PLANNING AND ZONING COMMISSION
MINUTES
October 2, 2018

ATTENDEES: Members
(Pam Buckley – absent)
Peck Miller
Joel Brous
Lauren Taylor
Chris Shanahan
Palmer Gillis
(Joe Wilson – absent)

Staff
Frank Hall
Kay Gordy
Bill Neville
Terry McGean
Gail Blazer
Heather Stansbury, Attorney
Daphne Hurley, Public Hearing Reporter

6:30 PM

I. APPROVAL OF MINUTES –

Minutes of September 18, 2018

MOTION/Shanahan SECOND/Brous to approve the minutes as submitted. Vote was (4-0-1-2), Commissioner Peck Miller abstaining and Chairman Pam Buckley and Commissioner Joe Wilson absent.

II. SITE PLAN REVIEW -

Site Plan Review of proposed new hotel containing 105 guest rooms to be located on Map 112, Parcel 4362, Tract A on Plat of Subdivision R.C. Holland Estate; further described as located on the west side of Coastal Highway, between 33rd and Hitchens Avenue, and known locally as 3401 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: DEEP BLUE HOSPITALITY LLC, MIKE MEOLI & KEITH MARTIN, PRINCIPLES – (FILE #18-18100008)

Zoning Administrator Frank Hall introduced the site plan application and the applicants, Mr. Meoli and Mr. Martin, and the applicants’ attorney, Hugh Cropper, IV. Mr. Cropper discussed at length the site plan development as described above and also explained that the applicants intend to create a bus stop on the site, with one parking space waiver, if approved by the Mayor and City Council.

The applicants had on hand several expert witnesses, qualified by Mr. Cropper, to address traffic flow and pattern, engineering, stormwater management, landscaping, and architectural design. Betty Tustin, traffic engineer of The Traffic Group for 35 years addressed directional signage for the project and solutions to improve traffic flow at 33rd Street. Steven LeMasters, project engineer, addressed landscaping, lighting plan, internal directional signage, rear exit onto 33rd Street, and most notably stormwater management issues.

Terry McGean, City Engineer, discussed the history of the infrastructure, including easements, storm drains, and outfalls. Any new work to be done with this existing infrastructure, the applicants would be responsible for placing necessary controls so that the adjacent/adjoining properties would experience no adverse effects.
Jeff Thaler and Robert Heron of Atlantic Planning, Development & Design, Inc., exhibited several elevations showing the architectural design of the hotel, the landscape buffer between the hotel and the residential properties to the west, and the color palette and checkerboard design chosen by the Hilton Tru in blue, dark blue, white and yellow with high level lighting.

Neighboring condominiums Jamaica Bay and Sandpiper on the Bay were represented by John C. Seipp, Esquire. Mr. Seipp pointed out that the condominium associations he represents are not generally opposed to the hotel, but that their greatest concern is stormwater management. Previously, stormwater design and maintenance had called for (2) 15” pvc pipes to be utilized, but during installation, that was changed to (1) 18” pipe. Tract A did not contribute to installation from the western property line to the bay outfall. Any new design and maintenance would need to be a collaborative effort, therefore the neighbors are requesting that the applicants work with them to achieve the best design for this new development and cause no adverse effects for the development on Tracts C and D who paid for the existing system.

Keith Iott, President of Iott Architecture Engineering, qualified as an expert witness as a licensed, professional architect and engineer, also represented the neighborhood. He asked that Mr. Seipp and he be able to review all reports and calculations of the proposed stormwater management design to ensure their clients’ best interests are being protected. He proposes a full hydrographic analysis be made of the site and that he be able to review and verify the calculations.

Ronald Winter of Jamaica Bay discussed his concerns with traffic flow and lighting. Another owner in the Jamaica Bay condominium also spoke of her concerns with several hundred more people crossing the street to get to the beach, and also maintenance of fencing between properties.

Mr. Cropper proffered that his clients would actively work with the neighborhood in design, particularly with stormwater management. He stated, on the record, that his clients were happy to work with the neighborhood and their professional representatives, including giving them full access to any and all files.

MOTION/ Shanahan SECOND/ Brous motion and seconded to approve the site plan as presented with all staff recommendations (below) and the additional condition that the applicants work with adjoining property owners in the stormwater management planning. Vote was (5-0-2), Chair Pam Buckley and Commissioner Joe Wilson absent.

Staff Recommendations: Planning & Community Development staff request the following zoning and standard conditions if the Planning the Zoning Commission approves the site plan for the Hilton Tru Hotel, in addition to any items the Planning Commission may add following their review of the attached Site Plan Review Checklist.

Zoning Conditions

1. Modify the dumpster location slightly to provide more separation from the trash truck and the adjacent vehicle parking space.
2. The full landscape buffer along the rear (west) property line was used as evidence.
to support the rezoning of this site to entirely LC-1. Site development and required storm water design may cause this buffer to be greatly reduced. Provide a landscape plan that substantially buffers the residential property to the west from the hotel property.

