

**PLANNING AND ZONING COMMISSION
MINUTES
January 18, 2012**

ATTENDEES:

Members
John Staley
Peck Miller
Lauren Taylor
Joel Brous
Tom Singman

Staff
Blaine Smith
Kay Stroud
Will Esham

CALL TO ORDER – 6:00 PM

I. APPROVAL OF MINUTES:

Minutes of November 15, 2011 – Peck Miller made the motion, Lauren Taylor seconded. Unanimous approval (5-0).

II. SITE PLAN:

1) The Embers Restaurant, LLC – Partial site plan redevelopment to include a 2nd floor addition; relocated walk-in coolers; outside dining area with service bar at existing restaurant. The site of the application is described as Parcel 3204, Tax Map 111, further described as located on the west side of Philadelphia Avenue between 23rd and 24th Streets, and locally known as The Embers Restaurant, 2305 Philadelphia Avenue, in the Town of Ocean City, Maryland.

APPLICANT: EMBERS LLC (File #11-18100007)

Blaine Smith gave a brief history of the restaurant/site with existing and proposed conditions as shown on the site plans provided.

MOTION/Singman SECONDED/Taylor Vote was unanimous (5-0) to approve the site plan as presented 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. **Subject to enlarging existing trash compactor to 24 cubic yards and to retaining existing cardboard recycling container.**

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. **Please see attached staff review minutes and/or Gail Blazer for any additional specifics discussed in the meeting or needed prior to site plan approval.**
3. In the event the parking lot is disturbed, the repairs shall be made in accordance with Chapter 74 of the Town Code.
4. **Please provide confirmation of deed restriction of** remote parking lot prior to release of building permit.
5. The location of transformers/generators 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. **Delmarva Power shall approve the location of the existing transformer within the use area prior to release of the building permit.**
6. Any new siamese connection needs to be reviewed and approved by the Fire Marshal – need to maintain ingress/egress for fire lane.
7. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
8. **Provide lighting plan in compliance with lighting standard, Section 110-876, prior to release of building permit.**
9. Provide survey verifying wetland boundary lines, confirming Mean Highwater Mark, by Dept. of Natural Resources and Army Corps of Engineers including other property lines prior to issuance of a building permit.
10. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
11. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
12. The project is subject to impact fees adopted by the Mayor and City Council.

13. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
14. 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.
15. 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).

2) Galaxy 66 Skye Bar – Blaine Smith submitted an interior modification of additional office space (construction underway with BP #11-20681) which affects parking (non-conformity & BZA special parking exception). The Commission reviewed the plans and gave consensus for approval of the additional floor area for office use.

III. ADJOURNMENT – 7:00 PM

<u>John Staley, Secretary</u>	<u>2/7/12</u>
John Staley, Secretary	Date