

**PLANNING AND ZONING COMMISSION
MINUTES
February 22, 2012**

ATTENDEES:

Members
Pam Buckley
John Staley
Peck Miller
Lauren Taylor
Chris Shanahan

Staff
Blaine Smith
Kay Stroud
Jesse Houston
Robert Nelson
Kevin Gregory

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of February 7, 2012 – Lauren Taylor made the motion, Peck Miller seconded. Unanimous approval (5-0).

II. SITE PLAN:

1. Site Plan Review of a Commercial Parking Lot located at Lots 1,2,3,4,5, and 6, Block 8, North Ocean City Plat, and further located on the east side of Philadelphia Avenue, north of 22nd Street, and locally known as 2204 Philadelphia Avenue.

APPLICANT: JACQUELINE DEGROFT (FILE #12-18100001)

Blaine Smith presented the history of the request and facts regarding the previous approval. The applicant requested to renew and continue the site plan as presented for three (3) years. The Commission approved the request subject to the same conditions as previously approved in 2010:

- 1) This approval shall be valid for a period of two years until March 2, 2014.
- 2) The landscape shall be maintained and/or replaced per the approved plan.
- 3) The parking lot shall be kept in a clean and sanitary condition.

The Planning and Zoning Commission was very appreciative of the manner in which the premises have been kept during the previous two years.

MOTION/Miller **SECONDED/**Taylor Vote was unanimous (5-0) to approve the site plan for a commercial parking lot for a period of 2 years as presented.

2. Site Plan Review addition to an existing site plan to include a proposed roof deck for BJ's on the Water. The site of the appeal is described as Lots 6-12 and 20-28, Block 109, Ocean Bay City Plat, further described as located on the south side of 75th Street at the terminus with the Bay, and locally known as BJ's on the Water, 117-75th Street, in the Town of Ocean City, Maryland.

APPLICANT: MADLYN CARDER (FILE #12-18100004)

Blaine Smith presented the application to the Commission, explaining that the proposed addition was compliant with all zoning issues if given a favorable review. Adherence to the new lighting regulations was stressed, but the Commission gave approval subject to these 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.
2. Location, height, type, and direction of new lighting shall be designed per Section 110-876(h) Lighting Requirements, including at a minimum a photometric plan. **Special attention to design standards is required to choose lighting fixtures that shield the bare bulb from the residential units to the north.**
3. The project is subject to impact fees adopted by the Mayor and City Council.
4. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
5. 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.
6. 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).
7. Noise reduction measures shall ensure that the project meets the requirements of various sections of Chapter 30 of the Town Code.

MOTION/Taylor SECONDED/Miller Vote was unanimous (5-0) to approve the site plan with strict adherence to lighting regulations and all staff recommendations.

III. PUBLIC HEARING:

Public Hearing to consider including “scooters, scoot-coupes and other names commonly associated with such vehicles that do not require a State vehicle registration license” as a special exception or conditional use with appropriate safeguards and regulations in various zoning districts.

APPLICANT: PLANNING & ZONING COMMISSION – FILE #12-14100001

Jesse Houston and Blaine Smith explained the outline for the presentation, citing the Mayor and Council as the referring body to bring this item to public hearing. A moratorium is currently in place until this process is completed. Mr. Houston is doing research to see how the issue is handled by other similar resort towns such as Key West, Florida; Myrtle Beach, South Carolina; and Virginia Beach, Virginia.

Safety is the key issue – training areas, parking, display areas, safe fuel handling and storage, specific districts to allow this use in, size of vehicle and speed, and overall enforcement are some of the considerations. How to process these applications, as a special exception through the Board of Zoning Appeals or as a conditional use through first the Planning Commission and then the Mayor and City Council, is another key consideration. Fire Marshal's office and the Ocean City Police Department have met with staff to express their concerns and statistics.

Scooter businessmen and concerned citizens of Ocean City came forward to give testimony. Peter Gjikuria, Shane Ward, Carl Montgomery, Sean Crosariol, Ron Kroker, and Paul Morris each testified to their experience and any questions they had of the Commission Members and staff. Glenn Irwin of the Ocean City Development Corporation testified concerning problems and concerns with existing scooter businesses in the Downtown Overlay Districts, both upper and lower.

The Commission determined to leave the hearing open at this point to be reconvened on March 6, 2012. It requested that the Ocean City Police Department's detailed reports and statistic be given to the members prior to that meeting date.

IV. COMMENTS FROM STAFF

Kay Stroud, Zoning Analyst, brought the Commission up-to-date with the application of Marguerite Villa Santa for a roof-mounted wind turbine system. Independent testing has been accomplished and the representative, Scott Lebowitz, has requested to be directed what to do next to have this application given favorable recommendation.

Jesse Houston will review the testing results and advise Mrs. Stroud how to direct the applicant's next step.

V. ADJOURNMENT – 9:00 PM

John Staley, Secretary 3/6/2012
John Staley, Secretary Date

