

**PLANNING AND ZONING COMMISSION
MINUTES
NOVEMBER 20, 2012**

ATTENDEES:

Members

Pam Buckley
Lauren Taylor
Peck Miller
John Staley
Chris Shanahan (arrived 6:15 pm)
Joel Brous (arrived 6:35 pm)

Staff

Blaine Smith
Kay Stroud

CALL TO ORDER – 6:00 PM

I. APPROVAL OF MINUTES:

Minutes of October 16, 2012 approved unanimously (4-0) with Peck Miller making the motion and Lauren Taylor seconding.

II. DISCUSSION – AGENDA ITEMS:

BROADMARSH – Requesting approval to pursue a subdivision for the remainder of the yet built project. The three buildings currently built would remain under condominium regime; however due to tightening of lender requirements (Fannie Mae), the developer is offering the utility easements as private ingress/egress means.

Joseph E. Moore, attorney for the applicant, stated that the project would create public areas, and the Club House would fall under an amenity of the Home Owner's Association.

Blaine Smith, Zoning Administrator, advised the Commissioners that the developer is asking for the Planning Commission's advisability of the Planning Element since a variance to the code's street frontage requirement would have to be approved by the Board of Zoning Appeals. The easements are not wide enough to be dedicated as city streets. Every other issue follows code requirements except the street frontage requirement.

Chairperson Buckley acknowledged favorable consensus to move forward.

FAT DADDY'S - Blaine Smith, Zoning Administrator, reminded the Commissioners that this project had received a review and approval on September 7, 2011, but the approval was subject to addressing all the design concerns of the Ocean City Development Corporation (OCDC).

The new plans were shown, in conjunction with the Downtown Design Committee's recommendations, using colors and tones appropriate for the downtown. The façade has been altered to address OCDC's request that it be broken up and the roof be modified to better reflect the design of downtown. The Commissioners recommended a few changes, chiefly suggesting an awning over the northern store front.

MOTION/Miller **SECONDED/Taylor** Vote was unanimous (6-0) to approve subject to providing revised full-color renderings with changes requested by the OCDC (see attached).

MINIATURE GOLF AS CONDITIONAL USE IN THE DMX ZONING DISTRICT – At the time the Trimper Family expanded their amusement overlay interest, the use was allowed in the DMX zoning district. Concerns of the Historic Henry Hotel prompted the Trimper Family not to extend the overlay onto the below subject property.

Miniature Golf was removed from the DMX zone in 2002, partly because OCDC felt this use would not be desirable in a mostly residential district, and partly because the Lower Downtown Overlay District created exclusionary zoning. If the Commission elects to consider reinserting miniature golf as a conditional use in this district, it will not be site-specific though the location on the west side of S. Baltimore Avenue at Worcester Street is the goal. The entire DMX district will need to be evaluated if the text is amended. The type of use, Conditional Use, will protect the interest of properties and citizens with their input.

The Henry Hotel will be buffered in some manner from the miniature golf if code is amended and applicants are successful.

MOTION/Miller **SECONDED/Shanahan** Vote was unanimous (6-0) to move the proposed text amendment to public hearing.

III. DISCUSSION – CITIZEN REQUEST:

An Ocean City resident who lives next to 4206 Coastal Highway, On the Bay Seafood, complained that the business has pushed their picnic tables too far into their parking lot. He also stated that fence maintenance, parking bumpers, location of dumpster, lighting glare and brightness, and condition of alley should be checked in accordance with BZA approvals, building permits, and site plan approvals.

Mr. Smith indicated that staff would look into these issues.

IV. PUBLIC HEARING – 7:15 PM

To consider amending Code Sections 110-933 (e) and (k) related to parking regulations determining how to calculate required parking spaces in mixed uses.

(e) Where a fractional space results *after tabulating the total number of required spaces*, the parking spaces required shall be construed to be the next highest whole number.

(k) In the case of mixed uses, or uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that in such mixed uses the computation shall not be subject to the base minimum requirement specified in section 110-932(b) above for individual uses; and that the parking requirements for permitted accessory retail and services uses in a hotel, motor or motor lodge containing 50 or more dwelling units may be reduced by the following percentages:

- (1) Retail sales, offices and service establishments, 30 percent;
- (2) Restaurants and dining rooms, 50 percent;
- (3) Ballrooms, banquet halls, meeting rooms and auditoriums, 70 percent.

APPLICANT: PLANNING & ZONING COMMISSION – FILE #12-1410002

Blaine Smith, Zoning Administrator, presented application. Joe Moore explained that the current code has been interpreted differently than the Town and staff interprets it as written. This text amendment would clarify parking requirements for mixed-use projects.

The Commission members asked that we take a look at the reduction percentages, listed above.

MOTION/Shanahan **SECONDED/Brous** Vote was unanimous (6-0) to approve and recommended the text amendment as written, above.

ADJOURNMENT – 7:30 PM

John Staley January 23, 2013
John Staley/Commission Secretary Date