

**PLANNING AND ZONING COMMISSION  
MINUTES  
APRIL 1, 2014**

**ATTENDEES:**

**Members**

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

**Staff**

Blaine Smith  
Kay Stroud  
Will Esham  
Matt Margotta  
Robert Nelson

**CALL TO ORDER – 6:30 PM**

**I. APPROVAL OF MINUTES:**

Minutes of February 4, 2014 approved unanimously, Lauren Taylor made motion, Peck Miller seconded (7-0).

**II. SITE PLAN:**

1) Site Plan extension for temporary commercial parking lot located at 2204 Philadelphia Avenue (expired on March 2, 2014)

**APPLICANT: JACQUELINE DEGROFT (ORIGINAL FILE #12-18100001)**

Blaine Smith, Administrator, presented the site plan for renewal for two years with same conditions as the past approval.

**MOTION/Taylor      **SECONDED/Shanahan**      (7-0) Motion to approve the 2-year extension as presented.**

2) Site Plan extension for a 2,596 square foot addition to the SunSations store at 9219 Coastal Highway, Unit 10, part of the Decaba Condominium Plat with associated parking to be located on the parcel of land formerly known as 9305 Coastal Highway. The site is described as Lots 11-17 and 20-26, Block L of the Oceanbay City Plat, further described as located on the west side of Coastal Highway between 92<sup>nd</sup> and 94<sup>th</sup> Streets, and locally known as 9201 Coastal Highway, in the Town of Ocean City, Maryland. (expired on February 21, 2014)

**APPLICANT: RICHARD JARVIS FOR AVI SIBONY (ORIGINAL FILE #12-18100012)**

Blaine Smith, Administrator, presented this site plan for extension in order to finish development of this site. Richard Jarvis was present to answer questions.

**MOTION/Miller      **SECONDED/Shanahan**      (7-0) Motion to approve 18-month extension with condition: Sign area to be boxed in, cleaned up, and landscaped per prior approval by Memorial Day (May 26, 2014).**

Planning & Zoning Commission  
MINUTES  
April 1, 2014

3) Site Plan Review and Preliminary Resubdivision request of three (3) proposed townhouse units: (2) three-bedroom units and (1) four-bedroom unit. The site of this application is described as Lot 114 of the Bayside Keys Plat; further described as located on the north side of Bradley Road and locally known as 714 Bradley Road, in the Town of Ocean City, Maryland.

**APPLICANT: BUCHANAN DEVELOPERS INC. (FILE #14-18100001)**

Blaine Smith presented the application and explained to the Commission that this was a review for the site plan and also a request for a preliminary subdivision. Staff recommendations were presented as follows:

1. Design Guidelines, per Section 110-181, apply to all of the corporate limits of the Town of Ocean City.
2. 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.
3. The project shall comply with all regulations pertaining to stormwater management, Chapter 30, Environment, Article III Stormwater Management, prior to issuance of a building permit.
4. 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.
5. 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.
6. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
7. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.

Planning & Zoning Commission  
MINUTES  
April 1, 2014

8. Location, height, type, and direction of lighting designed per Section 110-876(h) Lighting Requirements, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in footcandles throughout the property. This section shall not apply in the Downtown Design Overlay Zones per Section 110-831.23 Lighting (Lower Downtown Area) and Section 110-865.21(1)(b) (Upper Downtown Design Area).
9. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
10. The building and any porch covered with a roof shall not be located over tiebacks and deadmen which support existing bulkheads. It is required that the owner/developer verify the location of existing tiebacks and deadmen prior to issuance of a building permit.
11. The project is subject to impact fees adopted by the Mayor and City Council.
12. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
13. 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.
14. Subdivision approval subject to the final plat being prepared and recorded in accordance with Chapter 78, Article III, Final Plat. Provide cross-easement for parking and driveway. Individual water and sewer utilities be extended to each lot.
15. 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).
16. Subject to obtaining a building permit for all site work.

**MOTION/Miller** **SECONDED/Gillis** (7-0) Motion to approve 18-month extension with condition: Sign area to be boxed in, cleaned up, and landscaped per prior approval by Memorial Day (May 26, 2014).

4) Site Plan Review of addition of new toilet facility (420.84 sq. ft.) and exterior dining area at Guido's Burritos II. The site of the application is described as approximately 12 lots of the Isle of Wight Plat; further described as located on the northwest corner of 33<sup>rd</sup> Street and Coastal Highway, and locally known as 3303 Coastal Highway, in the Town of Ocean City, Maryland.

**APPLICANT: STEVEN J. CIRILE (FILE #14-18100002)**

Planning & Zoning Commission  
MINUTES  
April 1, 2014

Blaine Smith presented the application. Steven Cirile was present to answer Commission questions.

