

PLANNING AND ZONING COMMISSON
MINUTES
January 18, 2017

ATTENDEES:

Members

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

Staff

Bill Neville
Blaine Smith
Kay Gordy
Will Esham

5:30 PM

COMPREHENSIVE PLAN WORK SESSION

Discussion of Chapter Revisions

Chapter Nine – Implementation chapter revisions were discussed.

Staff presented a current redline version of Chapter Nine with updates to the Implementation sections for Land Use Regulations, Development Tracking, Capital Improvement Program, Design Standards, Economic Development, Environmental Resource Management, Transportation and Citizen Participation. The primary objective of this section is to integrate these focus areas of the Comprehensive Plan.

Commissioners participated in placing priorities on which implementation actions and projects would be most important over the next 5 to 10 years until the next Plan update. The following items were identified as priorities:

- Transit Bus System – continued improvements to the Coastal Highway transit bus system will support future growth and re-development with:
 - Express bus system at selected key locations
 - Connected to smart phones/social media for bus locations
 - Link to Downtown by Boardwalk Tram or Shuttle Loop
- Downtown Parking Garage – critical need for downtown parking garage as part of any strategy for revitalization and mixed use development
 - Need for new downtown master plan to address interim use for management of surface parking lots
 - Strategies for land elevation prior to re-development in the ‘first to flood areas
- Parking Space Management – smart signs and online technology improvements needed to identify when and where parking capacity is available for downtown/boardwalk areas
- Communication Technology/Cell Towers – 2015 Google eCity award recognizing Ocean City’s connected business community should continue to be nurtured and connected with public sector tourism marketing efforts
 - Support cell tower network for increased bandwidth to support smart phone access, smart transportation options, and workplace support
- R-1 Neighborhoods – most important issue for year round residents is the protection of single family neighborhoods that are not adversely impacted by the impacts of seasonal tourism.
- Sustainability/Recycling message to visitors – Sustainable Maryland Certified community designation provides opportunity for public outreach and new activities for seasonal visitors

- Communicate message regarding OC recycling program: 'trash to energy', adopt a beach, and adopt a street programs

The next Comprehensive Plan work session will review a notebook of all chapter updates. PDF copies will be available for public review and posting on the Ocean City webpage when approved by the Commission.

6:30 PM

I. APPROVAL OF MINUTES

- a. Minutes of December 20, 2016

MOTION/Brous SECOND/Shanahan Motion to approve minutes as presented. Vote was unanimous (6-0-1) Commissioner Gillis absent.

- b. Minutes of Comprehensive Plan Work Session January 4, 2017

MOTION/Brous SECOND/Staley Motion to approve minutes as presented. Vote was unanimous (6-0-1) Commissioner Gillis absent.

II. ADMINISTRATIVE DISCUSSION

1) Informal discussion regarding proposed resubdivision of Lot 12 into Lots 12 A & B. The site of the request is described as Lot 12, Block 33 of the Ocean Bay City Plat; further described as located on the north side of 65th Street, and locally known as 16-65th Street, in the Town of Ocean City, Maryland

APPLICANT: BELIEVE IN TOMORROW NATIONAL CHILDREN'S FOUNDATION (FILE #16-07800003)

Blaine Smith, Zoning Administrator, introduced discussion and informed Commission of the BZA approval of a variance for lot area and depth, which was granted on January 12, 2017. Regan Smith, attorney for the applicant, submitted a preliminary draft of the subdivision plat. A number of items need to be resolved and placed on the plat for formal submission for preliminary plat approval. The Planning and Zoning Commission approved the concept submitted and once the survey plat is complete it will be placed on a future agenda for preliminary plat approval.

III. SITE PLAN

1) Site Plan Review for Proposed Cambria Hotel with 126 guestrooms, 5 guest suites, a rooftop bar, and a conference room, and a 4,096 square foot restaurant. The site of the application is described as Map 110, Parcel 3968, Lots 1-7, 11-13, 17-31 and A-E and a portion of St. John's Avenue (closed), Block 39N of the Sinepuxent Beach Company Plat, 1891; and further described as located on the south side of 1st Street, north side of North Division Street, and eastern side of Sinepuxent Bay, and locally known as 309-1st Street, former Cropper Concrete Company, and Map 110, Parcel 3971, Lot 13, Block 39N of the Sinepuxent Beach Company Plat, 1891; and further described as located on the west side of St. Louis Avenue, and locally known as 13 St. Louis Avenue, in the Town of Ocean City, Maryland.

APPLICANT: FISHER ARCHITECTURE C/O KEITH FISHER (FILE #16-18100008)

Commission Member Peck Miller recused himself from this review. Administrator Smith introduced the application and touched on each document in the packet. He also briefed attendees and the Commission on the staff recommendations, see below.

Glenn Irwin, Executive Director of OCDC spoke in support of the site plan and introduced his memorandum into the record. He stressed that this is a prime underutilized property in Ocean City, and the fiscal impact of this development will be tremendous.

Joseph E. Moore, Esquire, attorney for the applicant, and Keith Fisher and Joe Kott of Fisher Architecture presented a “fly around” video that shows the proposed project as it will appear on the site when completed.

