PLANNING AND ZONING COMMISSION
MINUTES
June 18, 2019

ATTENDEES:

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

Staff
Frank Hall
Kay Gordy
Will Esham, attorney

6:30 PM
I. APPROVAL OF MINUTES –

Minutes of May 21, 2019

MOTION/Wilson  SECOND/Taylor to approve the minutes as submitted. Vote was (4-0-1-2), Chairperson Pam Buckley was not present that evening and abstained, Commissioners Joel Brous and Chris Shanahan absent this evening.

II. SITE PLAN –

Site Plan Review of four (4) proposed townhouse units, each with two (2) bedrooms. The site of this application is described as Lot 11, Block 27N of the Sinepuxent Beach Company Plat, dated 1891; further described as located on the northeast corner of N. Division Street and Dayton Lane, and known locally as 206 N. Division Street, in the Town of Ocean City, Maryland.

APPLICANT: FISHER ARCHITECTURE, LLC (FILE #19-18100006)

Zoning Administrator Frank Hall introduced the application. Heather Morrison of Fisher Architecture was present to give further project details and answer questions of staff and the Commission. Glenn Irwin, Executive Director of OCDC, was present to present the Design Committee’s recommendations.

MOTION/Miller  SECOND/Taylor to approve the proposed site plan as presented subject to the following staff and standard recommendations, listed below, acknowledgement of possible long-range plans of the State Highway Administration’s Route 50 bridge alternative parallel drawbridge, and Ocean City Development Corporation comments, attached. The vote was unanimous of those present (5-0-2) Commissions Brous and Shanahan absent.

Zoning Conditions

1. Ensure the dumpster location does not negatively affect line of sight for the Dayton Lane/N. Division Street intersection. The dumpster should be screened as required by the standard conditions.

2. A note shall be added to the site plan stating that a portion of the building may be located within the future alignment of the Route 50 bridge replacement (Alternate 5A).
3. Provide a landscape plan that substantially buffers the new residential townhomes from the gas station to the east and north.

4. Protect adjoining property from excessive lighting because of the brightness from any new LED style lights. Consideration should be given to the type of lights, shielding, angle of the light heads, height of the lights, etc. A photometric plan is required which demonstrates foot candle values and visual glare from a distance.

5. The three-foot extension of the public street sidewalks needs to remain clear and unobstructed, including free of landscaping.

6. The property is located within the AE-5 Special Flood Hazard Area, and is subject to periodic tidal flooding. Chapter 38 applies including submission of required Elevation Certificates.

7. All staff and departmental comments from the Technical Review Committee (TRC) meeting held on May 23, 2019 must be addressed.

8. Department of Community Development hereby reminds the applicant of the potential impact the future Route 50 Bridge may have on the project, especially that southern end of the townhouse group. The potential impact of the future Route 50 Bridge and existing highway noise should be disclosed to the purchasers of the property.

**STANDARD CONDITIONS FOR SITE/SUBDIVISION PLANS**

(Revised 3/30/17)

1. Design Guidelines, per Chapter 110, Article 23, apply to the Downtown Design Overlay Zone.

2. Trash refuse containers shall comply with the minimum standards set forth in Chapter 70 subject to the 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 construction, repaving and/or repairs of curb cuts, sidewalks and streets and/or street amenities shall be approved by the Department of Engineering for Dayton Lane and N. Division Street and shall be installed by the developer in accordance with the specifications and standards of that department. Any existing curb cuts that are being abandoned must be removed and replaced with a sidewalk subject to city specifications.

5. It is the policy of the Planning Commission to require clear and unobstructed 8’ wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.

6. 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.

7. The parking lot and driveways shall be paved in accordance with Chapter 74 of the Town Code. Dayton Lane (Alley) shall be repaved to engineering department’s standards.

8. All private utilities extending across property lines serving new construction and the parking lot shall carry approved easements and/or the property shall be deed consolidated as per Section 110-874. As a policy of the City, private utilities may not extend across public ways.

9. Any existing power poles or transformers that interfere with the development of this project shall be relocated at the expense of the owner/developer with appropriate approvals.

10. 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.

11. Location of new and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.

12. Location, height, type, and direction of lighting designed per Section 110-831.23 for Downtown Design Overlay Zone District, 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.

13. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.

14. The project is subject to impact fees adopted by the Mayor and City Council.

   a. Infrastructure impact fees are as follows: One-half amount due at application for building permit; remainder due prior to issuance of building permit.

   b. Water and sewer impact fees are due as follows: One-half amount at building permit issuance; the remainder at certificate of occupancy.

15. Final 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).

16. Sign permits shall be issued in accordance with Section 110.831.27 for the Downtown Design Overlay Zone. Signs shall be shown on the site plan and issued under separate application from the building permit.

17. Subject to obtaining a building permit for all site work.

18. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.

19. 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.
20. All parcels shall be deed consolidated as per Section 110-874.

ADJOURNMENT – 6:46 pm

Peck Miller 8/6/19
Peck Miller, Secretary DATE