

**PLANNING AND ZONING COMMISSION
MINUTES
January 17, 2018**

ATTENDEES:

Members

Pam Buckley
Peck Miller
Joel Brous
Lauren Taylor
(*Chris Shanahan-absent*)
Palmer Gillis
(*Joe Wilson-absent*)

Staff

Bill Neville
Frank Hall
Kay Gordy
Will Esham III

6:30 PM

I. APPROVAL OF MINUTES –

Minutes of December 5, 2017 Motion by Joel, seconded by Pam. Approved.
Minutes of December 19, 2017 Motion by Palmer, seconded by Joel. Approved.

II. DISCUSSION OF PROPOSED USE -

Trimper's Amusements has inquired to utilize a food trailer to market pre-prepared Chick-Fil-A products out of a bay of the amusement structure along the Boardwalk in the Amusement Overlay District with an underlying B-1 zoning.

Zoning Administrator Frank Hall led the discussion with the Commission. Chris Trimper was on hand to answer questions.

The consensus of the Commission was to proceed forward as part of the Amusement Overlay District uses.

III. ELECTION OF OFFICERS –

The Commission put forth a nomination for **Pam Buckley to continue as chairperson** and **Peck Miller to continue as secretary** during the 2018 calendar year. The vote was unanimous.

7:00 PM

IV. PUBLIC HEARING

Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-514, Uses permitted by Conditional Use in the LC-1, Local Commercial, Zoning District, to amend existing Conditional Use permit #15-12100001 to expand the existing arcade and laser tag structures, enclose the previously approved 18 hole golf course, and provide parking on Block 46, south of the business complex. The expanded site of this proposed use is described as Lots 1-8, 12-16, Block 45 of the Fenwick Plat; and Lots 11 and 15, and parts of Lots 10-14, Block 46 of the Fenwick Plat; and further described as located on the west side of Coastal Highway and the east side of Sinepuxent Avenue between

144th and 146th Streets, and known locally as Buccaneer's Booty Mini Golf and Game World and former lands of the St. Luke's and St. Andrew's Catholic Church, in the Town of Ocean City, Maryland.

APPLICANT: GOLF VENTURES, LLC C/O NOLEN GRAVES (FILE #17-12100003)

Pam Buckley, Chairperson, opened the public hearing and found no opposition to any of the Commissioners taking part in the hearing.

Zoning Administrator Frank Hall introduced the application and exhibits proffered by the applicant in the packet. He reviewed his staff report and recommendation for amendment of the Conditional Use while emphasizing this hearing and requested approval is only for the use itself and the site plan will be brought back to the Commission after the Conditional Use action by the Mayor and City Council.

Chairperson Buckley, in reviewing the past conditions of approval for this project, recommended that instead of having one supervisor over 21 on the property during business hours that it should be one supervisor per facility, or activity/building, during business hours.

Regan Smith, attorney for the applicant, presented the application to the Commission. Nolen Graves, owner/applicant of Golf Ventures, LLC, testified for his application and answered questions posed by Commissioners. They explained the proposed scope of work, per the application, above, in relation to the site plan, incorporating the former bank parcel on the southeast corner of Block 45, and utilizing the newly acquired property to the south of the existing complex for required parking on the westerly lots of Block 46.

Tonja Sas, resident at 211-144th Street, spoke concerning the plan for the trees existing on the lot, the need for safe but unobtrusive lighting, the necessity for trash pickup, and in opposition to ingress/egress on 144th Street near the bus complex.

MOTION/Miller SECOND/Brous To send a favorable recommendation to the Mayor and City Council subject to staff recommendations and prior conditions of approval intact or amended, below. Vote was (5-0-2), Commissioners Shanahan and Wilson were absent.

From the original December 18, 2006 approval (File #06-12100003) with current amendment in **red**:

1. The project must return for Site Plan approval. Approval of the conditional use application does not restrict the Planning Commission's or staff's ability to make site plan or architecture design refinements consistent with Chapter 110 Zoning.
2. All exterior lighting shall be shielded and directed away from all residential property to the west.
3. The existing pedestrian walkway shall remain to provide a connection between the miniature golf course and the family amusement arcade.
4. The hours of operation shall be the same as previously approved from 9:00 a.m. to 12:30 a.m.
5. At least one (1) supervisory employee, twenty-one (21) years of age or older, shall be on duty during all business hours. **(Amended with this recommendation for at least one (1))**

supervisory employee, twenty-one (21) years of age or older, shall be on duty PER BUILDING/FACILITY during all business hours.)

6. Applicant shall not use any outdoor music or other amplified sounds or display any flashing or moving lights.
7. The buildings shall be soundproofed to keep noise within the buildings.

The following two conditions added with the February 3, 2015 amendment (File #15-12100001):

- A. The laser tag operation shall be limited to 32 participants.
- B. If a mezzanine is added, the application and plans must be revisited and reviewed for compliance by the Planning & Zoning Commission.

Plus these additional conditions of approval, below, including the amendment of Condition #5 above (File #17-12100003):

1. Additional bicycle racks must be added for the expanded uses.
2. Expand sidewalks on all street frontages to eight (8) feet wide and unobstructed.
3. Coordinate with the Department of Public Works to add a crosswalk between the off-site parking and the proposed use area on 144th Street.
4. If the expansion is to be phased, a phasing plan must be submitted as part of the Site Plan review process.
5. All parking spaces required for the existing and proposed uses must be constructed prior to receiving a final Certificate of Occupancy for the new structures and the new indoor mini-golf course.
6. The off-site parking must be within 600 feet of the proposed use and recorded in a covenant or agreement in the land record to support the proposed uses per Chapter 110, Section 110-934 Joint Use and Off-Site Facilities.
7. Conditional Use approval does not grant future preferential consideration of an Amusement Overlay District as previously proposed for this site.

ADJOURNMENT – 7:40 pm

<u>Peck Miller</u>	<u>2/6/18</u>
Peck Miller, Secretary	DATE