PLANNING AND ZONING COMMISSION
MINUTES
May 1, 2018

ATTENDEES:  Members  Staff
Pam Buckley  Bill Neville
(Peck Miller – absent)  Frank Hall
Joel Brous  Kay Gordy
Lauren Taylor  Will Esham, III
Chris Shanahan  Palmer Gillis
Joe Wilson

6:30 PM
I.  APPROVAL OF MINUTES – Minutes of April 3, 2018

MOTION/Wilson  SECOND/Taylor to approve the minutes as submitted. Vote was (5-0-1-1), Commissioner Peck Miller absent this meeting and Joel Brous abstaining because of absence on April 3rd.

II.  SITE PLAN

1. Site Plan Review of the proposed “The Island Wave Condominium” to consist of seven (7) residential units – four (4) units with four (4) bedrooms, two (2) units with three (3) bedrooms, and one (1) two-level five (5) bedroom unit. The site is described as Lots 25 and 26, Block 5 of the Fenwick Plat, revised 1965; further described as located at the northwest corner of 125th Street and Assawoman Drive, and locally known as 10-125th Street and 12503 Assawoman Drive, to be readdressed as 12501 Assawoman Drive, in the Town of Ocean City, Maryland.

APPLICANT: 125TH STREET DEVELOPMENT OF OCEAN CITY LLC C/O JEFF THALER (File #18-18100003)

Zoning Administrator Frank Hall introduced this application and gave a brief history, including the Board of Zoning Appeals approval of the ½ parking space (1 space) special exception on April 12, 2018.

Joseph E. Moore, Esquire, attorney for the applicant, spoke in favor of approving the site plan in that the BZA has given approval as designed, and the TRC (Technical Review Committee) has reviewed the plans as presented. He responded to Commissioner Gillis’s concern that the media room be used as a bedroom. The plans now show that a wall has been removed and is now more of an alcove and cannot be used as a bedroom. He explained that every four bedroom unit will have as a limited common element two parking spaces, the five bedroom unit will have three reserved parking spaces, with three left for visitors.

MOTION/Shanahan  SECOND/Wilson to approve the site plan as presented subject to all other departments of Ocean City. Vote was (3-1-2-1), Commissioner Palmer Gillis opposed Chair Pam Buckley and Commissioner Lauren Taylor abstaining, and Commissioner Peck Miller absent.
III. INFORMAL DISCUSSIONS

1. Joseph E. Moore, Esquire, intends to seek a rezoning for a portion of Laured, LLC Tract A on Plat entitled “Subdivision R.C. Holland Estate north of 33rd Street & west of Ocean Highway (Coastal Highway) O.C. Wor. Co. MD” so that the entirety will be zoned LC-1, Local Commercial. It is now split-zoned LC-1 on the highway and for an additional 78.12 feet in depth on the westerly portion, R-2, Medium-Density Residential, Zoning District.

Mr. Moore and Blaine Smith, former Zoning Administrator, came forward to discuss the intent to rezone this tract and the history of the rezoning of the Russo property to the south in 2008. During Comprehensive Rezoning, zoning lines were adjusted. Prior zoning of subject tract of land was dissolved and LC-1 created along the highway. During the adjusting, a distance from the highway and not the lot lines were utilized in the creation of LC-1 on the highway. The R-2 medium residential area on this tract has no traditional way to develop with no street access. This rezoning would be due to a mistake in how the zoning districts were drawn.

The Planning and Zoning Commission determined that Mr. Moore should proceed with the rezoning request.

2. Brian Peter Cosby, Esquire, possible text amendment to the BM-1, Bayside Marine, Zoning District, amusement arcades as an allowed use.

Mr. Cosby explained that he has clients in the BM-1 zoning district that would like to create an amusement arcade as an accessory type use to enhance the businesses in the district. He asked that the use be added as a special exception or conditional use.

The Planning and Zoning Commission determined that Mr. Cosby should proceed with a text amendment request that would open the way for his applicant and any others to apply individually for a conditional use. The Commissioners stressed that this would be an accessory type use only to marina and water related uses of the BM-1 district.

IV. COMMISSION/STAFF WORK SESSION

Discuss possible code amendments – Frank Hall, Zoning Administrator, distributed his “Little Fish” list and briefly described each issue and received direction from the Commission.

With no further business, the meeting was adjourned.

ADJOURNMENT – 7:45 pm

Peck Miller 6-5-18
Peck Miller, Secretary DATE