

**PLANNING AND ZONING COMMISSION
MINUTES
JULY 15, 2014**

ATTENDEES:

Members

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

Staff

Blaine Smith
Kay Stroud
Chris Mancini
Matt Margotta
Bob Nelson

CALL TO ORDER – 6:30 PM

I. MINUTES

Minutes of July 1, 2014 –

MOTION/Gillis SECOND/Miller (4-0-3) Motion to approve as presented, with Lauren Taylor, Chris Shanahan, and Joel Brous abstaining because of absence at that meeting.

II. SITE PLANS

- 1) **Site Plan Review of proposed redevelopment of a 4,097 square foot restaurant. The site of the appeal is described as Parcel A-1, Block 95 and part of Block 96, Sinepuxent Beach Company Plat, 1891; further described as located on the west side of Philadelphia Avenue and south side of 33rd Street, and known locally as Burger King Restaurant, 3205 Philadelphia Avenue, in the Town of Ocean City, Maryland.
APPLICANT: HOGGARD EURE ASSOCIATES PC (FILE #14-18100006)**

Blaine Smith introduced the application for the redevelopment of the existing Burger King restaurant to be expanded into a new Burger King, Philly Pretzel, and Gelato restaurants, all owned by the same franchise. The open plan of the structure will allow entrance into the Burger King and then into the other two units from the inside. This plan enables them to share employees and facilities during peak times. The bus shelter will remain where located. Sidewalks are being increased to 8' with the use of brick pavers on Philadelphia Avenue and 32nd Street. Chris Stubbs of Hoggard Eure Associates was present and he stated that the goal is to start construction by September.

MOTION/Miller SECONDED/Shanahan (7-0) Motion to approve as presented in accordance with staff recommendations:

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

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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 the Standards of the Worcester County Soil Conservation District and the State of Maryland 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. Curb cuts located on the State highway are subject to review and approval by the State Highway Administration based on proposed ingress and egress to the project.
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. 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.
7. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
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 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.
12. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.

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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. 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).
18. All sign permits shall be issued in accordance with those signs shown on the site plan.
19. Subject to obtaining a building permit for all site work.

**2) Site Plan Review of Proposed Dining additions (interior – 1,140 gross square feet), exterior dining area on deck and porch (1,492 square feet) and outdoor beach dining area (3,874 square feet) to an existing restaurant. The site is described as Lots 3, 4-18, 20-28, Block 101 of the Oceanbay City Plat; further described as located on the west side of Coastal Highway and the south side of 83rd Street, and known locally as Fresco's Restaurant, 8203 Coastal Highway, in the Town of Ocean City, Maryland.
APPLICANT: FRESCO'S RESTAURANT (FILE #14-18100007)**

The record shows that Commissioner Peck Miller recused himself and spoke in favor of this application. Blaine Smith introduced the application to modify Fresco's Restaurant, as described above. Jeff Schoellkopf and Peck Miller made presentation describing the scope of work to the existing site and restaurant structure. The Fire Marshal has stipulated a rated capacity of 599 persons. State Highway Administration has approved plans with curb cut. The MDE permit (wetlands delineation) is in process.

MOTION/Brous ~~SECONDED~~/Shanahan (6-0-1) (Miller recused) Motion to approve as presented in accordance with staff recommendations:

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

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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 the Standards of the Worcester County Soil Conservation District and the State of Maryland 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. 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.
7. The location of transformers shall be subject to the approval of Delmarva Power and the Zoning Administrator.
8. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
9. 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.
10. Provide survey verifying wetland boundary lines by Dept. of Natural Resources and Army Corps of Engineers including other property lines prior to issuance of a building permit.
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.

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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. All sign permits shall be issued in accordance with those signs shown on the site plan.
18. Subject to obtaining a building permit for all site work.

III. ADMINISTRATIVE

COMPREHENSIVE PLAN UPDATE:

Director Matt Margotta and Planner Bob Nelson presented the Comprehensive Plan update timeline, goals and objectives. The Planning Commission is the reviewing body – pyramidal zoning needs to be reconsidered; add increased bicycle traffic; and barriers in median. See PowerPoint presentation attached.

RENTAL HOUSING IN SINGLE FAMILY RESIDENTIAL AREAS:

Director Margotta and Planner Nelson once again presented a PowerPoint presentation (attached). Ed Smith, Dr. Geoff Robins, Council Member Mary Knight spoke in favor to move the topic to a public hearing in order to better define the parameters of renting in R-1 and MH Zoning Districts to retain the character of single-family neighborhoods. By motion and second, the public hearing will be advertised to be heard on Tuesday, August 19, 2014.

MOTION/Miller **SECONDED/Taylor** (7-0) to plan a public hearing on Tuesday, August 19, 2014.

IV. DISCUSSION

The Commissioners would like to see these topics/updates upcoming in the near future:

Lauren Taylor would like to address “accessory use” and how it relates to Code. She would also like to see the time schedule for substantial improvements and/or renovations be changed from the lifetime of a structure to a defined period, perhaps of 10 years, for maintenance items particularly.

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Chairperson Buckley expressed need for an update on the Marriott Residence Inn and how it is complying with the State Highway Administration's requirements. Administrator Smith indicated that he would not sign off on the super-structure of the Inn until all is resolved with SHA.

ADJOURNMENT @ 7:55 p.m.

John Staley Commission Sec. Date

