

PLANNING AND ZONING COMMISSON
MINUTES
October 4, 2016

ATTENDEES:

Members

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

Staff

Bill Neville
Blaine Smith
Will Esham

5:30 PM

Work Session Review and Update Comprehensive Plan – Bill Neville, Planning Director

General Items

Correspondence from the Maryland Department of Planning was presented which requires the Town of Ocean City to re-adopt a ‘growth tier map’ and incorporate it into the Comprehensive Plan by the end of the calendar year. An extension may be considered if the Comprehensive Plan Update is ready for State Clearinghouse review and the map could be adopted under this process. Extension of sewer and water service to the OC Municipal Airport was mentioned as a possible request to Worcester County to expand an existing priority funding area to include the airport property.

The Mayor and City Council adopted a Proclamation designating October as National Community Planning Month in Ocean City, Maryland. This recognizes the participation and dedication of the members of the Planning Commission and other citizen planners who have contributed their time and expertise to the improvement of the Town of Ocean City, MD. Current planning efforts underway include: Comprehensive Plan Update, Hazard Mitigation Plan, Recreation and Parks Master Plan, Storm Recovery Plan and others.

Discussion of Chapter Revisions

Copies of draft redline changes to each chapter of the Comprehensive Plan were distributed to the Commissioners along with a comment sheet to provide feedback to Staff. Revisions to the charts, tables and graphs that go with each chapter are still in progress and will be forwarded separately.

At the next Planning Commission meeting, the goal will be to incorporate any corrections or missing information and to finalize the draft chapter revisions. This draft set will be forwarded to MDP for a 60 day State Clearinghouse Review with a recommendation from the Planning Commission that the update is substantially complete. During the 60 day period, copies will be added to the Town website for public review and a summary presented to various agencies, departments and organizations like OCDC, DCMA, Chamber of Commerce, etc. With receipt of comments from the State, a final draft update will be prepared and scheduled for a public hearing. Chapters 10 and 11 were briefly discussed and the projected growth rate for the community was highlighted as a decision point for Planning Commission review.

6:30 PM – Regularly Scheduled Meeting:

I. APPROVAL OF MINUTES

- a. Minutes of September 7, 2016

MOTION/Shanahan SECOND/Brous Motion made to approve minutes as submitted. Vote was unanimous (7-0).

II. SITE PLAN

Revised Site Plan Review of relocation of proposed 5 story, 120 room hotel to the southwest bay front and to construct a free-standing 16,000 square foot retail store to the southeastern corner of the parcel, to be incorporated into existing redevelopment at the 45th Street Village. The subject property is described as the 45th Street Shopping Village, Land Unit 4, 4.72 acs., 45th and 46th Street Land Condominium Plats, further described as located on the west side of Coastal Highway between 44th and 46th Streets, in the Town of Ocean City, Maryland.

APPLICANT: 45TH STREET VILLAGE LLC (REVISION TO File 15-18100002)

Commissioners Palmer Gillis and Peck Miller recused themselves from this site plan review.

Blaine Smith, Zoning Administrator, presented the revised site plan and pointed out the specific revisions from the earlier approval. Keith Lott, Lott Architecture and Engineering, was present to address the Commission and to answer any questions posed to him from the staff, commissioners or audience.

MOTION/Shanahan SECOND/Brous Motion made to approve the revised site plan subject to the staff recommendations, below; Hal Adkins', Director of Public Works, comments **in red**, and subject to the applicant bringing back any further development and the 1,500 square foot retail building for further design review. Vote was unanimous of those voting (5-0-0-2), Commissioners Gillis and Miller, recused.

