

**PLANNING AND ZONING COMMISSION
MINUTES
October 3, 2017**

ATTENDEES:

Members

Peck Miller
Lauren Taylor
Joel Brous
Chris Shanahan
Palmer Gillis
Joe Wilson

Staff

Bill Neville
Frank Hall
Kay Gordy
Jon Bulkeley
Terry McGean
Gail Blazer

6:30 PM

I. APPROVAL OF MINUTES - Minutes of September 19, 2017

MOTION/Gillis SECOND/Taylor Motion made to approve minutes as presented.
Vote was unanimous of those present, (6-0-1), Chairman Pam Buckley absent.

II. INFORMAL DISCUSSION

In accordance with Section 110-822(c) an informal discussion of a proposed Amusement Overlay District on Blocks 45 & 46 of the Fenwick Plat – presented by Nolen Graves.

Mr. Graves has purchased Block 46, directly adjacent to the south of his existing arcade, laser tag, and miniature golf activities and came before the Commission in compliance with the above code section for an informal discussion relating to creating an Amusement Overlay District of the property in his ownership within the two blocks.

Frank Hall, Zoning Administrator, introduced the discussion and gave a brief background into this future plan and the overlay districts as permitted by Code. In this case, the underlying zoning is the LC-1, Local Commercial, Zoning District. Since an overlay application is essentially a rezoning application, the informal discussion is mandatory. One of the benefits to an overlay district is the Commission reviews the Master Plan in effort to create a unified district with conditions recommended and approved by the Planning Commission and then the Mayor and City Council. The Planning Commission can specify that certain amusements must come back for review before adding if it could cause a detrimental effect on the neighborhood, i.e. noise and exhaust from go-cart tracks.

Attorney Jon Bulkeley pointed out to the Commission that one purpose of an overlay district is to avoid spot zoning. The project has to meet preset criteria specified in the zoning code before they can create an overlay district, such as minimum lot area. Zoning Administrator Hall stated that this land is already zoned LC-1, which allows many of the uses proposed for the Amusement Overlay either as permitted uses or Conditional Uses. He also mentioned the authority given to the Planning Commission with the specific design criteria listed in the Code.

The Commissioners stated concerns that any of the uses allowed once the overlay is granted and in place may be added to the project. Their understanding is that approving uses with the LC-1 and the Conditional Use procedure allows more controls for the public health, safety and welfare.

Zoning Administrator Hall explained that as a course of action he would bring changes back to the Planning Commission as a change of use for review. The Commissioners were concerned that even though new attractions might be brought back for review, under the Amusement Overlay provisions, they would not be able to say no to a proposal.

Attorney Bulkeley explained that his interpretation of Section 110-822, Approval Procedures is that (f) once the Mayor and City Council approve the overlay district, (g) a final site plan shall be prepared in compliance with specifications set forth by the Mayor and City Council, and (h) any amendments and additions (changes) shall be made in the same manner as a new application.

Nolen Graves, property owner, addressed the Commission and detailed the plan as he now conceives it, a 36-hole golf course (mini-golf) with required parking on the newly acquired Block 46. He referred to the prior approved and improved site of the laser tag, arcade, and other miniature golf course on Block 45. He is interested in the overlay for the flexibility it allows for ability to move amusements around and his overall business plan. Guests from Delaware and from the Route 54 corridor at the MD-DE line that visit his existing facility have told him that he has a location off the Route 54 corridor that would provide entertainment without them having to travel to the south end of town. He is hoping to expand into a few different activities than he's done in the past - such as ropes challenge courses because of the wooded nature of the block, RC cars can be raced on a small track. These would be options if the miniature golf didn't quite work out as he plans. He discussed the adjacent land uses and offered his opinion that his plans will have a minimal effect on the closest residential neighborhoods.

Commission discussion produced these ideas:

- 1) Strongly suggested making a formal request to be included on the Comprehensive Land Use Map as a "third" amusement overlay district in Town first during this Comprehensive Plan Review process. That approval would pave the way for a formal application for an Amusement Overlay District, or
- 2) Pursue the uses Mr. Graves wants through the Conditional Use and site plan review process for the LC-1 Zoning District instead of as an Amusement Overlay request.
- 3) The Commission is in general agreement with the concept of amusements in the northern part of town, just not as an overlay until it is approved on the Comprehensive Land Use Map during the ongoing Comprehensive Plan Review.
- 4) The Commission is skeptical that they will be able to place conditions and limitations on the Amusement Overlay request and that changes to an established overlay would subsequently come back before them for review. Historically, any amendments or additions in the established amusement parks and/or overlays have not been brought back for further site plan review.
- 5) Commissioners mentioned that the possible reason some residents buy or rent up north is to be out of the amusement areas. Any opposition would be considered by the Planning Commission and the Mayor and City Council and affect the outcome of the application negatively.

Scheduled for 7:00 – began at 7:20 PM:

III. PUBLIC HEARING ON 2017 DRAFT COMPREHENSIVE PLAN:

The Planning and Zoning Commission, acting in a fact-finding and hearing examining capacity for the Mayor and Council of the Town of Ocean City, has hereby scheduled a public hearing to consider refinements to Chapter 30, Environment, Article VII, Atlantic Coastal Bays Critical Area Program as a result of a 6-year comprehensive review. The proposed executive summary of refinements to the ordinance may be reviewed on the website – www.oceancitymd.gov.

**APPLICANT: GAIL BLAZER, ENVIRONMENTAL ENGINEER, TOWN OF OCEAN CITY
(FILE #17-14100002)**

Terry McGean, City Engineer, and Gail Blazer, Environmental Engineer, presented the refinements to Chapter 30 and explained the purpose for each. They submitted public comment received and action to be taken on those requests, one from Coastal Bays and one from Russell Hammond, surveyor.

There was no one in the audience to testify in favor or in opposition to the subject. The Commission was asked to favorably recommend these refinements and accompanying documentation to the Mayor and City Council. These items are attached to these minutes.

MOTION/Taylor SECOND/Gillis Motion made to favorably recommend the refinements, executive summary, and exhibits on to the Mayor and City Council for their review and approval to continue the process.

IV. WORK SESSION FOR 2017 COMPREHENSIVE PLAN DRAFT

Bill Neville, Planning Director, presented the public hearing comments received on September 19, 2017 for review along with other comments received during the required 60 day review period of the 2017 Draft Comprehensive Plan Update. The comments were summarized in a spread sheet format that will document any final revisions in the appendix for reference.

State Agency comments are still being summarized and will be presented for review at the October 17th work session. Updated information for Appendix A was received that includes a current list of threatened and endangered species in the vicinity.

Worcester County comments are pending a meeting with Ed Tudor scheduled for October 5th.

General comments include 5 topics along with a staff recommendation for action and possible revision.

Specific Requests for Amendment include 4 properties (one withdrawn prior to the hearing). Staff will prepare a brief report for each of the 3 active requests and present alternatives to the Commission at the October 17th work session.

Staff / Planning Commission final ideas, concerns or proposed revisions will be considered following the end of the public comment period on October 17th.

- Staff recommends that the Land Use Maps should be updated to illustrate public/governmental ownership and use of any properties acquired by the Town since the last Plan update.
- PZC Chair recommends consideration of 4 items for possible revision to the Plan.

ADJOURNMENT – 8:25 pm

Peck Miller 10/17/17
PECK MILLER, SECRETARY **DATE**