**MOTION/Miller      SECONDED/Gillis (7-0)** Motion to approve site plan as presented with any staff recommendations, but if possible, design the access on the west side of the building to be for 2-way traffic for those vehicles ingressing/egressing from the 33<sup>rd</sup> Street curb cut.

**III. PUBLIC HEARINGS:**

1) Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-861.3(5), Uses permitted by Conditional Use in the I-1 Inlet District, to permit water-related parasail and wave-runner recreational activity for a period of five (5) years. The site of the request is described as Block 21S of the Sinepuxent Beach Company Plat of 1891, further described as located on the west side of Philadelphia Avenue, the south side of Sunset Park, and on Sinepuxent Bay near the Inlet, and known locally as 700 S. Philadelphia Avenue, in the Town of Ocean City, Maryland.

**APPLICANT: GRAHAM BOSTIC (FILE #14-12100001)**

Blaine Smith presented the application, giving history of the prior approval for the same watersport operation and owner. A new commercial site plan for Buccaneer's Caye at Shipwreck Code a proposed restaurant, tiki bar and playground was approved on October 15, 2013, causing Mr. & Mrs. Bostic to seek BZA approval for a shared parking facility agreement (granted on November 14, 2013) prior to filing for this Conditional Use permit.

Angie Bostic, applicant, testified on behalf of the application, which is the same as the prior approval except for a period of five (5) years.

Joseph R. Tozzi, proprietor of the Oceanic Fishing Pier, was present as the adjacent neighbor, asking that the provision to maintain 50 yards between the two watersports in that basin, be included as a condition of approval with this new application.

**MOTION/Taylor      SECONDED/Miller (7-0)** Motion to send a favorable recommendation to the Mayor and City Council for five (5) years with the following conditions:

1) All prior conditions of approval to remain in effect with following commission recommendations:

1. One (1) parasail boat and a maximum of twelve (12) wave-runner vessels subject to minimum off-street parking requirements.

Planning & Zoning Commission  
MINUTES  
April 1, 2014

2. Should construction begin on the restaurant which has been given site plan approval with included parking plan (**Buccaneer's Caye at Shipwreck Cove File #13-18100014 approved on October 15, 2013**) within the life of the Conditional Use, it will be required that the operator of the watersport discontinue its operation until they meet with the Planning & Zoning Commission to determine that the two uses can co-exist on the premise without any adverse affects to vehicular and pedestrian movement for patrons and public, and for adequate parking during construction. See also **BZA 2390 #13-09400021** letter of approval for shared parking facility between the restaurant and Sea Rocket Adventures and associated watersports.
3. This approval to be limited to this applicant only and is not transferable without Planning Commission authorization.
4. The wave-runner operation and the parasail boat shall stay a clear distance of 50 yards within the basin from the north side of the Oceanic Fishing Pier.
5. The approval is valid for five (5) years as requested.

2) To consider amending the Zoning Code, Division 23 **DOWNTOWN DESIGN OVERLAY ZONE DISTRICT**, specifically Sections 110-831.1 – 861.6, for all the incorporated zoning districts (B-1 boardwalk, I-1 Inlet, DMX downtown mixed use, DM downtown marine, DR downtown residential, and M-1 manufacturing).  
**APPLICANT: PLANNING & ZONING COMMISSION (FILE #14-14100001)**

Matt Margotta, Planning and Community Development Director, Blaine Smith, Assistant Director, Planning and Zoning; and Glenn Irwin, Executive Director of the Ocean City Development Corporation were sworn. The stated intention is to create more uniformity within all the underlying zones and better define the regulation of the Downtown Design Overlay District. Blaine reviewed the proposed changes for the Commission. The Commissioners discussed the changes and determined to remove electronic signage from this application and to set up a separate public hearing for this item in the near future.

**MOTION/Miller SECONDED/Taylor (7-0)** Motion to send a favorable recommendation to the Mayor and City Council to amend Section 110-831.1 – 831.28; and Sections 110-482; 110-484; 110-485; 110-487; 110-662; 110-663; 110-665; 110-667; 110-692; 110-695; 110-697; 110-847; 110-861.1; 110-861.2; 110-861.4; and 110-861.6 with these conditions:

- 1) Remove "create" in Section 110-831.1(d)(13) and (14) and use "promote."
- 2) Remove electronic signage from this amendment as stated above.

Planning & Zoning Commission  
MINUTES  
April 1, 2014

**ADJOURNMENT** @ 8:30 p.m.

**John Staley** **5/6/14**  
John Staley Commission Sec. Date