

**PLANNING AND ZONING COMMISSION  
MINUTES  
DECEMBER 17, 2013**

**ATTENDEES:**

Members

Pam Buckley  
John Staley  
Peck Miller  
Lauren Taylor  
Chris Shanahan  
Palmer Gillis

Staff

Blaine Smith  
Kay Stroud  
Kevin Gregory  
Matt Margotta  
Bob Nelson

**CALL TO ORDER – 6:30 PM**

**I. APPROVAL OF MINUTES:**

Minutes of October 15, 2013 and November 19, 2013 approved unanimously (6-0), Lauren Taylor made the motion, Peck Miller seconded.

**II. SITE PLAN:**

1) Site plan review of proposed 6-unit residential townhouse building (3 bedrooms each unit) to be constructed in the R-2 Zoning District. The site is described as an unnumbered lot, Block 43, Land Unit 3 of the 5<sup>th</sup> and St. Louis Land Condominium Plat; further described as located on the southeast corner of Edgewater Avenue and 5<sup>th</sup> Street, and locally known as 307-5<sup>th</sup> Street, in the Town of Ocean City, Maryland.

**APPLICANT: FISHER ARCHITECTURE LLC (FILE #13-18100017)**

Blaine Smith, Assistant Director of Planning and Zoning, presented the application of this multi-family project that will be owned as a condominium. He pointed out that the project had not been designed with widened sidewalks, which could jeopardize stormwater management or landscape design. If the Planning Commission desires widened sidewalks, redesign would be validated with building permit application process. Parking design within project area and demand on street parking was discussed. Glenn Irwin, Executive Director, OCDC, stated that the Design Review Committee liked the rear parking design, colors, and 8' front veranda. Staff recommendations were presented, below:

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. All exterior garbage or rubbish containers shall be screened from the street on all but one side by an opaque fence, landscaping, an earth berm or other suitable opaque enclosure. The average height of the enclosure shall be one foot more than the height of the container but shall not be required to exceed eight feet in height.

2. The project shall comply with all regulations pertaining to stormwater management, and infiltration as per Chapter 30, Environment, Article III, Stormwater Management, prior to issuance of a building permit.
- \*3. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.
4. All vehicular use areas shall maintain headroom clearance of seven (7) feet, clear of all obstructions including utilities and lighting fixtures. All supporting columns within the vehicular use areas shall not encroach into any minimum parking space or access drive.
5. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
6. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.
7. All vehicular use areas shall maintain headroom clearance of seven (7) feet, clear of all obstructions including utilities and lighting fixtures. All supporting columns within the vehicular use areas shall not encroach into any minimum parking space or access drive.
8. Any existing power poles that interfere with the development of this project shall be relocated at the expense of the owner/developer with appropriate approvals.
9. The location of transformers shall be subject to the approval of Delmarva Power and the Zoning Administrator.
10. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
11. Location, height, type, and direction of lighting to be designed per Section 110-865.21(1)(b) (Upper Downtown Design Area).
12. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
13. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
14. The project is subject to impact fees adopted by the Mayor and City Council.

15. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
16. 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.
17. All parcels shall be deed consolidated as per Section 110-874.
18. 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).
19. Subject to obtaining a building permit for all site work.

**MOTION/**Miller    **SECONDED/**Taylor    (6-0) Motion to approve the site plan subject to validated protection of stormwater management on the east side, 8' sidewalks on 5<sup>th</sup> Street, staff recommendations and OCDC design approval.

2) Site plan review of proposed 3-unit multi-family residential dwelling (3 bedrooms each unit) to be condominiumized. The site is described as Lot O, Block 32 of the Bay Heights Plat; further described as located on the east side of St. Louis Avenue, mid-block between 5<sup>th</sup> and 6<sup>th</sup> Streets, and locally known as 504 St. Louis Avenue, in the Town of Ocean City, Maryland.

**APPLICANT: FISHER ARCHITECTURE LLC (FILE #13-18100018)**

Blaine Smith also presented this application and explained that the architects/engineers had made several revisions after the Technical Review Committee meeting on December 5<sup>th</sup>. This two story structure has a north/south orientation, with the main entrance being on the south façade and the private decks placed on the north side. OCDC has concerns with faux windows on the west façade; doesn't prefer them. No sidewalk widening provided as shown, decision up to the Planning Commission. Parking spaces will be assigned with two floating. Staff recommendations were presented, below:

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. All exterior garbage or rubbish containers shall be screened from the street on all but one side by an opaque fence, landscaping, an earth berm or other suitable opaque enclosure. The average height of the enclosure shall be one foot more than the height of the container but shall not be required to exceed eight feet in height.
2. The project shall comply with all regulations pertaining to stormwater management, and infiltration as per Chapter 30, Environment, Article III, Stormwater Management, prior to issuance of a building permit.

3. All construction and/or repairs of curb cuts, sidewalks and streets and/or street amenities shall be approved by the Department of Engineering and shall be installed in accordance with the specifications and standards of that department. Any existing curb cuts that are being abandoned must be removed and replaced with a sidewalk subject to city specifications.
4. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.
5. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
- \*6. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.
7. Any existing power poles that interfere with the development of this project shall be relocated at the expense of the owner/developer with appropriate approvals.
8. The location of transformers shall be subject to the approval of Delmarva Power and the Zoning Administrator.
9. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
10. Location, height, type, and direction of lighting to be designed per Section 110-865.21(1)(b) (Upper Downtown Design Area).
11. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
12. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
13. The project is subject to impact fees adopted by the Mayor and City Council.
14. All site plan approvals are subject to building code, fire code, and all other applicable governmental regulations.
15. 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.

16. 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).
17. Subject to obtaining a building permit for all site work.

**MOTION/Shanahan    ~~SECONDED~~/Taylor    (6-0)** Motion to approve the site plan subject to addressing the faux window treatments on the west façade and other design regulations per OCDC.

### **III.    DISCUSSION**

Regarding regulations when altering existing buildings beyond 50% of Fair Market Value.

Matt Margotta, Director of Planning and Community Development, addressed the Planning Commission at their request regarding the above topic. He explained that these regulations are per the National Flood Insurance Program, not a local ordinance. He stated that the best way to address it is with the Comprehensive Plan, as a goal. One way to accomplish this might be to use a specific time period when assessing a substantial improvement instead of the life of the structure. Checking with the local assessment office for their procedure could be a helpful resource.

**ADJOURNMENT @ 7:50 p.m.**

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**John Staley Commission Sec.    Date**