

**PLANNING AND ZONING COMMISSION
MINUTES
July 6, 2016**

ATTENDEES:

Members

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

Staff

Bill Neville
Blaine Smith
Kay Gordy
Jon Bulkeley

5:30 PM

Work Session focusing on Chapter 6 – Housing – for review and updating the Comprehensive Plan.

Bill Neville, Planning Director, presented Chapter 6 to the Commission for direction to update the Comp Plan. Discussion and agreement followed.

The Commissioners requested that the new direction of Transportation be invited to come speak with them at a subsequent meeting for his input.

Mr. Neville also updated the Commission as to the nonconforming signage in the Baltimore Avenue right-of-way and detailed the Mayor and City Council's timetable to phase out nonconforming signage in the OCDC design overlay zones.

6:30 PM – Regularly Scheduled Meeting:

I. MINUTES

Minutes of June 21, 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. DISCUSSION

Residence Inn – north façade improvements in accordance with site plan approval

Blaine Smith, Zoning Administrator, presented the topic for discussion. Item #4 of the Conditions of Approval was to add design features to break up the north façade visually. The applicants are bringing back the proposed design features for concurrence from the Commissioners. Joe Moore, attorney for the applicant, was on hand to explain the images he presented. The concept plan called "the wave" is a future amenity to finish up the design. Mr.

Moore explained that budget obligations have delayed the opening of the hotel from the proposed late spring 2016 date.

The Commissioners stated that they'd had individual calls expressing concerns about the appearance of what is visible at this point, that it is "prison-like". The Commission explained to the applicant and representatives that the original approval was to have the designs presented for approval long before this phase in the building process – and it had to call the applicants back in to show the plans. The Commissioners expressed disappointment in how this process has commenced and the applicant respectfully rebutted that the Commission's authority does not include final approval of design features.

Barry Gosnell, one of the partners of the hotel development, stated that their interpretation of #4 was that there was no requirement to come back to the Commission with the proposed design. He explained that the various iterations had gone through Marriott's review and that what had been decided upon was approved by Marriott.

Chairperson Buckley explained that at this point they are not happy with the present status of the north side of the structure, and it is for the welfare (which is under the purview of the Planning Commission) of Ocean City to upgrade this façade. Palmer asked for the applicant's timeline for the improvements and have them hold to that.

Mr. Gosnell concluded his comments by stating the wave will be incorporated into the final design for the north façade. He asked for a full season to make revenues to complete the façade design because of the delays in opening. Jeff Thaler of Atlantic Planning, Design & Development showed the photo that Marriott approved in order to open for occupancy, which did not include the wave design.

Commissioner Gillis asked what would guarantee this performance, a bond or letter of credit. He spoke in favor utilizing a mechanism such as these. Commissioner Miller suggested this solution – bring back graphics of the actual as-built building incorporating the wave design, in color; a date of December 20, 2017 for completion; and a bond or letter of credit in the amount of estimated costs (\$68,000.00) to ensure it all will be done. Mr. Gosnell proposed putting up a \$10,000.00 cash bond which would work with the lender. The Commission did not agree on the sufficiency of that option.

Mr. Moore offered that they would have the proposal as to how to secure the design feature when the applicants brought graphics back for Commission review in 30 days.

Chairperson Buckley stated the agreement between the applicant and Commission as such: The developer will come back within 30 days with an as-built with the signage that will be completed by December 31, 2017 and with a method of security on that design feature. This was changed to "design feature" instead of "signage". Unanimously agreed upon by the Commissioners.

With no further business, the meeting was adjourned.

ADJOURNMENT – 7:30 pm

John Staley 9/7/16
JOHN STALEY, SECRETARY DATE