

**PLANNING AND ZONING COMMISSION
MINUTES
April 2, 2019**

ATTENDEES:

Members

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

Staff

Bill Neville
Frank Hall
Kay Gordy
Will Esham

6:30 PM

I. APPROVAL OF MINUTES –

Minutes of March 5, 2019

MOTION/Wilson **SECOND/Gillis** to approve the minutes as submitted. Vote was unanimous (5-0-2), Chairperson Pam Buckley absent and Commissioner Lauren Taylor having not yet arrived.

II. SITE PLAN –

Proposed revisions to the master development plan for undeveloped portions labeled in site plans as A, B, and C of Sunset Island, formerly known as Holland’s Island, located on 67th Street and the Bay. This proposal is requesting a total of 20 townhouse units, each with a maximum of five (5) bedrooms. The site plan dated 2002 listed A as a 24 unit condominium, now planned as seven (7) townhouses; B as a 20 unit condominium, now planned as six (6) townhouses; and C as a 24 unit condominium, now planned as seven (7) townhouses. Proposed sites A and B are described as Condo Unit LUG-S, and locally known as 1 Sunset Island Drive and Condo Unit LUG-AE, locally known as 3 Sunset Island Drive; and site C described as LUG-BD, locally known as 3 Hidden Cove Way, in the Town of Ocean City, Maryland.

**APPLICANT: SUNSET ISLAND LLC C/O TOM NATELLI JR.
(FILE #19-18100004)**

Planning Director Bill Neville introduced the application. Applicant Tom Natelli, Jr. of Sunset Island, LLC and Kevin Parsons of Becker Morgan Group, Inc., were present to answer questions from the Commission.

Mr. Natelli explained parking passes with each type of dwelling unit, whether owner occupied or rented.

MOTION/Taylor **SECOND/Wilson** to accept the revisions to the master site plan as presented with staff recommendations, below. Vote was unanimous, (6-0-1), Chairperson Pam Buckley absent.

Staff Recommendation

Planning & Community Development staff recommend approval of the site plan application along with the following zoning and standard conditions if the Planning the Zoning Commission approves the Sunset Island Townhouses application.

In addition to the standard conditions, the Planning Commission may wish to add other items following their review of the attached Site Plan Review Checklist.

Zoning Conditions

1. Condominium land units LUG-S, LUG-AE and LUG-BD represent the final remaining buildable area of the overall Sunset Island development project, and as such complete the final phase of construction.
2. The proposed 20 Townhouse units will replace 68 multi-family units and shall complete and extinguish the permitted density originally approved by the 2002 approved Master Plan.
3. If construction of the remaining 20 units will not be completed by a single building permit and/or continuous building timeline, a phasing plan of construction is required for site plan approval.
4. Sunset Island, LLC shall prepare revisions to the Land Condominium plat and associated community documents for approval by this Department as a Final Subdivision Plat application prior to approval of the last townhouse building permit.
5. Sunset Island, LLC shall prepare and submit to this Department a final as-built plan and tabulation of all site improvements including parking spaces, and open space/landscaping prior to requesting a Certificate of Occupancy of the final townhouse unit.
6. Conditions of prior project approvals apply (PZ #1816A and #1816B).

STANDARD RECOMMENDATIONS FOR SITE/SUBDIVISION PLANS

1. Design Guidelines, per Section 110-181, apply to all of the corporate limits of the Town of Ocean City.
2. Trash refuse containers shall comply with the minimum standards set forth in Chapter 70 subject to 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 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.

5. 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.
6. 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.
7. 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.
8. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.
9. 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.
10. 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.
11. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
12. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
13. 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.
14. Approval subject to the final plat being prepared and recorded in accordance with Chapter 78, Article III, Final Plat.
15. If the project is to be a phased project, site plan approval shall include a phasing plan.
16. 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). Minor site plan revisions will require additional review fees with the building permit when applicable.
17. Subject to obtaining a building permit for all site work.

III. DISCUSSION –

Zoning Administrator Frank Hall introduced two topics for discussion and guidance from the Commission.

(1) To amend the definition of Multi-Family dwelling from:

- A building designed for or occupied exclusively by three or more families living independently of each other

To

- A building designed for or occupied exclusively by three or more families living independently of each other, **or un-subdivided two-family dwellings.**

The Commission's consensus is to move forward with the proposed amendment.

(2) To discuss unenclosed porches in the MH District – to allow landings (4 x 4, 5 x 5) to be enclosed on two sides only to prevent injury by winds catching in doors.

The Commission's consensus again is to move forward with the proposed amendment.

ADJOURNMENT – 7:32 pm

<u>Peck Miller</u>	<u>4/16/19</u>
Peck Miller, Secretary	DATE