The hearing was closed for discussion.

MOTION/Shanahan SECOND/Brous Motion to approve the site plan as presented conditioned upon OCDC and staff recommendations and requirements (below); the former site plan will be declared null and void at settlement by applicant (contract purchaser) or by building permit issuance; any changes must be revisited by the Commission. The vote was (4-0-2-1), Commissioners Taylor and Miller abstaining and Commissioner Gillis absent.

1. Design Guidelines, subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and **comments from the Ocean City Development Corporation (OCDC) Design Review Committee:**

The Ocean City Development Corporation’s Downtown Design Committee has reviewed the proposed development project at the former Cropper Concrete property and believes it is consistent with the downtown design standards.

The DDC has met with the project’s representatives on several occasions and worked out a number of revisions to the site plan. The project has incorporated OCDC recommendations on building articulation, materials, parking lot screening, wider sidewalks along 1st Street, building colors, and a ten feet wide public boardwalk along the bay.

This mixed use project will be a major improvement to this former industrial site which has been vacant and underutilized for many years. In addition, it will have a very positive impact on the local tax base of the Town of Ocean City and Worcester County.

If approved we will continue to monitor the project and its signage during the building permit and construction period.

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. **Steve Brown, superintendent of Solid Waste, is in agreement with the revised calculations provided on the civil drawings by Vista Design, Sheet No. G001.**
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. **Environmental Engineer Gail Blazer’s comments:**

1. The stormwater plan is in a preliminary state. Will require more comprehensive review at Building Permit stage.
2. Site area may be impacted by the LOD of the new Route 50 bridge. This may need to be submitted with this in mind.
3. Landscaping schedule needs to be added.
4. Need to fix legends and symbols Sheet C201.
5. Note EFIS containment measures.
6. There is a significant CAM fee. We need to let the owner know this will be paid at the time the Building Permit is issued.
7. The sidewalk expansion can be in the street.
8. Boardwalk length is longer than originally shown. Document will need to be adjusted as to what the developer is paying for.
9. Water line will NOT be looped.
10. Sheet G100 please specify 25' setback and 100' Buffer for Atlantic Coastal Bays Critical Area note. Also note that the property does have tidal wetlands on property but not on the site area.
11. Lot size conflict G100 states 173,509 sq. ft., but if you add up the coverage on sheet 200 and add existing lands use covered from G100 it has 173,051 sq. ft. SWM sheet C202 has 173,051 sq. ft.
12. Please note address at 309-1st Street for restaurant and 13 St. Louis Avenue for hotel.
13. Show water meter vault to scale for impervious surface calculations.
14. Landscaping plan you need to show internal landscaping at head of parking.
15. Landscape area of 804 sq. ft. is covered by a roof in the front portico.
16. Please note that the decks have to be built in a pervious design. No detail shows this or mentions that it has to be pervious on architect drawings. Roof over has to be pervious.
17. Show balcony on site plan.
18. Tabulate setback area and total improvements/coverage.
19. Show outdoor deck bar on restaurant on site plan. It sticks out 15' toward the water. They are all called out as covered decks.
20. Need to explain the 10% rule worksheet. It shows 75,620 sq. ft. as proposed impervious coverage Step 1B and it should be total coverage and Step 1C you can subtract the pervious surface.
 Thus, total coverage is 122,509 sq. ft. and Step 1C would be 122,509 sq. ft. - 31,794 sq. ft. to an adjusted coverage of 90,715 sq. ft. Need to validate the landscaping too. Sheet C201 has 51,000 sq. ft. and Sheet C202 has 52,542 sq. ft. and Sheet C601 has 46,319 sq. ft. with 6,715 sq. ft. internal. Not sure if they are cumulative or inclusive.
21. CAM worksheet has a SW credit of 13,524 sq. ft. Not sure what this includes. It should be the 15,897 sq. ft. which is 50% of the pervious surface and the treatment for the Biofilter. So this number could be more and the mitigation could be less. Need landscaping schedule that matches the mitigation worksheet.
22. Need grading plan for site.
23. Need to show 12,204 sq. ft. is being sent to the BioFiltration system. Delineate drainage area from impervious surface. Need landscaping plan for biofiltration. Need ground water location – the system may need to be larger and shallower. Since this is a filter system the subdrain can sit at groundwater. Please note if

pretreatment is needed for this system. Please note that a cut sheet for the soil will need to be submitted to the Engineering Department for approval.

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 **along 1st Street.**
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. **Easement will be needed to interior fire hydrant near the hotel.**
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 a **transformer** 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 **and shall be shown on all site plans.**
14. Location, height, type, and direction of lighting in the Lower Downtown Overlay Zone shall be designed per Section 110-831.23, Lighting, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in footcandles throughout the property. **Must specify the maximum height of lighting fixtures be 12' and compliant with the above code section.**
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. **Must be in compliance with additional setbacks required for increased height per Code Section 110-903.**

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. 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.
19. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
20. 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.
21. All parcels shall be deed consolidated and/or deed restricted as per Section 110-894.
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 September 18, 2007 and most recently extended on November 3, 2015 shall be null and void.
32. All sign permits shall be issued in accordance with those signs shown on the site plan.
33. Subject to obtaining a building permit for all site work.

