

**PLANNING AND ZONING COMMISSION
MINUTES
April 19, 2016**

ATTENDEES:

Members

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

Staff

Bill Neville
Blaine Smith
Kay Gordy
Will Esham

6:30 PM

I. MINUTES

Minutes of February 17, 2016 – (7-0) approval

Minutes of Joint Session with Mayor and City Council - March 9, 2016 – (6-0-1) Joel Brous abstaining because he was absent.

II. SITE PLAN

- 1) Site Plan Review of Proposed 340 +/- square foot unoccupied communication equipment shelter with attached GPS mount. The site of the application is described as Lots 7 & 8, Block 49 of the Fenwick Plat; further described as located on the east side of Sinepuxent Avenue between 141st and 142nd Streets, and known locally as 109/111-142nd Street, in the Town of Ocean City, Maryland.

APPLICANT: KRISTEN PAK FOR VERIZON WIRELESS (FILE #16-18100005)

Zoning Administrator Blaine Smith presented the application. Kristen Pak was present to represent Verizon Wireless. She explained the elevations and illustrations of the current choices of fencing and appearance.

MOTION/Miller SECOND/Shanahan Motion made to approve the proposed equipment shelter and to allow fencing height to be a maximum of 8'-10', in keeping with eave height of existing building. The appearance of the fence will be in a red brick and in keeping with residential character of the neighborhood with the communication shelter inside.

- 2) Site Plan Review for proposed construction of a 74 room hotel with 2000 gross square foot retail area. The site of the application is described as Lot 15A, Section 2 of the Leeward Cay Plat; further described as located on the west side of Coastal Highway, north of 123rd Street, and known locally as 12303 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: NORTH OCEAN CITY LLC, HATE' KHARIJA, PRINCIPAL (FILE #16-18100004)

Zoning Administrator Blaine Smith again introduced the application, explaining the staff comments submitted (below), the 2 parking space waiver granted by the Board of Zoning

Appeals on March 10, 2016, and the access easement agreement with Dumser's, located adjacent to the north at 12305 Coastal Highway.

1. Design Guidelines, per Section 110-181, apply to all of the corporate limits of the Town of Ocean City, northward of the Upper Downtown Design Overlay Zone.
2. 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 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. A Right of Entry agreement shall be entered into and the drive area that serves the trucks shall be created to city specifications to ensure the City is not held liable on private property.
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, 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. 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.
11. The location of transformer/generators shall be subject to the approval of Delmarva Power and the Zoning Administrator. The generators shall be subject to the noise regulations set forth in Chapter 30, Article V.
12. Location and/or relocation of fire hydrants shall be subject to the approval of the

Water Department and the Fire Marshal. All necessary accessibility and maintenance easements shall be provided.

13. 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 shall be provided prior to release of the building permit.
14. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
15. 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.
16. 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.
17. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
18. 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.
19. 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).
20. All sign permits shall be issued in accordance with those signs shown on the site plan.
21. Subject to obtaining a building permit for all site work.

MOTION/Miller SECOND/Taylor Motion made to approve the site plan as presented per staff recommendations plus widening of sidewalks, and photometric lighting plan to be submitted per Code. The vote was unanimous (7-0).

Items III and IV were reversed in order to accommodate Mr. Moore.

IV. STAFF/ATTORNEY COMMENTS

Discussion of Rezoning Application of Joseph E. Moore, Esquire, attorney for Ropewalk Bel Air Prop., LLC., Contract Purchaser (Cropper Concrete site)

Mr. Moore spoke with the Commission and staff regarding the proposed request to rezone the former Cropper Concrete site from M-Manufacturing and the adjacent DMX-Downtown Mixed Use properties that were formerly known as 19-25 St. Louis Avenue and now known as 305-1st Street to be rezoned to I-1, Inlet, Zoning District, for redevelopment. The I-1 District would permit the proposed mixed use development including a hotel in excess of five stories and a restaurant with indoor and outdoor seating. The hotel would be placed to the far northern

segment of the property in order to avoid the new Route 50 bridge span once built. The property is 4.4 acres in size.

The Commission advised Mr. Moore to proceed with the application and have staff set up a public hearing for change of zoning. The proposed date is June 7, 2016 before the applicant's due-diligence study period ends July 1, 2016.

III. COMPREHENSIVE PLAN UPDATE – Bill Neville, Planning & Community Development Director

Chapter 3 Land Use and Community Character – guest presentation by Glenn Irwin, Executive Director, Ocean City Development Corporation – overview of projects and programs

Glenn Irwin gave a PowerPoint presentation on the goals and missions of OCDC in the Downtown areas. He discussed grant programs and showed before and after projects these programs have accomplished.

ADJOURNMENT

<u>John Staley</u>	<u>6/7/16</u>
JOHN STALEY, SECRETARY	DATE