PLANNING AND ZONING COMMISSION
MINUTES
June 5, 2018

ATTENDEES:

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

Staff
Bill Neville
Frank Hall
Kay Gordy
Will Esham, III
Daphne Hurley, reporter

6:30 PM

I. **APPROVAL OF MINUTES** – Minutes of May 1, 2018

    **MOTION/Gillis**    **SECOND/Taylor** to approve the minutes as submitted. Vote was (5-0-1-1), Commissioners Chris Shanahan absent this meeting and Peck Miller abstaining because of absence on May 1st.

II. **PLANNING UPDATE** – Bill Neville, Planning Director and Commission discussion

    1. Update on Delmarva Power’s request to remove Condition #1 from their existing Conditional Use permit. The Mayor and City Council rejected the Commission’s Findings of Fact, discussed points they’d like to see Delmarva Power address, and remanded it back to the Planning Commission at a later date.

    2. Annual Report to MDP (Calendar Year 2017), discussed and voted to send to the Mayor and City Council prior to submitting to Maryland Department of Planning. Lauren Taylor made the motion, Joe Wilson seconded. Vote was 6-0-1, Commissioner Shanahan absent.

    3. Nuisance flooding

    4. Parking Study – both #3 and #4 were touched on and will be discussed further during Comprehensive Plan implementation.

III. **PUBLIC HEARINGS** -

7:00 PM

Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-514(22), Uses permitted by Conditional Use in the LC-1, Local Commercial, Zoning District, to permit an interior tenant fit-out with an amusement use that the Mayor and City Council may approve in keeping with uses specifically permitted in the LC-1 district. The site of the request is described as Lot 6 of the 56th Street Market Condominium Plat; further described as located on the west side of Coastal Highway between 56th and 57th Streets, and locally known as 5601 Coastal Highway, Unit 6, in the Town of Ocean City, Maryland.

**APPLICANT: MAZEGAME LLC DBA ESCAPE ROOM OC (FILE #18-12100002)**
Pam Buckley, Chair, opened the public hearing and there were no objections to any of the Commissioners taking part in the hearing.

Frank Hall, Zoning Administrator, introduced the application and explained the nature of the request. He informed the Commission that this was the third Escape Room project for this applicant, with one having come before them before in the SC-1 and approved and another in the downtown area that was allowed as a permitted use.

Linar Yagudin, applicant, explained this operation and took questions from the Commission.

There was no testimony from the audience in favor of or opposed to the application.

Lauren Taylor motioned to close the hearing at 7:11 and Peck Miller seconded. The Commission entered into deliberation.

**MOTION/Taylor SECOND/Miller** to favorably recommend the Conditional Use application to the Mayor and City Council with staff recommendations listed here and printed on Zoning Administrator Hall’s staff report. Vote was (6-0-1), Commissioners Chris Shanahan absent.

**Staff Recommendation:** Planning and Community Development staff respectfully recommend approval of the Conditional Use application for Maze Game, LLC with the following conditions:

1. The game themes must be family oriented and appropriate for all age groups.
2. Per the Fire Marshal’s recommendation for the previously approved Escape Room, “no locking” mechanisms be installed on interior doors. Approval subject to revocation if violated per the Fire Marshal.
3. All required waivers and age stipulations must be in place and observed.
4. Video monitors to be installed and in constant use in rooms at all times of operation.

**Scheduled for 7:15 PM**

To consider a petition for rezoning of a portion of a tract of land now split zoned R-2, Medium-Density Residential, Zoning District and LC-1, Local Commercial, Zoning District, so that the entirety will be zoned LC-1. The site of the petition is described as Map 112, Parcel 4362, Tract A on Plat of Subdivision R.C. Holland Estate recorded in Plat Book 109, Page 23; said property located on the west side of Coastal Highway, between 33rd and Hitchens Avenue, and known locally as 3401 Coastal Highway, in the Town of Ocean City, Maryland.

**APPLICANT: JOSEPH E. MOORE, ESQUIRE, ATTORNEY FOR LAURED LLC (FILE #18-14100002)**

Zoning Administrator Frank Hall briefly introduced the application, read an email from John C. Walsh, a concerned citizen, into the record, and turned the presentation over to Joseph E. Moore, Esquire, and Blaine Smith, former zoning administrator for testimony.

Mr. Smith proffered that the split zoning came about by “mistake” (Change or Mistake Rule) using a 150’ depth in a line parallel to Coastal Highway to create the LC-1 zoning district instead of following property lines. This was done in 1993 without the use of CAD instruments/programs that would’ve been the best zoning practice. The property directly adjacent to the south, the Lands of Tony Russo, was similarly rezoned in 2008.

There was no testimony from the audience in favor of or opposed to the request.

Peck Miller motioned to close the hearing at 8:01 PM and Lauren Taylor seconded. The Commission entered into deliberation.
MOTION/Wilson     SECOND/Gillis to favorably recommend rezoning request to the Mayor and City Council clearly as a mistake. Vote was (6-0-1), Commissioners Chris Shanahan absent.

Scheduled for 7:30 PM

To consider amending Article IV, Division 8. BM-1 Bayside Marine District, Section 110-454. Uses permitted by conditional use. (Proposed language addition in italics)
(3) Amusement Arcades.

APPLICANT: PLANNING & ZONING COMMISSION (FILE #18-14100001)

Zoning Administrator Frank Hall introduced this application, citing that this subject had been discussed informally at a previous meeting and by vote and second, the Planning and Zoning Commission agreed to entertain this request as a text amendment.

Brian Peter Cosby, P.A. first brought the topic to the Commission as an informal discussion on behalf of Mr. and Mrs. Cutlip, who, if the amendment is successful, will file for a Conditional Use permit. He informed the Commission that his clients operate a marine business in the BM-1 (specifically at 5303-05 Coastal Highway) and wish to utilize an empty building as an amusement arcade incidental to the marine business.

There was no testimony from the audience in favor of or opposed to the request.

Peck Miller motioned to close the hearing at 8:10 PM and Joe Wilson seconded. The Commission entered into deliberation.

MOTION/Taylor     SECOND/Brous to favorably recommend the text amendment to the Mayor and City Council with the condition that the language include that amusement arcades “will not interfere with or adversely affect current and anticipated marina operations in any way and will cause no loss of water-related activities” in the BM-1, Bayside Marine, Zoning District. Vote was (6-0-1), Commissioner Shanahan absent.

With no further business, the meeting was adjourned.

ADJOURNMENT – 8:20 pm

Peck Miller, Secretary   DATE

Peck Miller  6-19-18