PLANNING AND ZONING COMMISSION
MINUTES
February 20, 2019

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

Staff
Bill Neville  
Frank Hall  
Kay Gordy  
Will Esham  
Daphne Hurley, Public Hearing Reporter

6:30 PM

I.  APPROVAL OF MINUTES –

Minutes of February 5, 2019

MOTION/Taylor  SECOND/Brous to approve the minutes as submitted. Vote was (6-0-1), of those present for the meeting, Commissioner Palmer Gillis abstaining since he was absent on February 5.

II.  INFORMATIVE –

1. To consider the request for comment from AT&T on the temporary cell tower location at 601 S. Baltimore Avenue under a required Section 106 historic resource review process.

This location has temporarily been permitted since July of 2017, with extensions until November of 2019. After deliberating suitability of site and possible improvements to be made while the structure remains, the Planning and Zoning Commission delivered this decision:

MOTION/Wilson  SECOND/Miller that the location at 601 S. Baltimore Avenue is not a good permanent location. Vote was unanimous, (7-0).

2. Draft Revised Boundaries of the Coastal Barrier Resources System (CBRS) to modernize the maps of the CBRS for nine states affected by Hurricane Sandy

Director Neville informed the Commission of the United States Department of the Interior’s comment period extension. No action is required because there is no direct affect to the Town of Ocean City and no change.

3. 45th Street Village Condition of Approval for Mini-Golf

Mr. Neville stated that the interparcel connector between Sunsations (northern portion of Land Unit #4) and the remainder of 45th Street Village has been reopened to serve all uses of the Master Site Plan per the Commission’s conditions of approval.
II. **PUBLIC HEARING –**

Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-544, Uses permitted by Conditional Use in the SC-1, Shopping Center, Zoning District, by reference to Section 110-514(22), Uses permitted by Conditional Use in the LC-1, Local Commercial, Zoning District that the Mayor and City Council may approve a use not specifically named in these regulations, provided, however, that such use shall be in keeping with uses specifically permitted in the LC-1 district, to permit the operation of a water taxi business, ticketing and sales office and docking of water taxi boats at the head of the east end of the lagoon leading to Assawoman Bay. The site of the request is described as Lot 2 and Revised Lot 1, Section 2 of the Caine Harbor Mile Plat, dated October 1978; further described as located on the west side of Coastal Highway and south side of Ocean City Square, and known locally as 11703 Coastal Highway, in the Town of Ocean City, Maryland.

**APPLICANT:** THRIVE ENGINEERING, LLC, ADAM DOUGLASS, DAVID BUTZ AND STEPHEN BUTZ, PRINCIPALS - (FILE #19-12100001)

Chairman Pam Buckley opened the hearing and found that there were no attendees who objected to any of the Commissioners taking part in the public hearing.

Zoning Administrator Frank Hall introduced the application and provided background regarding the business license that was issued to the OC Bay Hopper in 2018 to operate out of the kiosk at 11703 Coastal Highway. Further review of the use and subsequent application to build a floating dock with the Board of Port Wardens prompted Mr. Hall to issue a letter to the applicants requiring them to apply for a conditional use permit per Code Sections detailed in project description (above). He emphasized that this proposed use does not fall under the classification of water related recreational activity; that this is a transportation element which conforms to the goals of the Comprehensive Plan.

Joseph E. Moore, Esquire, attorney for the applicants, called Adam Douglass, one of the principals, to testify in favor of his application.

Those who testified in favor:

1. Stephen Pappas, 11601 Coastal Highway, Greene Turtle
2. Randall Coburn, property manager for Ocean City Square Shopping Center, residing at 607 Seaweed Lane

Testifying in opposition:

1. Gary Eberly, 116 Newport Bay Drive
2. Mary Kirkner, 104C Newport Bay Drive
3. Joyce Alexander, 202 Windward Drive
4. Thomas Bender, 107A Newport Bay Drive
5. Bill Shoop, 112A Newport Bay Drive
6. Stan Kahn, 136 Newport Bay Drive
7. Larry Solomon, 144 Newport Bay Drive

Mr. Moore offered a rebuttal and Mr. Douglass testified that the business hours are proposed to be 8:30 AM to 12:00 midnight with late trips requiring more staff onboard. The boats will travel at 4 knots idle speed and yield to private boaters. The applicants are developing operational policy.

Hearing was closed at 9:12 PM.

After deliberations, the Commission made this recommendation:

**MOTION/Wilson** **SECOND/Gillis** to forward a favorable recommendation to the Mayor and City Council for this proposed Conditional Use Permit with the following conditions.

Vote was unanimous (7-0).

1. Docking is limited to private commercial properties, unless otherwise approved to dock at public facilities by the Mayor and City Council.
2. Noise such as, but not limited to, music and crew announcements not be amplified while operating in residential areas adjacent to the canal, or at the ticket kiosk.
3. Boats must operate at the posted speed and in accordance with Coast Guard regulations.
4. Boats must be appropriately sized for narrow canals.
5. The floating dock shall be posted for use by only the OC Bay Hopper.
6. Only two of the passenger boats operated by the OC Bay Hopper can be docked at the floating pier.
7. The Conditional Use is renewable after two years from the date of the signed agreement.

**ADJOURNMENT – 9:40 pm**

__________________________  4/2/19
Peck Miller, Secretary           DATE