

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

**ATTENDEES:**

Members

John Staley  
Peck Miller  
Joel Brous  
Lauren Taylor

Staff

Blaine Smith  
Kay Stroud  
Robert Nelson  
Will Esham

**CALL TO ORDER – 6:00 PM**

**I. APPROVAL OF MINUTES:**

Minutes of August 16, 2011. Motion was held over until next meeting when more of the attendees from the August 16, 2011 are present to vote. Lauren Taylor was the only member present at both meetings.

Record reflects that Pam Buckley, Chris Shanahan and Tom Singman were absent.

**II. SITE PLAN REVIEW:**

Proposed Site Plan for the Construction of a 65-seat restaurant, retail store and 21 rental rooms to be located on Lot 56, Parcels 2582 and 2583, Block 10 OT, Ocean City Plat, and further described as located at the northwest corner of Dorchester Street and S. Baltimore Avenue, and locally known as 210-216 S. Baltimore Avenue, Ocean City, Maryland.

Applicant: AUS, Inc., T/A Fat Daddy's  
C/o Mr. Edward Braude  
P O Box 300  
Ocean City MD 21843 (File #11-18100005)

Staff recommends approval subject to the following conditions:

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.
4. In the event there is an electrical transformer, the location 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.
5. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
6. All focal lighting, including exterior lights 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 in accordance with Section 110-831.23, attached.
7. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
8. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
9. The project is subject to impact fees adopted by the Mayor and City Council.
10. The accessory on-premise employee housing units 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 units are 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. Employee housing units shall not contain cooking facilities in the unit. A certificate of recording shall be furnished to the department prior to issuance of a Certificate of Occupancy.
11. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
12. 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.

13. All parcels shall be deed consolidated as per Section 110-874.
14. 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).

**MOTION/**Miller                      **SECONDED/**Taylor      Vote was unanimous (4-0) to approve the site plan as presented with the added condition that architectural plans showing the detailed elevations of the proposed structure shall be brought back to the Commission for review – showing adherence to Ocean City Development Corporation (OCDC's) recommendations, including a façade break along S. Baltimore Avenue.

**III. OTHER:**

Bob Nelson, Planner, distributed the Hazard Mitigation Plan draft to the members to review prior to the scheduled public hearing on September 20, 2011.

**IV. ADJOURNMENT – 7:00 PM**

<u>John Staley</u>	<u>9/20/11</u>
John Staley, Secretary	Date