

**PLANNING AND ZONING COMMISSION
MINUTES
March 21, 2017**

ATTENDEES:	Members	Staff
	Peck Miller	Bill Neville
	Lauren Taylor	Kay Gordy
	Chris Shanahan	Will Esham
	Palmer Gillis	
	Joe Wilson	

6:30 PM

I. APPROVAL OF MINUTES

- a. Minutes of February 22, 2017

MOTION/Taylor SECOND/Gillis Motion made to approve minutes as presented.
Vote was (4-0-3-1) Commissioners Buckley, Brous, and Staley (retired) absent this evening;
Commissioner Joe Wilson abstained, newly appointed since that date.

II. PRELIMINARY SUBDIVISION PLAT

1) Preliminary review/approval of Proposed resubdivision of Lot 7 into lots 7A and 7B. The site of the application is described as Lot 7, Block 19N of the Sinepuxent Beach Company Plat; further described as located on the northwest corner of 5th Street and Baltimore Avenue, and locally known as the Atlantic House Bed and Breakfast Inn, located at 501 Baltimore Avenue; and the Arnold Arms Condominium, located at 104-5th Street, in the Town of Ocean City, Maryland.

APPLICANT: ARD NA MARA LLC (FILE #17-07800001)

Planning Director Bill Neville presented the preliminary plat and explained that the purpose is to create a minor resubdivision of Lot 7 which has been improved with a single-family dwelling known as the Atlantic House Bed & Breakfast Inn (on the corner of Baltimore Avenue and 5th Street) and a six unit multi-family dwelling on 5th Street pre-1970 when Ocean City's Zoning Code was adopted.

Regan Smith, attorney for the applicant, presented the facts of the application. It was made a condominium as the Arnold Arms Condominium regime, which has been comprised of the two structures. The bed and breakfast inn constitutes 13 units of the condominium, with 6 units in the western building. When the current owners, applicant Ard Na Mara, LLC, bought the structure in 2009, they believed they were buying a fee-simple property. They are now seeking to be removed as an entity in the condominium regime, leaving the 6 unit building (Arnold Arms B) the existing condominium. This action will allow the bed and breakfast inn to be fee simple in ownership, and reduce the dwelling units per lot to one instead of the existing thirteen, which is nonconforming per today's code. The applicant was granted variances to lot area and depth by the Board of Zoning Appeals on March 9, 2017 to move forward with the process towards resubdivision. The preliminary plat was presented showing the cross-easement required per BZA approval for the egress stair at the back of the bed and breakfast between the two structures.

MOTION/Taylor **SECOND/Shanahan** Motion made to approve the preliminary plat subject to the following conditions, below. Vote was (5-0-2) Commissioners Buckley and Brous absent.

- 1) Condominium regime to be formally and legally terminated, requiring signatures of both condominium entities in order to remove the Atlantic House Bed & Breakfast from the Arnold Arms Condominium regime.
- 2) Egress easement agreement to be noted on and filed with the final plat.
- 3) Preparation of final plat in conformance with all applicable code sections.

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(20), Uses permitted by Conditional Use in the LC-1, Local Commercial, District, to allow an automobile service station (repair shop). The site of the request is described as Lot 21, Block 110 of the Ocean Bay City Plat; further described as located on the south side of 74th Street, and locally known as 105-74th Street, in the Town of Ocean City, Maryland.

APPLICANT: PAUL FREED - (FILE #17-12100001)

Bill Neville, Planning Director, was sworn in and introduced the application. He explained that the subject property, 105-74th Street, is located in the LC-1, Local Commercial, Zoning District, with R-2, Medium Density Residential, Zoning adjacent to the west. An automotive repair shop/service station, is a Conditional Use process in this district.

Paul Freed, applicant, represented himself during his presentation. He began by explaining exhibits he submitted that were hand-drawn, stating that his intent was to move the existing 2 unit apartment to the rear of the property and building the service station and parking lot to the front on 74th Street.

The Planning Commission members had questions as to how the parking configuration, drive aisles, and building location would function since the drawings were not to scale. After a short discussion, the Commission determined that they would postpone the hearing and give the applicant the opportunity to bring in more information in order to make their decision.

MOTION/Taylor **SECOND/Gillis** Motion made to postpone the hearing for applicant resubmission. Vote was (5-0-2) Commissioners Buckley and Brous absent.

ADJOURNMENT – 6:49 pm

Peck Miller, Secretary 4/18/17
PECK MILLER, SECRETARY DATE