7:00 PM

IV. PUBLIC HEARING

1) Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-861.3(5), Uses permitted by Conditional Use in the I-1 Inlet District, to permit water-related recreational activity with (1) parasail boat and (12) wave-runners for a renewal period of five (5) years. The site of the request is described as Lots 1-8, Block 13S; and Lots 1-6, Block 22S of the Sinepuxent Beach Company Plat of 1891, further described as located on the west side of Philadelphia Avenue, and on Sinepuxent Bay at the Inlet, and known locally as Inlet Sea Doos, Inc., 710 S. Philadelphia Avenue, in the Town of Ocean City, Maryland.

APPLICANT: MICHAEL ANDREW (FILE #16-12100002)

Chairperson Pam Buckley announced the public hearing and read the statement of possible objection from the audience as to the sitting commissioners. No objection was noted.

Blaine Smith gave a brief history of the use, water-related recreational activity, which required the public hearing for Conditional Use. Michael Andrew was present to testify. Mr. and Mrs. Andrew have operated Inlet Sea Doos at this location for 22 years. They were requesting a five (5) year renewal/approval for the Conditional Use permit.

MOTION/Taylor SECONDED/Miller Vote was unanimous of those present (6-0-1), Commissioner Gillis absent, to recommend approval of the Conditional Use application to the Mayor and City Council, subject to the following conditions:

1. The approval shall be subject to the Planning and Zoning Commission's guidelines for water-related conditional use permits.
2. The operation is required to provide safe access to parasail boat from its mooring on the north side of the Oceanic Fishing Pier.
3. The insurance required under Item 2(A) of the Conditional Use water-related guidelines must be issued from an insurance company recognized in the State of Maryland.
4. No stand-up personal watercraft shall be permitted.
5. There shall be one escort per four people riding or operating the personal watercraft.

6. The watersport operation shall comply with all State of Maryland personal watercraft regulations.
7. The approval shall be for one (1) parasail boat and twelve (12) wave runners.
8. The fuel handling and storage is to maintain approval by the Fire Marshal's office.
9. This approval shall be for a period of five (5) years.
10. The Mayor and City Council may revoke the Conditional Use permit should the applicant not comply with all of the above conditions and with federal, state, and local regulations pertaining to the watersport operation.
11. The screen enclosure shall be maintained around the fuel tank.
12. A low visibility trash receptacle shall be maintained on site.
13. The wave runners shall be restricted to the capacity specified by the manufacturer.
14. Landscape shall be maintained adjacent to South 1st Street and Philadelphia Avenue.
15. Applicant shall maintain signage in compliance with the Downtown Design Overlay Zone District.
16. This approval is for this applicant only. Any change in ownership would necessitate coming back to the Planning and Zoning Commission for review.

2) 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 District, to amend and/or alter an existing Conditional Use permit (#15-12100004) to expand the existing front deck from 1200 square feet an additional 490 square feet for a total of 1690 square feet of front deck for outdoor dining, a play area of 17'-1" x 27', and to add a 34' high grain silo to the interior of the brewery, 16'-10" of which will project through the roof. The site of the appeal is described as an unnumbered lot of the Isle of Wight Plat, further described as located on the west side of Coastal Highway and on the south side of 56th Street, and known locally as 5509 Coastal Highway, in the Town of Ocean City, Maryland.
APPLICANT: OC BREWING COMPANY (FILE #16-12100001)

Chairperson Pam Buckley announced the continued public hearing and read the statement of possible objection from the audience as to the sitting commissioners. No objection was noted.

Zoning Administrator Blaine Smith was sworn and introduced the application as a continued public hearing from November 15, 2016 to amend two conditions of the existing Conditional Use permit. Matt Rankin, general manager of the OC Brewing Company, testified regarding the request and answered questions posed to him by staff and commissioners. Joe Bealla, Brewer, also testified in favor of the application and specifically concerning conditions of the silo,

explaining that the grain would be augured in and dust and noise would not be a concern as it all occurs internally in the Brewery.

Monica Whitehead of Rusty Management, the property management company for the Maresol Condominium was present in opposition to the requests. She presented copies of emails and letters from real estate agents concerning how the addition of the silo would affect property values. These were accepted into the record.

The Commission closed the hearing to deliberate at 7:58 PM.

MOTION/Shanahan SECOND/Miller Motion to send a favorable recommendation to the Mayor and City Council for both the deck extension, additional play area, and the grain silo in the location proposed. If approved by the Mayor and City Council, the architectural plans for the silo, deck and landscaping must be reviewed and approved by the Planning and Zoning Commission prior to applying for the building permit. The vote was (4-2-2), Commissioners Joel Brous and Lauren Taylor opposed, and Palmer Gillis absent.

ADJOURNMENT – 8:15 pm

John Staley for 2/22/17
PECK MILLER, SECRETARY **DATE**