

**PLANNING AND ZONING COMMISSON**  
**MINUTES**  
**January 5, 2016**

**ATTENDEES:**

**Members**

Lauren Taylor  
John Staley  
Peck Miller  
Joel Brous

**Staff**

Blaine Smith  
Kay Gordy  
Will Esham

**6:30 PM**

**I. MINUTES**

Minutes of November 17, 2015 – deferred until January 20, 2016 meeting

**II. ADMINISTRATIVE MATTERS/DISCUSSION**

1. Site Plan Extension for redevelopment of 5850 square feet of proposed 3-story commercial structure located on Lot 132, Block 16 of the Old Town Ocean City Plat, 1875; and further described as located on the northwest corner of Dorchester Street and S. Philadelphia Avenue and locally known as 210 S. Philadelphia Avenue, in the Town of Ocean City, Maryland.  
**APPLICANT: CHRISTOPHER N. REEVES (FILE #12-18100010) EXPIRING ON 2/7/16**

Zoning Administrator Blaine Smith explained the history of this project and gave the date it was originally approved (August 7, 2012) and the two year extension that was given on February 7, 2014. The applicant is not yet ready to redevelop the parcel, but wishes to keep the nonconforming parking active to redevelop. The prior development had consisted on residential and commercial use on the property with four parking spaces. The project approved in 2012 was commercial in nature with a mix of retail and office use. The property is currently being used as a temporary parking lot, maintained in good order. This is one of the properties that will fall into place with the OCDC downtown “model block” neighborhood for future development.

Commissioner Miller asked if there are code changes coming about that may address this area, and Administrator Smith opined that the updated Comprehensive Plan and regulations stemming from that may be helpful to this development area with a possible fee in-lieu program or special parking district. If the Commission grants the extension, it would be able to reserve further review should the Plan make changes.

Commissioner Taylor wanted to clarify that if the property owner wished to change or add residential to this site plan that it would need to come back to the Commission for new review.

Executive Director Glenn Irwin, OCDC, spoke in favor of the extension of approval but reiterated that the project must remain commercial in nature as approved. A residential component would require more parking than the four nonconforming spaces already onsite.

**MOTION/Taylor      SECOND/Brous**      Motion made to extend the site plan approval by 24 months with the stipulation that if the applicant changes the site plan from its purely commercial nature it must come back for P & Z review. The vote was unanimous of those attending, (4-0-3), with Commissioners Pam Buckley, Palmer Gillis, and Chris Shanahan absent.

2. Proposed text amendment to provide a definition of Water Related Recreational Activities to avoid future confusion between “water related recreational activities” and amusements that are required to be conducted in an Amusement Overlay District – **presented by Brian Peter Cosby, P.A.**

Mr. Smith gave brief history beginning last year with an application that was made to the Board of Zoning Appeals in the M, former Cropper Concrete Company property, zoning district to permit a Flow Rider Wave Machine on the premise. The Board ruled in favor that this application met the definition of “water related recreational activity” in Section 110-692(19) as a permitted use. An appeal was filed in Circuit Court and the applicant simultaneously decided they wanted to relocate the proposed activity to 45<sup>th</sup> Street Village, SC-1 zoning district. In this district, water related recreational activities are allowed as Conditional Use. The appeal stated that this device was governed under the DLLR regulation and that it had to be located in an amusement park under state law. This term needs to be clarified as it pertains to the town’s zoning code with this proposed text amendment to avoid future ambiguities. The essence of Ocean City’s code regarding water-related recreational activities relates to those activities enjoyed in the natural tidal waters. Adopting a definition will clarify the intent.

Mr. Cosby stated that in consultation with Mr. Smith, the easiest and least intrusive way to fix this is to create this definition to exclude activities that are regulated by DLLR and state regulations.

Commissioner Miller stated that when reviewing Conditional Use permits, an item the Commission should examine is the individual operator, and not uses regulated by the DLLR.

Mr. Smith referred to the parking regulations under Section 110-932(b)(30) for water related activities. The four subsections clearly define the types of activities – parasail, jet ski, sailboat and sailboard, and paddleboats. These are activities taking place on the tidal waters.

**MOTION/Miller      SECOND/Taylor**      Motion made to move the request forward by scheduling a public hearing. The vote was unanimous of those attending, (4-0-3), with Commissioners Pam Buckley, Palmer Gillis, and Chris Shanahan absent.

**COMMISSIONER’S COMMENTS –**

Lauren Taylor brought up the need to regulate Airbnb, an online rental portal. Her concern is the impact on neighborhoods and the hotel/motel industry. Peck suggested looking at other communities to see how they’ve handled it and why they did what they did. Blaine suggested prioritizing this item during the Comprehensive Plan update. Peck also stressed the importance of the joint meeting with Mayor and City Council to get proper direction.

**ADJOURNMENT – 6:55 PM**

John Staley      1/20/16  
JOHN STALEY, SECRETARY      DATE`