

**PLANNING AND ZONING COMMISSION
MINUTES
MAY 6, 2014**

ATTENDEES:

Members

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

Staff

Blaine Smith
Kay Stroud
Matt Margotta
Will Esham

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of February 19 & April 1, 2014 were approved (5-0-1).

II. SITE PLAN:

1) Site Plan Review of proposed 142 unit hotel known as Residence Inn Hotel, located on Parcel 6703, A & A1, 1.90 acs, Plat Survey Lands G-K Co, and Part of Parcel B (6702); and further described as located on the west side of Sea Bay Drive, between 60th and 62nd Streets, and locally known as 300 Sea Bay Lane, in the Town of Ocean City, Maryland.

APPLICANT: INNS OF OCEAN CITY LLC – FILE #14-18100004

Blaine Smith, Administrator, presented the proposed site plan for the Marriott Residence Inn, a 142 unit hotel to be erected on the parcel zoned LC-1, 68,000 square feet contiguous, under the Special Bayside Development Regulations. He explained that what is presented is not quite ½ as much bulk between the 5 story allowed by code and the SBDR allowance of 8 stories. The developers are proposing 20% compact parking spaces, which is allowed. Eight (8) units were being removed as dwelling area (guest rooms) and being utilized as storage because of landscape deficiency which in turn reduces parking spaces.

Joseph E. Moore, attorney for the applicant, introduced Mr. Gosnell & Mr. Palmer, seated in the audience, who are part of the project team of Inns of Ocean City, LLC (Project Team Qualifications attached). There has been a meeting between the applicants and representatives and the adjacent neighbors on Sea Bay Drive, residents of Trader's Cove. The new Marriott and Trader's Cove will share the maintenance responsibility of Sea Bay Lane. He further explained that the project is allowed as a matter of right if complying with ordinance.

Betty Taustin of the Traffic Group, spoke concerning the increased traffic flow that will be caused by the new development and presented an exhibit of Trip Generation Totals on Saturday peak hours per what had been onsite, what other uses are allowed onsite, and what the proposed hotel will cause, which is considerably less than the other uses.

Buck Mann of Mann Properties, the management company for Trader's Cove was present along with Tom Whalen, President of Trader's Cove Association. They shared their concerns with the following:

- 1) Parking at peak times for the hotel
- 2) Aesthetics of the property
- 3) Traffic flowing north and crossing Coastal Highway
- 4) Maintenance of the private road to be shared

Blaine Smith followed up by elaborating that the entire project is subject to all Critical Area, Stormwater Management and Landscaping criteria; all life safety codes; any water and/or sewer upgrades to be at the developer's expense; independent confirmation of the shadow study (presented); and any design features identified by the Commission to break up the north wall if desired; and signs to be posted for the shuttle to and from the beach.

MOTION/Miller SECONDED/Staley (6-0) Motion to approve as presented subject to the above requirements.

2) Revision to existing site plan approval to enclose open dining space on second floor of 1800 square foot restaurant. The site is described as Lot 1 Block 125 of the Isle of Wight Plat, further described as located on the northwest corner of 58th Street and Coastal Highway, and locally known as 5801 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: JOHN FAGER - S W I T C H PARTNERSHIP - FILE #13-18100015

Blaine Smith, Administrator, explained that the proposed dining enclosure on the second story of the building in progress at 58th Street and Coastal Highway would trigger need for more parking. The applicant had been granted a front yard variance and special parking exception from design standards to allow tandem parking from the Board of Zoning Appeals on April 10, 2014 (Application #14-09400004) and now needed the modification to the existing site plan to be reviewed and approved accordingly.

After reviewing the amended site plan and staff recommendations –

MOTION/Shanahan SECONDED/Taylor (6-0) Motion to approve as presented subject to staff recommendations.

III. DISCUSSION

1) The Board of Zoning Appeals requests the Commission's consideration to a change in an existing Conditional Use permit to allow a shared parking facility agreement. The site of the request is described as Land Unit 4, 45th Street Land Condominium Plat, further described as located on the west side of Coastal Highway, north of 44th Street, and locally known as 4435 Coastal Highway, 45th Street Village, LLC, in the Town of Ocean City, Maryland.

APPLICANT: MIKE HRICIK/44TH STREET WATERSPORTS (FILE #13-12100001)

The Commission was appraised as to how the proffered condition from 45th Street Village LLC that the former Flavors of Italy Restaurant remaining closed had been incorporated into the Conditional Use approval in August of 2013. Now the LLC has received a permit for a tenant fit-out for this unit and Mr. Hricik is asking the Board of Zoning Appeals for a shared parking facility agreement. The BZA wanted the Planning Commission's approval to move forward since it had been a condition of approval.

After discussing this matter –

MOTION/Taylor **SECONDED/Shanahan** (6-0) Vote to remove condition that the former Flavors of Italy unit remain closed and that it is the Commission's opinion that a shared parking facility agreement is adequate for this use and location. This matter is now turned back to BZA for their decision.

2) Geoff Robbins spoke to the Commission regarding rentals in the R-1 Single Family Dwelling Zoning District. This is a problem that seems to be growing even though the definition for a family in the R-1 and MH districts clearly states an individual or two or more persons related by blood or marriage OR no more than four unrelated persons sharing a home by joint agreement with only one culinary facility on a cost-sharing basis. He pointed out examples of an excess of this definition existing in the Teal Drive area, Little Salisbury, and Caine Woods areas. He presented rental information depicting a single-family dwelling on Teal Drive as being able to accommodate 17 persons for a short-term rental.

Attorney Esham mentioned that the staff research this question and come back to the Commission with options to determine a public hearing.

Commission Miller asked that Will Esham, Blaine Smith and Matt Margotta research how other communities handle this issue and bring results to Commission.

ADJOURNMENT @ 8:50 p.m.

John Staley 6/3/14

John Staley Commission Sec. Date

