

**PLANNING AND ZONING COMMISSION  
MINUTES  
June 21, 2016**

**ATTENDEES:**

**Members**

Pam Buckley  
Lauren Taylor  
John Staley  
Joel Brous  
Palmer Gillis

**Staff**

Bill Neville  
Blaine Smith  
Kay Gordy  
Will Esham

**6:30 PM**

**I. MINUTES**

Minutes of June 7, 2016 –

**MOTION/Brous      SECOND/Staley**      Motion made to approve the minutes as submitted. The vote was unanimous (5-0-2), Commissioners Miller and Shanahan absent.

**II. PLANNING REPORTS & UPDATES**

- 1) Planning Director Bill Neville presented the Maryland Department of Planning Annual Report to the Commission for review and recommendation to the Mayor and City Council to submit it officially to MDP.

**MOTION/Taylor      SECOND/Staley**      Motion made to forward with a favorable recommendation the Report as submitted to the Mayor and City Council.

Mr. Neville updated the Commission on the forward progress with the Comprehensive Plan draft and scheduled work session time during the month of July prior to the scheduled meetings to review and discuss language for Chapters 6 onward. Commissioner Gillis brought up the topic of enabling authority for certain site plan elements, such as 8' sidewalk and widening when necessary.

**III. PUBLIC HEARING (CONTINUANCE FROM JUNE 7, 2016 – 7 PM**

Pursuant to the provisions of Chapter 110, Division 6. Changes and Amendments, Section 110-143. Procedure for map amendments, of the Code of the Town of Ocean City – an application has been filed for a change in zoning classification for properties with a combined site area of approximately 4.4 acres that are currently zoned M-Manufacturing, and DMX-Downtown Mixed Use to the I-1 Inlet, Zoning District. The M-Manufacturing property is described as Map 110, Parcel 3968, Lots 1-7, 11-13, 17-31 and A-E and a portion of St. John's Avenue (closed), Block 39N of the Sinepuxent Beach Company Plat, 1891; and further described as located on the south side of 1<sup>st</sup> Street, north side of North Division Street, and eastern side of Sinepuxent Bay, and locally known as 309-1<sup>st</sup> Street, formerly Cropper Concrete Company, in the Town of Ocean City, Maryland. The DMX property is described as Map 110, Parcel 3969, Lots 33-36, Block 39N of the Sinepuxent Beach Company Plat, 1891; and further

described as located on the south side of 1<sup>st</sup> Street, and west side of St. Louis Avenue, and locally known as 305-1<sup>st</sup> Street, in the Town of Ocean City, Maryland.

**APPLICANT: JOSEPH E. MOORE, ATTORNEY FOR ROPEWALK BEL AIR PROP., LLC  
CONTRACT PURCHASER (FILE #16-14100002)**

Chair Pam Buckley opened the public hearing and received no objection to any Commissioners hearing the application. Blaine Smith, Zoning Administrator, was sworn and introduced the application.

Joseph E. Moore, Esquire, attorney for the applicants, explained the events that led up to the continuance request and then the purpose of asking for a change of zoning. The former Cropper Concrete plant was the purpose of having an M-Manufacturing zone on that site and it is now gone. The applicants wish to design a mixed use project that will include a hotel a maximum 8.5 stories in height, which the requested zoning district, I-1, Inlet, would accommodate. Keith Fisher of Fisher Architecture was qualified as an expert witness by Mr. Moore. They presented exhibits illustrating the proposed options for development and also Plan B, a 5 story option which the DMX would allow. Mr. Moore explained that 110 rooms are planned, which is roughly 1/3 of the capacity allowed for density in the proposed I-1 district.

Glenn Irwin, Executive Director, OCDC, testified and stated that the design committee and OCDC preferred the 8.5 story option rather than the 5 story option to achieve the same density.

There were none present in the audience who wished to speak in favor of the application.

Three residents of the neighborhood who have lived there 25 or more years testified of their concerns against the new zoning.

- 1) Linda O'Day, 213 N. 1<sup>st</sup> Street, testified that she was more concerned with what else is allowed in the I-1, Inlet, District more than what is currently proposed. She is concerned with excessive height in the downtown, more historic areas and suggested changing the zoning to DMX to preserve the existing residential character of the neighborhood.
- 2) Delores Rubinic, 105 N. St. Louis Avenue, also testified with similar concerns.
- 3) Sean O'Day, also resident of 213 N. 1<sup>st</sup> Street for 33 years, testified that the traffic is brutal now in the area. He was also concerned that this is spot zoning.

Mr. Moore came forward with his rebuttal; the Commission asked Mr. Smith to list the 39 uses of the M-Manufacturing zone and the 50 uses for the I-1, Inlet, zone. Mr. Smith commented that the DM was probably not the most appropriate zone for the subject property because of the channel at the bridge.

Bill Neville, Director of Planning and Community Development, also acknowledged that the location of the buildings proposed is as important as allowed height and density. He directed the Commission on conditioning the zoning approval so that the applicant be required to substantially conform to the concept plan submitted with this application. In order to make changes to the concept plan, the applicant must come back before the Commission and present amendments for the same review and approval process in order to move forward.

**MOTION/Taylor**      **SECOND/Gillis**      Motion and second to close the hearing at 9:10 PM.

After discussion, the following motion was made and seconded:

**MOTION/Taylor**      **SECOND/Gillis**      Motion to send the Mayor and City Council a favorable recommendation to rezone only the former Cropper Concrete property, located at 309-1<sup>st</sup> Street and currently zoned M- Manufacturing to be rezoned I-1, Inlet zoning district, and for the property described as 305-1<sup>st</sup> Street to remain DMX with the following conditions:

- (1) That the Ocean City Development Corporation (OCDC) recommendations be met.
- (2) That the height of a hotel or other building should not exceed 8-1/2 stories, which includes the half-story development incentive.
- (3) That development be 50% or less lot coverage.
- (4) That the site plan submitted in the future will substantially conform to the concept plan, as presented at this hearing.

This decision was based on the fact that the concrete plant for which the M-Manufacturing, District was created no longer exists, which necessitates a change in the zoning district for the neighborhood.

The vote was unanimous of those present (5-0-2) with Commissioners Miller and Shanahan absent.

With no further business, the meeting was adjourned.

**ADJOURNMENT – 9:30 pm**

John Staley      7/6/16  
JOHN STALEY, SECRETARY      DATE