

**PLANNING AND ZONING COMMISSION
MINUTES
March 6, 2012**

ATTENDEES:

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

Staff
Blaine Smith
Kay Stroud
Jesse Houston
Robert Nelson
Will Esham

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of February 22, 2012 – Lauren Taylor made the motion, Peck Miller seconded. Unanimous approval (5-0). Tom Singman was absent for the meeting and Joel Brous was absent until 6:40 PM.

II. SITE PLAN:

1. Site Plan Review of a Commercial Parking Lot located at 200 St. Louis Avenue.
APPLICANT: DRIFTWOOD, 3C, LLC. (FILE #12-18100006)

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. The Commission approved the request subject to these conditions:

- 1) This temporary approval shall be valid for a period of two years until March 6, 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.
- 4) The use is subject to revocation for non-compliance.

The Planning and Zoning Commission was very appreciative of the manner in which the premises have been kept during the previous two years. Glenn Irwin of the Ocean City Development Corporation (OCDC) has no objection to this temporary approval.

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

2. Site Plan Review to create 1000 square feet of additional toilet facilities to expand existing restaurant use – De Lazy Lizard 302-1st Street
APPLICANT: T & W REDEVELOPMENT, LLC (FILE #12-18100004)

Blaine Smith presented the application to the Commission, explaining that the proposed addition would need approval before the Board of Zoning Appeals on Thursday, March 8, 2012, to grant a four (4) space parking waiver. He explained that since the size of the new addition was over 200 square feet, the site plan needed Planning Commission approval; but also encouraged it to make a recommendation to be considered by BZA prior to approval. The Commission gave approval to the site plan subject to the following conditions:

- 1) The existing parking deficiency may not be perpetuated beyond this point. Any future expansion of the use should bring the premise in compliance with minimum parking requirements.
- 2) This condition to be introduced to the Board of Zoning Appeals to be considered as a condition of approval if it approves the Special Parking Exception BZA 2335 #12-09400001 to be presented on Thursday, March 8, 2012.

MOTION/Shanahan **SECONDED/Miller** Vote was unanimous (6-0) to approve the site plan with the above condition of approval to be presented to the Board of Zoning Appeals and with ODC's final approval for exterior design.

III. DISCUSSION:

Finalize recommendation to Mayor and City Council regarding Conditional Use application for small wind turbines to be located at 1405 Atlantic Avenue, in the Town of Ocean City, Maryland.

APPLICANT: JOE BARTELL FOR MARGUERITE M. VILLA SANTA (FILE #10-12100001)

Jesse Houston, Planning Director, stated that he had analyzed the testing results sent from the manufacturer and subsequently talked with a representative. The noise levels meet code for wind turbines. He also explained that the State Law governing dB rating on heat pumps is over 55 dBA. He recommended the Commission give favorable recommendation to the Mayor and City Council for three (3) roof-mounted small wind turbines housed in a single enclosure based on testing results and design renderings received.

MOTION/Miller **SECONDED**/Taylor Vote was unanimous (6-0) to send a favorable recommendation to the Mayor and City Council per Mr. Houston's recommendation with the condition that if once installed the noise exceeded code standards the unit would have to be retrofitted or removed.

IV. PUBLIC HEARING – CONTINUATION:

Continuation from February 22, 2012 - 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

The Commission had determined to leave the hearing open to be reconvened on this date pending receipt of the Ocean City Police Department's detailed reports and statistics, distributed to members for review.

Additional testimony was taken from staff and scooter businessmen. Yehuda Perez, owner of Island Cycles, offered testimony, asking that other areas be considered for practice and training, such as a side street when onsite provisions are not available. Ron Croker presented the Commission with a hand-out document that four scooter rental operators (Continental Cycles, OC Scooters, Fun Cycles, and Cycle City) had created together. They proposed a slightly smaller sized training area of 20 x 50, which would give a renter a more realistic experience to practice safe turns. They also recommended a blanket policy of \$1 million for the scooter business, suggesting that the renter's automobile insurance would also cover the scooter and any accident that may occur. Mr. Croker suggested perhaps the City could issue tags for each scooter in conjunction with the business license. Peter Gjiguria and Shane Ward offered testimony of their experience as a scooter rental operator and a bicycle rental operator, respectively.

Paul Morris, citizen, cautioned against grandfathering public safety, explaining that the downtown area does not offer a bike lane, creating a dangerous situation for renters. He also elaborated on the parking issues he sees as a direct violation of Code.

Sergeant Douglas Smith of the OCPD testified to enforcement efforts from past years and where scooters are allowed to ride and prohibited.

Once the hearing was closed, the Commission members deliberated to recommend creating a Conditional Use process for each licensed location, with issues to consider such as training area, storage of scooters, required parking, business licenses and enforcement. The Commission also agreed on an amortization schedule for existing legally licensed scooter businesses.

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MOTION/Miller **SECONDED**/Shanahan Vote was (5-0) to allow scooter and
scoot-coupe businesses as a Conditional Use permit with details to follow.

A second **MOTION** was made by Chris Shanahan to amortize scooter businesses currently licensed as of April 30, 2012 to be allowed to renew their business license for one more year until May 31, 2013, making every effort to comply with any new regulations during that time period. **SECONDED** by John Staley. Vote was (5-0) to approve this amortization.

Tom Singman was absent with Joel Brous abstaining because he was not present during the February 22, 2012 portion of the public hearing.

V. ADJOURNMENT – 8:10 PM

<u>John Staley, Secretary</u>	<u>3/20/2012</u>
John Staley, Secretary	Date