

**PLANNING AND ZONING COMMISSION
MINUTES
AUGUST 7, 2012**

ATTENDEES:

Members
Pam Buckley
Lauren Taylor
Peck Miller
John Staley

Staff
Blaine Smith
Kay Stroud
Jesse Houston
Kevin Gregory

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of July 17, 2012 approved unanimously with Lauren Taylor making the motion and Peck Miller seconding.

II. SITE PLAN

1) CONTINUANCE FROM 7/17/12 - Request to amend approved site plan by installing a walk-in cooler to the rear of the existing boutique store and relocating the bathroom. The site is described as Parcel B, 28830 square feet, Maridel Subdivision Plat, further described as located on the west side of Coastal Highway and north of 49th Street and locally known as O.C. Seacrets, Inc., 5001 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: LEIGHTON MOORE JR., (FILE #12-18100011)

Leighton Moore, Jr., 12637 Sheffield Road, Ocean City, MD appeared at the request of the Planning Commission to answer questions in regard to the intent for landscaping, siding, and other items. He furnished photographs of the finished project and an invoice for the \$2778.20 in landscaping provided.

The Commission's questions were answered and a motion for approval made:

MOTION/Miller **SECONDED/**Taylor Vote was unanimous (4-0) to approve the revised site plan as presented.

2) Review of 4000 square feet Site Plan for redevelopment of 5850 square feet of Proposed 3-story Commercial Structure located on Lot 132, Block 16 of the Old Town Ocean City Plat, 1875; and further described as located on the northwest corner of Dorchester Street and S. Philadelphia Avenue and locally known as 210 S. Philadelphia Avenue, in the Town of Ocean City, Maryland.

APPLICANT: CHRISTOPHER N. REEVES (FILE #12-18100010)

Blaine Smith presented the application and indicated that the desire was to keep parking credits vested with the site. The new design is yielding 4 parking spaces, but based on

previous use the credits are 22. During review by the OCDC Design Committee, issues had arisen with the placement of the building and the parking lot that differed from those of Town of Ocean City public works staff.

Joseph E. Moore, Esquire, 3509 Coastal Highway, Ocean City, represented Mr. Reeves and essentially asked the Commission for a technical approval of the preliminary site plan in order to retain the parking credits.

Glenn Irwin, Executive Director of OCDC testified that the OCDC's goal is to preserve the corner streetscape and to hide parking. He agreed that the technical approval of the preliminary site plan was in order as long as the actual project site to be built out was reviewed and approved by OCDC and the Planning Commission prior to building permits being issued.

MOTION/Miller SECONDED/Taylor Vote was unanimous (4-0) to give 18 month preliminary site plan approval subject to further review by Planning Commission and OCDC prior to moving forward.

III. DISCUSSION

1) Renewal of temporary special event parking lot for specific Summer 2012 dates through the month of September 2012 – The site is described as located on the west side of Philadelphia Avenue between 25th and 26th Streets, and known locally as 2501 Philadelphia Avenue

APPLICANT: OCEAN HARBOR HOLDINGS, LLC

Joseph E. Moore, Esquire, represented the applicant in asking for an extension to this year's specific date approvals for a temporary parking lot, given by the Planning & Zoning Commission on April 3, 2012. Commissioner Taylor explained that she didn't like the piecemeal approach towards this temporary parking lot approval; that if all these requests were made, the Planning Commission should maintain that the parking lot be permanent in nature and brought up to Code as such.

Mr. Moore argued that the Town is using the property as a staging area now for public works construction, therefore preventing the parking lot being improved in accordance with code for a permanent lot. The request is that the temporary use be extended through September 2012 only.

MOTION/Miller SECONDED/Staley Vote was unanimous (4-0) to accept the extension of dates through the end of September as a temporary parking lot, keeping it clean and maintained.

IV. PUBLIC HEARING – 7:00 PM scheduled/began at 7:22 PM

Pursuant to the provisions of Article II, Division 5, Section 110-121, et. seq., Conditional Uses, a request has been filed under the provisions of Section 110-304(2), Uses permitted by Conditional Use in the R-2A, Low Density Multiple-Family Residential, District, to permit expansion of existing electrical substation. The site of the request is described as Lots 1A and 1B as shown on a Plat entitled "Resubdivision Lot 1, Block

110, Fenwick Plat No. 4,” recorded in Plat Book R.H.O. No. 153, page 75; and Lots 2A and 2B as shown on a Plat entitled “Resubdivision Lot 2, Block 150, Fenwick Plat” and recorded among the Plat Records in Plat Book 190, Page 60; Parcels 2623A and 2624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137th and 138th Street, in the Town of Ocean City, Maryland.

APPLICANT: DELMARVA POWER & LIGHT COMPANY – A CORPORATION OF THE STATE OF DELAWARE AND THE COMMONWEALTH OF VIRGINIA (FILE #12-12100002)

Chairperson Buckley brought the hearing to order and the record shows that no one objected to the sitting Commissioners. Blaine Smith presented the application to the Commission. He informed the audience of the history of the public utility’s placement as a Conditional Use originally, and how the zoning districts had changed per rezoning ordinances and illustrated that it is now a permitted use in the R-2A Zoning District as a Conditional Use.

Jim Smith of Delmarva Power and Light testified that the 137th Street Substation is the northern landing for electricity in Ocean City. Laslo Kessler of DP & L discussed the design of the new gates and how it would be in keeping with the neighborhood.

Terry McGean, City Engineer, testified concerning the affect of brown-outs, black-outs, and voltage fluctuations on town facilities. He stressed that private property owners were in danger of losing equipment at home because of the unreliability of the electric transmission. He testified that in terms of need, this upgrade project is necessary; and in terms of least disruptive site for these improvements, this substation is the right site for the upgrade.

Citizen testimony in opposition of the proposal:

Vincent De Paul Gisriel, Jr., 14008 Sailing Road, Ocean City, presented lengthy testimony to demonstrate that studies of Electro Magnetic Fields (EMF) that emanate from electric substations are inconclusive as to the detrimental affects on health of workers and residents alike. He cited several World Health Organization studies (middle to late 1990’s) in his testimony. In addition, he believes the expansion will further negatively affect property values.

Donna Moulton, 206-138th Street, Ocean City, provided testimony that she had asked for specific readings for the new equipment and that DP & L has not replied to her requests. She testified that the calculated readings she’d been given don’t make clear the amount of presumed danger that residents in the area could be living with. Another concern is the noise levels of the new equipment. Planning & Zoning members and staff assured Ms. Moulton that the Town’s noise ordinance would be upheld to the point of DP & L having the downsize their equipment.

Richard Hansen, 201-139th Street, Ocean City, seeks guarantees from either the city or DP & L that 15 plus years down the line residents will not be suffering detrimental health affects because of the substation’s existence. He suggested perhaps Planning & Zoning do an independent study apart from DP & L concerning EMF levels, and also that the residents be given an annual report to monitor if and how the EMF levels change. He asserted his belief and that of the Community was that the decision was a done-deal because the dwellings were demolished prior to the public hearing for Conditional Use,

