

**PLANNING AND ZONING COMMISSION  
MINUTES  
DECEMBER 4, 2012**

**ATTENDEES:**

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

Staff  
Blaine Smith  
Kay Stroud  
Kevin Gregory

**CALL TO ORDER – 6:30 PM**

**I. APPROVAL OF MINUTES:**

Minutes of November 20, 2012 were held over until the December 18, 2012 meeting.

**II. SITE PLAN REVIEW:**

**MINOR SUBDIVISION -**

Proposed Resubdivision of Lot 11 into Lots 11 A & 11 B, Bayside Section, Plat of J.E. Evans Development, further described as located on the west side of Edgewater Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets, and locally known as 507 Edgewater Avenue, in the Town of Ocean City, Maryland.

**APPLICANT: MELVIN & SUSAN BRAUN (FILE #12-07800002)**

The applicants were given approval by the Board of Zoning Appeals on October 11, 2012 (BZA 2353 #12-09400017) to create stacked parking for a duplex and to back out into Edgewater Avenue; granted a variance to construct a portion of the dwelling over existing undisturbed tiebacks and deadmen if necessary; and for a variance to lot area to allow (2) subdivided lots for a two-family dwelling with less than 2,500 square feet each.

**MOTION/Miller      **SECONDED/Taylor****      Vote was unanimous (6-0) to approve as presented.

**ADMINISTRATIVE REVIEW/REVISION –**

Requesting review of added offsite parking lot, located on Lot 6, Block 33 of the Revised Oceanbay City Plat, further described as located on the southeast corner of Coastal Highway and 66<sup>th</sup> Street.

**APPLICANT: GALAXY 66 SKYE BAR (FILE #11-18100004)**

Peck Miller recused himself from this discussion. The Worcester County Liquor Board requires this restaurant to use glass paneled partial walls as a sound barrier for entertainment. With the addition of this parking lot, the twelve (12) parking spaces created could allow applicant to use retractable awnings from time to time to protect against inclement weather.

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Roger Cebula, owner/applicant, testified that staff and employees could use these spaces which are located across Coastal Highway and leave those spaces onsite for customers. Blaine Smith advised that educating the staff and patrons where to use cross walks and instructional signage would be appropriate.

**MOTION/Brous      SECONDED/Shanahan** Vote was unanimous (5-0) to approve as presented. In addition, the Commission strongly recommended these conditions, though not part of the official motion to approve:

1. The business should endeavor to promote the use of crosswalks across Coastal Highway with appropriate signage.
2. The Planning Commission agrees with the business owner that this offsite parking area should be used for employee parking whenever possible.

**III. PUBLIC HEARING – 7:00 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 150, 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 62; Parcels 7623A and 7624A, Map 118, further described as located on Sinepuxent and Derrickson Avenues between 137<sup>th</sup> and 138<sup>th</sup> 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)**

The Mayor and City Council, on August 20, 2012, remanded this hearing back to the Planning Commission for further evidence gathering and ample discussion on these seven (7) specific items:

- 1) Physical affects of Electro-Magnetic Field Exposure;
- 2) Property Value;
- 3) Aesthetics;
- 4) Noise;
- 5) Alternative locations;
- 6) Changes in Neighborhood Density since 1974;
- 7) Undergrounding of wires and equipment.

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Only the original Commission Members present at the initial hearing on August 7, 2012 - Peck Miller, Pam Buckley, John Staley, and Lauren Taylor – could act as hearing examiners for this new continued hearing.

Blaine Smith, Zoning Administrator, introduced the history from the August 7<sup>th</sup> hearing.

Testifying on behalf of the applicant and addressing the above items: Regan Smith, Jim Smith, Joe Harrison, and Dr. William H. Bailey.

Testifying in opposition to the application: Bruce David, Richard Hansen, Vincent Gisriel, Jr., and Ellie Diegelmann.

**MOTION**/Miller      **SECONDED**/Taylor      Vote was unanimous (4-0) to close the hearing. Deliberations and decision would be made at an upcoming work session, to be scheduled.

**ADJOURNMENT – 9:50 PM**

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