

**PLANNING AND ZONING COMMISSION
MINUTES
March 1, 2011**

ATTENDEES:

Members

Pam Buckley
John Staley
Peck Miller
Joel Brous
Lauren Taylor
Tom Singman

Staff

Blaine Smith
Jesse Houston
Bob Nelson
Will Esham
Kay Stroud

CALL TO ORDER – 7:05 PM

I. APPROVAL OF MINUTES:

Minutes of February 15, 2011.

MOTION/Miller **SECONDED/**Staley Vote was unanimous (6-0).
Record shows that Chris Shanahan was absent this evening.

II. PUBLIC HEARING: Record shows no opposition to any sitting Commissioner.

ZONING CODE AMENDMENT – To consider expansion of the scope of the Planning Commission's Site Plan Review Authority with the purpose to:

1) Amend Section 110-182(2) Planning Commission approval for certain uses from the current language of multi-family dwelling units with ten (10) or more units **to the proposal of multi-family dwelling units with three (3) or more units.**

and

2) Amend Section 110-182(9) current language of business buildings, commercial buildings or industrial buildings if such buildings are to contain more than 5,000 square feet of gross floor area **to the proposal which includes all business, commercial or industrial buildings** except minor exemptions set forth in Section 110-884(b).

APPLICANT: PLANNING & ZONING COMMISSION File #11-14100001

No public input.

Discussion of impact to future applicants included fee to be assessed, time to go through the Technical Review Committee process, and the timeframe of the approval, which would remain the same at 18 months either administratively or through the Planning Commission approval.

MOTION/Miller **SECONDED/**Brous Vote was unanimous (6-0) to move the amendment forward to the Mayor and City Council.

III. SITE PLAN APPROVALS

1. OCDC requests site plan approval for a commercial parking lot to be operated by them. The lot address is 110 Dorchester Street.

APPLICANT: OCEAN CITY DEVELOPMENT CORPORATION (OCDC) (FILE #11-18100002)

Stormwater Management and Sediment Erosion Control plans not yet complete. OCDC's first purchase in its name as land bank. Will operate as a temporary lot for 3-4 summers with 21 public parking spaces, 13 private leased spaces to be designated. Not necessary to widen 5' sidewalk to 8' on Talbot Street for this temporary use. Blaine Smith will conduct light meter test for adequacy of lighting and to rule out excessiveness.

MOTION/Taylor SECONDED/Miller Vote was unanimous (6-0) to allow the temporary parking lot for three (3) years with the option of renewal according to these conditions of approval:

1. Agreed 5' sidewalk on Talbot Street is adequate.
 2. Not necessary to deed consolidate the parcels.
 3. Permanent paving not required.
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2. Graham Bostic requests final site plan approval in conjunction with Conditional Use approval (File #10-12100004) to permit water-related parasail and wave-runner recreational activity. The site of the request 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.

APPLICANT: GRAHAM BOSTIC (FILE #11-18100001)

This review for final site plan approval is part of the conditions of the Conditional Use approval referenced above. Blaine Smith will conduct extensive light metering to determine adequacy of lighting. Commissioner Miller commented that the condition of approval placed by the Mayor and City Council to keep this operation 50 yards from the north side of the Oceanic Fishing Pier is actually more stringent than the Coast Guard's regulation. He reasoned that safety is the top priority and launching the personal watercraft (PWC) from the beach, which is within the 50 yards, is safer than launching from a floating dock.

Since the condition of approval originated with the Mayor and City Council, the process to amend the approval would be to re-file and go through another public hearing. Commissioner Miller expressed his desire to remand that condition be amended to 100 feet (33.33 yards). Blaine Smith to check with City Solicitor Guy Ayres for his opinion.

MOTION/Taylor SECONDED/Miller Vote was unanimous (6-0)
Recommend approval of the final site plan with a request to the Mayor and City Council that they revisit the 50 yard restriction – life safety would be better served by 100 feet (33.33 yards), which is more compliant with the Coast Guard and Department of Natural Resources, providing a much safer launching spot from the beach.

IV. DISCUSSION

Joshua Farr, represented by Pete Cosby, appeared asking that the Planning Commission waive or amend a 16 year-old policy concerning water related recreational activities. The first point in that policy is that a water related recreational activity be located within 300' of open bay water in order to be approved for conditional use. Mr. Farr is asking that the Planning Commission consider his proposed operation at 11703 Coastal Highway. This site is approximately 2900' from the basin to the open bay. After details of the proposed operation were discussed, Commissioner Buckley suggested that the notice of public hearing be sent to all residents up and down that canal. All Commissioners were "on board" to waive the above policy for this use and advised Mr. Farr to apply for the public hearing.

V. ADJOURNMENT – 8:15 PM

John Staley, Secretary 4/05/11
John Staley, Secretary Date