1. Design Guidelines, as set forth in Section 110-181.
2. Trash refuse 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. This project is subject to the provisions of the Atlantic Coastal Bays Critical Area Protection Act and shall comply with all regulations pertaining to stormwater management, Chapter 30, Environment, Article III Stormwater Management, and all landscape shall be installed in accordance with Chapter 30, Article VII and BZA 2462 approval, dated August 25, 2016. All mitigation fees shall be paid and/or put into escrow prior to the 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. 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.
6. 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.
7. 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.
8. All loading zones and service areas shall maintain a minimum headroom clearance of fourteen (14) feet, clear of all obstructions including utilities and lighting fixtures.
9. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
10. All private utilities extending across property lines serving new parking lot shall carry approved easements and/or the property shall be deed consolidated as per Section 110-874. As a policy of the City, private utilities may not extend across public ways.
11. 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.
12. The location of transformers shall be subject to the approval of Delmarva Power and the Zoning Administrator.
13. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.
14. 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 prior to release of building permit.
15. 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.
16. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
17. The project is subject to impact fees adopted by the Mayor and City Council.

- a. Infrastructure impact fees are as follows: One-half amount due at application for building permit; remainder due prior to issuance of building permit.
 - b. Water and sewer impact fees are due as follows: One-half amount at building permit issuance; the remainder at certificate of occupancy.
18. This application has been prepared in accordance with Section 110-909 Special Bayside development regulations for mixed use projects and have incorporated the parking reduction under subsections (h) and (i). Whereas, the applicant has also applied a 50% parking reduction for the Tap House Restaurant in conjunction with the hotel per Section 110-933(k)(2).
19. The hotel/motel project shall be operated in compliance with Section 110-907, items 1 thru 11, Hotel/Motel Definition, following:
 - (1) Be operated exclusively as a place of temporary lodging for compensation.
 - (2) Be open to the public generally rather than to a limited group.
 - (3) Contain a public lobby and guest registration office with guest rooms & suites.
 - (4) Provide full-time on-site management, guest registration personnel, daily maid service and maintenance to all guest rooms and suites.
 - (5) Limit the number of different guest room and suite keys to the number of guest rooms and suites approved by Ocean City; rooms or suites shall not be subdivided or used to provide more separate living areas than approved by Ocean City.
 - (6) Individual guest rooms and suites shall not have individual utility connections metered separately, including water, sewer and electric connections.
 - (7) Maintain a sign with the name of the hotel/motel on the outside of the property, with the word "hotel/motel" prominently displayed.
 - (8) Maintain records, for at least the most recent two years, of all guests, including names, addresses, rooms or suites assigned and term of stay, and make said records available for inspection by the department on 24 hours' notice.
 - (9) Comply with the minimum lot area per dwelling unit specified in the district regulations.
 - (10) Not to be construed to include any building or structure defined as a multiple-family dwelling in this chapter for the purpose of calculating lot area per unit and off-street parking per dwelling unit. In the case of mixed dwelling types, the required minimum lot area per unit and parking requirements shall equal the sum of the requirements of the various uses computed separately.
 - (11) In the event that that hotel/motel units are to be sold as condominiums, timeshare, partnerships or other forms of individual ownership, the condominium plats, bylaws and covenants shall be reviewed and approved by the administrator and the Planning Commission attorney.
20. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
21. 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.
22. If the project is to be a phased project, site plan approval shall include a phasing plan.
23. 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).

24. Previous site plan approved on May 19, 2015 shall be null and void.
25. All sign permits shall be issued in accordance with those signs shown on the site plan.
26. Subject to obtaining a building permit for all site work.
27. If a larger water or sewer service is required to be tapped out into Coastal Highway, the developer/contractor will be required to complete the work themselves, after gaining design approval from the Department of Public Works (DPW) for the actual pipe/fittings/alignment design, and will require the oversight inspection by DPW accepting the work into the infrastructure inventory. Department staff cannot address this work in a timely manner, therefore, it also positions the developer to have cost control by contracting with the firm of their choice to complete the work.

With no further business, the meeting was adjourned.

ADJOURNMENT – 7:40 pm

<u><i>John Staley</i></u>	<u>11/1/16</u>
JOHN STALEY, SECRETARY	DATE