3. Lighting can greatly impact the residential property to the west of the site. Protect adjoining property from excessive lighting because of the brightness from LED style lights. Consideration should be given to the type of lights, shielding, angle of the light heads, height of the lights, etc. A photometric plan is required which demonstrates foot candle values and visual glare from a distance.

4. The three foot extension of the public street sidewalks needs to remain clear and unobstructed, including free of landscaping.

5. Modify the dumpster location slightly to provide more separation from the trash truck and the adjacent vehicle parking space.

6. The full landscape buffer along the rear (west) property line was used as evidence to support the rezoning of this site to entirely LC-1. Site development and required storm water design may cause this buffer to be greatly reduced. Provide a landscape plan that substantially buffers the residential property to the west from the hotel property.

7. Lighting can greatly impact the residential property to the west of the site. Protect adjoining property from excessive lighting because of the brightness from LED style lights. Consideration should be given to the type of lights, shielding, angle of the light heads, height of the lights, etc. A photometric plan is required which demonstrates foot candle values and visual glare from a distance.

8. The three foot extension of the public street sidewalks needs to remain clear and unobstructed, including free of landscaping.

9. Plans for all sign types with dimensions should be submitted to the Zoning Administrator for a preliminary review, prior to application for a sign permit.

10. The hotel should make an effort to direct pedestrian traffic to crosswalks on Coastal Highway.

11. Interior directional signage should clearly direct traffic and pedestrian movements. Signs should include directions to the rear one-way access to 33rd Street for northbound traffic.

12. Receive a waiver of one parking space from the Mayor and City Council per Section 110-936 noted above or reduce the room count to 104.

STANDARD CONDITIONS FOR SITE/SUBDIVISION PLANS
(Revised 3/30/17)

1. Design Guidelines, per Section 110-181, apply to all of the corporate limits of the Town of Ocean City, except those area subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and the Upper Downtown Design Overlay Zone (Chapter 110, Article 26).

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.

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 for 33rd Street and shall be installed by the developer 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. Us of the curb cut on 33rd Street as a new point of access must meet sight distance standards for vehicular, bicyclist, and pedestrian safety.

5. Curb cuts located on Coastal 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 clear and unobstructed 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 and driveways shall be paved in accordance with Chapter 74 of the Town Code.

10. All private utilities extending across property lines serving new construction and the 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.

11. Any existing power poles or transformers 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 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.

13. Location of new and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.

14. 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 foot-candles throughout the property. Light fixtures shall be fitted with necessary shielding to prevent glare across the property lines.

15. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.

16. 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
b. Water and sewer impact fees are due as follows: One-half amount at building permit issuance; the remainder at certificate of occupancy.

17. The hotel/motel project shall be operated in compliance with Section 110-907, items 1 thru 11, Hotel/Motel Definition

   (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 and 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 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.

18. 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).

19. Sign permits shall be issued in accordance with those signs shown on the site plan under separate application from the building permit.
20. Subject to obtaining a building permit for all site work.

21. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.

22. 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.

23. All parcels shall be deed consolidated as per Section 110-874.

7:00 PM

III. 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(22), Uses permitted by Conditional Use in the LC-1, Local Commercial, Zoning District, to permit an interior tenant fit-out with an amusement use that the Mayor and City Council may approve in keeping with uses specifically permitted in the LC-1 district. The site of the request is described as Part of Parcel 1, Section 2 of the Caine Harbor Mile Plat; further described as located on the west side of Coastal Highway between Newport Bay Drive and 118th Street, and locally known as 11701 Coastal Highway, Unit C, in the Town of Ocean City, Maryland.

APPLICANT: LINAR YAGUDIN (FILE #18-1210004)

Commissioner Lauren Taylor opened the public hearing in the absence of the chairperson and there were no objections to any of the Commissioners taking part in the hearing.

Frank Hall, Zoning Administrator, introduced the application and explained the nature of the request. He informed the Commission that this was Mr. Yagudin’s second virtual reality amusement game, with the first one being opened on the Boardwalk this summer. He also owns and operates the Escape Room Amusements which have come before the Commission for Conditional Use approval in the past several years.

Mr. Yagudin was present to answer any questions should they have been raised.

There was no testimony from the audience in favor of or opposed to the application.

The hearing was closed at 8:25 pm and the Commission entered into brief deliberation. Commissioner Miller complimented the applicant on the type of amusement businesses he’s brought to Ocean City and how well his businesses are conducted.

MOTION/Miller SECOND/Gillis to favorably recommend the Conditional Use application to the Mayor and City Council with staff recommendations listed here and printed on Zoning Administrator Hall’s staff report. Vote was (5-0-2), Chair Pam Buckley and Commissioner Joe Wilson absent.

Staff Recommendation: Planning and Community Development staff respectfully recommends approval of the Conditional Use application for Linar Yagudin with the following conditions:
1. The game themes must be family oriented and appropriate for all age groups.

With no further business, the meeting was adjourned.

ADJOURNMENT – 8:30 pm

_Pam Greer Buckley_ 12/4/18
Pam Greer Buckley, Chair   DATE