

**PLANNING AND ZONING COMMISSION  
MINUTES  
February 5, 2019**

**ATTENDEES:**

**Members**

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

**Staff**

Bill Neville  
Frank Hall  
Kay Gordy

**6:30 PM**

**I. APPROVAL OF MINUTES –**

Minutes of January 23, 2019

**MOTION/Wilson      SECOND/Taylor** to approve the minutes as submitted. Vote was (6-0-1), Commissioner Palmer Gillis absent.

**II. SITE PLAN –**

Proposed site plan amendment to include an 18-hole miniature golf course in the place of the approved 6,980 square foot retail structure proposed to be constructed on the southeastern portion of the site (October 17, 2017 - File #17-18100014). The subject property is described as Land Unit 4, 4.72 acs., 45<sup>th</sup> and 46<sup>th</sup> Street Land Condominium Plats; further described as located on the west side of Coastal Highway between 44<sup>th</sup> and 46<sup>th</sup> Streets, and locally known as the 45<sup>th</sup> Street Village, in the Town of Ocean City, Maryland.

**APPLICANT: OCEAN CITY BOARDWALK, INC. (FILE #18-18100015)**

Zoning Administrator Frank Hall introduced the application. He explained to the Commission that their recommendation for Conditional Use for the mini-golf had been approved by the Mayor and City Council on Monday, February 4, 2019. He read a letter into the record that staff had received from the Bella Vista Condominium Association (Land Unit #2), 4601B Coastal Highway, concerning traffic flow and ingress and egress since the construction of a new curb extension closed the access between the Land Unit #4, 45<sup>th</sup> Street Village and Land Unit #3, the Sunsatons retail store at 4601A Coastal Highway.

Keith Iott, architect/engineer for the project, was present and answered questions from staff and Commission members.

After lengthy deliberation, the Commission concluded that since the mixed use project utilizes parking and parking reduction for both Land Units #3 and #4, it is necessary to open an inter-parcel connection between these land units so that parking is available for all uses. The Bella Vista is immediately west of Land Unit #3 and utilizes the same ingress/egress drive, but

is not part of the parking calculation or use for the Master Development Plan of 45<sup>th</sup> Street Village.

**MOTION/**Miller      **SECOND/**Taylor to approve the site plan amendment for the mini-golf in accordance with all staff recommendations (attached) and the additional condition that an inter-parcel connector be reopened between Land Units #3 and #4. Vote was (6-0-1), Commissioner Palmer Gillis absent.

**III. ACTION ON PREVIOUSLY ADVERTISED AND HEARD PROPOSED CODE**

**AMENDMENT** - Public hearings were held on December 4, 2018 and continued on January 8, 2019. Option “D” was denied, but Option “A” that was favorable is brought back for action to forward to the Mayor and City Council.

To consider amending Article II, Division 3. Section 110-72(a) Determination of existence of nonconforming use, structure or lot, to limit a Determination of Nonconformity for parking requirements.

**APPLICANT: PLANNING AND ZONING COMMISSION (FILE #18-14100014)**

**Option A:** Amend Section 110-72(a) to read as follows:

“The existence and extent of a nonconforming use, structure or lot shall be a question of fact to be determined by the administrator. If, after investigation and an on-site inspection, the administrator cannot make a confident determination, he may require the property owner to apply to the Board of Zoning Appeals for determination of nonconformity following a public hearing.” **A Determination of Nonconformity of parking requirements shall not be applicable to support the portion of a development project that utilizes Transferable Development Rights to increase its base density.**

**MOTION/**Miller      **SECOND/**Taylor to approve amending the ordinance by adding the language in **red**. Vote was (6-0-1), Commissioner Palmer Gillis absent.

**IV. FORMAL PRESENTATION OF 2018 DEPARTMENTAL ACTIVITY REPORT**

Kay Gordy, Zoning Analyst II, presented the Departmental Activity Report in accordance with Code Section 110-224(b)(1). She emphasized this is a combined report between the Commission and the Board of Zoning Appeals with the outcome and progress since the hearings illustrated in brief summaries of each application.

**ADJOURNMENT – 7:30 pm**

Peck Miller      2/20/19  
Peck Miller, Secretary      DATE