

**PLANNING AND ZONING COMMISSION
MINUTES
June 7, 2011**

ATTENDEES:

Members

Pam Buckley
John Staley
Peck Miller
Lauren Taylor
Joel Brous
Chris Shanahan

Staff

Blaine Smith
Kay Stroud
Bob Nelson
Heather Stansbury

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of May 3, 2011.

MOTION/Taylor **SECONDED/Brous** Vote was unanimous (6-0).
Record shows that Members Tom Singman was absent this evening.

II. APPOINTMENTS:

1. Graham & Angie Bostic – Architect Rick Schoellkopf spoke for the applicant to request the ability to operate their business on a limited basis this season prior to phasing in site improvements. Phase I would allow them to use the 36 existing parking spaces to operate the Sea Rocket, the parasail boat, and a reduced number of wave runners, six (6) instead of the approved twelve (12) at 700 S. Philadelphia Avenue.

MOTION/Miller **SECONDED/Shanahan** Vote was unanimous (6-0) to allow the Bostic's to operate their business in the limited manner described above with the following conditions:

1. All Stormwater management issues will be addressed and the required bond paid.
2. The time frame for Phase II to be completed is November 1, 2011.

2. Scooters by the Beach – Blaine Smith introduced this request to display scooters in non-required parking spaces at the Ocean City Square Shopping Center. This is use of commercial parking space as accessory display for a business operated within the shopping center.

MOTION/Taylor **SECONDED/Brous** Vote was unanimous (6-0) to allow the accessory display of scooters in non-required parking spaces subject to the following conditions:

1. Use is accessory to business having leased space in the Shopping Center.
2. All business is to be conducted within the business office.
3. No canopies are allowed, display shall be open to the sky.
4. Sign allowed on display, subject to obtaining a sign permit, marked for display only and to direct customers to the business office.

3. Temporary parking lot to be located on 34th Street – Esther Nooner presented her intentions to create a temporary parking lot on family lands that had formerly accommodated the Oceanside Motel. Residents and Corporal Mark Wolinsky of the Ocean City Police Department testified of ongoing concerns at the vacant property that should be addressed. The Planning Commission requested that Ms. Nooner obtain a drawn, detailed plan with landscape, lighting, security, fencing and plans for security of the pool and easement for the Quality Inn’s use of the joint trash receptacles and come back for a review. Tentatively scheduled for June 21, 2011 if staff officially notified of readiness.

III. DISCUSSION:

1. Review of creation of open-air sky bar above existing Galaxy 66 Bar & Grill – Blaine provided history of existing business in regard to parking nonconformity and special exceptions already in place. Footprint of building will not change, addition will be on the existing roof area. Planning Commission requests a formal review of the project and to see photographs of the existing conditions along with the plans. Place on agenda for June 21, 2011.

IV. PUBLIC HEARING – 7:20 PM

To consider amending Section 110-932 (b)(20) -

(20) Restaurant, fast food restaurant, cocktail lounge, tavern or nightclub or other establishments for the consumption of food or beverages on or off the premises: One space per 100 square feet of enclosed gross floor area, minimum of five spaces; ***the area of outdoor dining (unenclosed) is exempt from parking requirements up to an area equal to the enclosed gross floor area and thereafter is required*** one space per 200 square feet of unenclosed outdoor dining area in excess of the enclosed gross floor area.

And

To consider amending Section 110-2 by adding the following definition -
Outdoor dining area (unenclosed). An accessory area located outside of an enclosed restaurant, fast food restaurant, cocktail lounge, tavern or nightclub that is open to the sky and uncovered by a roof or canopy, except a table may be protected by a temporary removable umbrella no larger than 9 feet in diameter. The area may be partially surrounded on each side by an enclosure no more than 42 inches in height. The Board of Zoning Appeals may consider variance to the 42 inches in height enclosure where there is hardship and/or practical difficulty complying with the standard.

APPLICANT: PLANNING & ZONING COMMISSION (FILE #11-14100003)

This hearing was re-opened in the interest of the restaurant owners and citizens who wanted to offer opinion and suggestions concerning the proposed code amendments. The Commission received testimony from Jay Taustin, Leighton Moore, Shawn Harman, Harry How, John Fager, Nolen Graves, and Paul Abu-Zaid. Commissioner Miller stressed that putting a definition in place was necessary in order to administer the code provision.

MOTION/Taylor **SECONDED/Miller** Vote was unanimous (6-0) to close the hearing and to entertain deliberations at the June 21, 2011 meeting at 6 PM.

V. ADJOURNMENT – 8:48 PM

John Staley, Secretary 6/21/11
John Staley, Secretary Date