

**PLANNING AND ZONING COMMISSION
MINUTES
October 27, 2010**

ATTENDEES:	<u>Members</u>	<u>Staff</u>
	John Staley	Blaine Smith
	Chris Shanahan	Kay Stroud
	Lauren Taylor	Heather Stansbury
	Peck Miller	
	Joel Brous	

I. CALL TO ORDER – 7:00 PM

II. APPROVAL OF MINUTES:

Minutes of August 17, 2010.

MOTION/Taylor **SECONDED/Miller** **5-0 IN FAVOR** to approve as submitted. Tom Singman and Pam Buckley are absent.

III. SITE PLAN APPROVALS:

The Estate of George B. Cropper, is requesting an extension of time for site plan approval for a 94-unit multi-family residential project located at 309-1st Street in order to market the project for development.

Staff presented for consideration a proposed Rt. 50 bridge dualization view that could impact the project on the southern end, cautioning that this plan COULD occur but is not yet decided upon.

Glenn Irwin, Executive Director of OCDC, came forward to support the request, noting that the 10' wide boardwalk on the bayside was an important feature to remain.

The bank has a plan that will maintain the property and perhaps utilize it for overflow parking for de Lazy Lizard located on the northern side of 1st Street.

APPLICANT: JOSEPH E MOORE, ESQUIRE, ATTORNEY FOR THE ESTATE OF GEORGE B CROPPER (ORIGINAL FILE #06-18100013).

MOTION/Taylor **SECONDED/Miller** **5-0 IN FAVOR** to extend the site plan approval by two years until November 16, 2012, with the boardwalk to remain and subject to the original conditions of approval and same development plan, which is two years from the prior expiration date, for economic feasibility to develop.

IV. PUBLIC HEARINGS:

A. APPLICANT: GRAHAM BOSTIC (FILE #10-12100004) - Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-861.3(5), Uses permitted by Conditional Use in the I-1 Inlet District, to permit water-related parasail and wave-runner recreational activity for a period of three (3) years. The site of the appeal is described as Block 21S of the Sinepuxent Beach Company Plat of 1891, further described as located on the west side of Philadelphia Avenue, the south side of Sunset Park, and on Sinepuxent Bay near the Inlet, and known locally as 700 S. Philadelphia Avenue, in the Town of Ocean City, Maryland.

The site plan as developed for the Sea Rocket was approved on August 17, 2010. The Board found that the new preliminary site plan submitted needs to be fully developed and is subject to full administrative review.

Glenn Irwin, Executive Director of OCDC, lent the Design Committee's support to the request.

MOTION/Miller **SECONDED/Taylor** **5-0 IN FAVOR** to favorably recommend the request to the Mayor and City Council, with the following conditions:

1. One (1) parasail boat and a maximum of 12 wave-runner vessels subject to minimum off-street parking requirements.
2. The entire site is to be cleaned and stabilized in accordance with the preliminary site plan submitted with the application and it is necessary to develop a full site plan to be submitted to the Planning Commission for approval.
3. The full site plan will demonstrate how they will provide safe access to users of wave-runners.
4. This approval is for this applicant only and is not transferable without Commission authorization.

B. APPLICANT: J. STACEY HART & ASSOCIATES (FILE #10-12100003) - 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 6th Street, on the bayside, and known locally as 400-6th Street, in the Town of Ocean City, Maryland.

Zoning Administrator Blaine Smith summarized the continuance of this request from its introduction on August 17, 2010. The Commission had requested additional information about the turbine relative to sound and its measurement, and rating of the turbine. Joseph E. Moore, attorney, substantiated that the setback regulation in the Code and the proposed placement of the tower in relation to the bay water continues to create legal impediments.

Under written advisement by Guy Ayres, City Solicitor, the Commission found that the no license letter submitted by the State of Maryland does not qualify as an easement. Mr. Moore has determined that the language of the current ordinance prevents waterfront compliance. Staff will review what is necessary to recommend a text amendment to the Code.

MOTION/Taylor **SECONDED/Miller** **5-0 IN FAVOR** to defer recommendation to Mayor & City Council until staff researches and determines if a text amendment is in order.

C. APPLICANT: PLANNING AND ZONING COMMISSION (FILE #10-14100005) – To consider amendments to Section 110-884, Boardwalk Outdoor Display of Merchandise Standards, which will affect Boardwalk businesses from the Inlet to 28th Street, proposed by the Boardwalk Development Association (BDA). The proposed guidelines may be viewed on the Ocean City web site at www.town.ocean-city.md.us/p&z.

Blaine Smith gave a brief history of BDA's involvement with the Town and Outdoor Display of Merchandise review and approval. The proposed amendments are as follows:

1. Giving the Boardwalk Development Association (BDA) review responsibility for the entire Boardwalk, including South of 3rd Street;
2. Giving the BDA responsibility for reviewing all the businesses on the Boardwalk to include restaurants, retail, hotels and amusements with regard to the existing and amended outdoor display guidelines;
3. Framed merchandise such as decals or t-shirts, is to be treated as outdoor display, not signage. The square footage of these panels is counted toward the total square footage allowed for outdoor display. The total amount of wall merchandise may not exceed 30% of exterior walls. The boards may not exceed 8' in height. These display boards do not require sign permits as they are considered merchandise of outdoor display;
4. A-frame signs may not exceed 17.5 square feet on each side and nothing may be attached to the A-frame that extends above, on the edges, or extends beyond the frame;
5. If a merchant does not utilize the incentive amenity package for display, the requirement reverts back to 30% of the setback from the face of the building;

6. Square footage of amenity displays (henna, hair wraps, etc.) is considered part of the outdoor display and counts toward the display square footage allowed. Henna boards showing examples of designed are considered display of merchandise and count toward allowable square footage;
7. No business may create a barrier between businesses by using merchandise or signage to inhibit the flow of traffic from one business to another. There must be a 42" walkway between businesses;
8. All merchants South of 3rd Street to follow the outdoor display guidelines for North of 3rd Street with the exception that South of 3rd Street the outdoor display space is vertical rather than following a ground footprint, they will be limited to 30% of the total wall space for display; and
9. Restaurants and hotels will follow the outdoor display guidelines where applicable, such as: No handwritten signs, nothing hanging on benches, railings or fences, one (1) A-frame sign for every 25 feet of Boardwalk frontage, not to exceed two (2) A-frame signs, wall signs not to exceed 30% of exterior walls, outdoor amplification restrictions, enclosures must be well maintained and pad to be maintained regularly.

Vicki Barrett, President of BDA, and members Jay Knerr and Bruce Krasner spoke favorably of proposed amendments.

Bob Givarz testified objecting to non-outdoor display entities having to obtain permits and pay fees.

George McGrory testified in opposition to BDA's increased role should the proposed amendments pass into law.

Jackie Ball also testified as a BDA member.

MOTION/Miller **SECONDED**/Staley **5-0 IN FAVOR** to move forward with recommendation for text amendments to Code Section 110-884 but to add #10 – Additional enforcement personnel needed for approximately 20 hours a week during the Summer season.

IV. ADJOURNMENT – 8:25 PM

John Staley, Secretary 1-19-11
John Staley, Secretary Date