or replace with similar tree material.

VI. COMMISSIONERS COMMENTS

The Commission discussed the need to begin to develop design standards for the entire Town as soon as possible. Peck Miller suggested that the Commission be included in

the review of all building permit applications in an effort to ensure the project will be compatible with its neighborhood. The requirement for this review would require an amendment to the Zoning Code. The Commission will discuss with the Mayor and City Council at their upcoming joint meeting.

IV. ADJOURNMENT - 8:20 p.m.

John Staley, Secretary

Date