

**PLANNING AND ZONING COMMISSION  
MINUTES  
August 17, 2010**

**ATTENDEES:**

Members

Pam Buckley  
John Staley  
Lauren Taylor  
Peck Miller  
Joel Brous

Staff

Blaine Smith  
Kay Stroud  
Jesse Houston  
Will Esham

**I. CALL TO ORDER – 7:10 PM**

**II. APPROVAL OF MINUTES**

Minutes of July 20, 2010.

**MOTION/**Miller                      **SECONDED/Taylor**                      **4-0 IN FAVOR** to approve as submitted with amended language: "The new southerly curb cut is subject to approval by a joint discussion and decision of the Maryland State Highway Administration and the Planning Commission." Joel Brous was absent and abstained from the vote.

Minutes of August 3, 2010

**MOTION/**Miller                      **SECONDED/Taylor**                      **5-0 IN FAVOR** to approve as submitted.

**III. SITE PLAN APPROVALS**

1. Mana-Jit, Inc., is requesting an extension of time for site plan approval by two years for project (Sunburst Townhouses) located at 1600 Philadelphia Avenue in order to complete the final 6 units.

**APPLICANT: MANA-JIT, INC.**

**MOTION/**Taylor                      **SECONDED/**Miller                      **5-0 IN FAVOR** to extend the site plan approval by two years until August 5, 2012 which is two years from the prior expiration date, for economic reasons.

2. Temporary Site Plan approval of the commercial parking lot to be used in conjunction with the Sea Rocket, located on the west side of Philadelphia Avenue near its southerly terminus at South 1<sup>st</sup> Street, locally known as 700 S. Philadelphia Avenue.

**APPLICANT: GRAHAM BOSTIC**

**MOTION/**Miller                      **SECONDED/**Staley                      **5-0 IN FAVOR** to approve the commercial parking lot as approved by the Mayor and City Council, with a surplus of 6 spaces, to run concurrently with the term of the Sea Rocket. On advice of OCDC any non-conforming signs shall be brought into compliance.

3. Other discussion pertaining to prior temporary parking lot approvals: Advise the removal of the parking sign at 2501 Philadelphia Avenue since the two events for which it was approved are in the past.

**IV. PUBLIC HEARING – 7:10 PM**

**CONDITIONAL USE:** Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-334(8), uses permitted by Conditional Use in the R-2 Medium Residential District, pursuant to Section 110-883 of the Zoning Code, to permit installation of one (1) ground-mounted small wind turbine. The site of the request is described as Lot 15, Block 33 of the J E Evans Development Plat, further described as located on the west side of Edgewater Avenue and north of 6<sup>th</sup> Street, on the bayside, and known locally as 400-6<sup>th</sup> Street, in the Town of Ocean City, Maryland.

**APPLICANT: J STACEY HART & ASSOCIATES, INC (FILE #10-12100003)**

Zoning Administrator Blaine Smith introduced the proposed Conditional Use and detailed the Code Section that the project must adhere to. He also explained the need for an easement or a license from the State allowing the setback over the bay water.

Joseph E. Moore, attorney for the applicant, spoke in favor of the application and acknowledged that if State permission is obtained for setback over the bay water that the applicant would rather position the turbine closer to the bulkhead as shown in Applicant's Exhibit #2. Stacey Hart, project engineer with over 20 years as a professional registered engineer with the State of Maryland, testified that the State does not give easements but would perhaps issue a "no license" permit to allow the more westerly placement of the turbine. Jim Motsko, owner of subject property, also testified in favor of the application.

Two letters were received into evidence from owners of the Islander Condominium, directly to the north of subject property. Another condominium owner in the same complex, Robert Kenny, 605 Edgewater Drive, testified and raised three issues of concern for the Islander Condominium owners:

1. Visibility
2. Depreciation of property value
3. Noise

**MOTION**/Miller                      **SECONDED**/Staley                      **5-0 IN FAVOR** to leave the hearing open to receive additional information, including how and where the noise level is measured and what action the State can grant to allow the setback of the turbine to be over the open bay water, for sixty (60) days.

**IV. ADJOURNMENT – 8:38 PM**

John Staley, Secretary                      10/27/10  
John Staley, Secretary                      Date