

**PLANNING AND ZONING COMMISSION
MINUTES
July 5, 2017**

ATTENDEES:

Members

Pam Buckley
Peck Miller
Lauren Taylor
Joel Brous
Chris Shanahan
Palmer Gillis
Joe Wilson

Staff

Bill Neville
Frank Hall
Kay Gordy
Will Esham III

6:30 PM

I. APPROVAL OF MINUTES - Minutes of June 6, 2017

MOTION/Wilson SECOND/Taylor Motion made to approve minutes as presented.
Vote was (6-0-1) Commissioner Miller abstained because he was absent that date.

II. SITE PLAN

1) Site Plan Review of proposed new hotel (existing multi-family dwelling to be demolished) containing 15 guestrooms to be located on Lot 14 and Part of Lot 14, Block 16N of the Sinepuxent Beach Company Plat, dated 1891; further described as located on the southwest corner of Baltimore Avenue and 3rd Street, continuing westward along 3rd Street to the 16' alley, and locally known as 213 Baltimore Avenue and 101-3rd Street, respectively, in the Town of Ocean City, Maryland.

APPLICANT: ANGELL DESIGN – (FILE #17-18100008)

Frank Hall, Zoning Administrator, presented the application and discussed the special exceptions and variance granted by the Board of Zoning Appeals (BZA 2486 #17-09500003) on May 25, 2017, to assist with redevelopment of this property.

Glenn Irwin, Executive Director, Ocean City Development Corporation, spoke in support of the project and presented a memo to be included with the record.

Brian Peter Cosby, attorney for the applicant, and Patrick Angell, design professional and applicant, were present to answer any questions and discuss the project.

MOTION/Shanahan SECOND/Miller Motion made to approve the site plan as presented based on staff recommendations, below, and OCDC comments submitted separately. Vote was unanimous, (7-0).

Staff recommendations: Planning & Community Development Staff respectfully recommends approval of the site plan for the Beach Bum Hotel as presented including the standard and site specific conditions listed below with design guideline approval from the Ocean City Development Corporation and the staff report.

Standard Conditions

1. Design Guidelines, subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and comments from the Ocean City Development Corporation (OCDC) Design Review Committee.
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 and/or repairs of curb cuts, sidewalks and streets and/or street amenities shall be approved by the Department of Engineering and shall be installed 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 8' wide sidewalks on all public streets adjoining the project.
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 shall be paved in accordance with Chapter 74 of the Town Code.
8. All private utilities extending across property lines serving new 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. Easement will be needed to interior fire hydrant near the hotel.
9. 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.
10. The location of a transformer shall be subject to the approval of Delmarva Power and the Zoning Administrator.
11. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal and shall be shown on all site plans.

12. Location, height, type, and direction of lighting in the Lower Downtown Overlay Zone shall be designed per Section 110-831.23, Lighting, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in foot-candles throughout the property.
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. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
16. 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.
17. If the project is to be a phased project, site plan approval shall include a phasing plan.
18. 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).
19. All sign permits shall be issued in accordance with those signs shown on the site plan.
20. Subject to obtaining a building permit for all site work.
21. All site construction shall be in compliance with Chapter 38 – Floodplain Ordinance including the minimum elevation of the lowest floor.

III. ADMINISTRATIVE

Second review of proposed elevations for the new Denny's (formerly JR's) located at 6104 Coastal Highway.

Zoning Administrator Frank Hall and Planning Director Bill Neville presented the plans submitted for this minor review.

Paul Mazza, President of Dentz Inc., was present to discuss the proposals and answer questions of the Commission.

MOTION/Miller **SECOND**/Brous Motion made to approve the exterior elevations as presented. Vote was unanimous (7-0).

IV. PUBLIC HEARING

Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-861.3(5), Uses permitted by Conditional Use in the I-1 Inlet District, to permit water-related recreational activity in the form of two (2) parasail boats. The site of the request is described as Block 21S of the Sinepuxent Beach Company Plat of 1891, further described as located on the west side of Philadelphia Avenue, the south side of Sunset Park, and on Sinepuxent Bay near the Inlet, and known locally as 700 S. Philadelphia Avenue, in the Town of Ocean City, Maryland.

APPLICANT: SEA ROCKET LLC C/O HUGH CROPPER, IV, ATTORNEY - (FILE #17-12100002)

Frank Hall, Zoning Administrator, introduced the application.

Hugh Cropper, IV, Esquire, explained that the ownership of the current Sea Rocket operation has changed hands to Graham Bostic's son-in-law, Brad Donahue, and business partner, Todd Burbage. Since the Conditional Use still in effect was specific to Mr. Bostic, it was necessary to go through the Conditional Use process for the new owners and also to add one (one) additional parasail boat. The wave-runners that had been granted approval are no longer in use.

Angela Bostic, Graham Bostic's wife and former co-owner of Sea Rocket, testified on behalf of the applicants in favor of the application.

Glenn Irwin, Executive Director of OCDC, testified in support of the application.

The hearing was closed at 7:26 p.m. for deliberation and a decision, below:

MOTION/Taylor SECOND/Miller Motion made to recommend approval of the Conditional Use application onward to the Mayor and City Council. Vote was unanimous (7-0), based on the below conditions:

1. Two (2) parasail boats in addition to the permitted principle uses (Sea Rocket and one pontoon boat) subject to minimum off-street parking requirements.
2. Should construction begin on the restaurant which has been given site plan approval (**The Island Village at Wilde Dawgs' on Lost Lady Beach #17-18100001 approved on April 18, 2017**) within the life of the Conditional Use, it will be required that the operator of the watersport discontinue its operation until they meet with the Planning & Zoning Commission to determine that the two uses can co-exist on the premise without any adverse affects to vehicular and pedestrian movement for patrons and public, and for adequate parking during construction. See also **BZA 2390 #13-09400021** letter of approval for shared parking facility between the restaurant and Sea Rocket Adventures and associated watersports.
3. This approval to be limited to this applicant only and is not transferable without Planning Commission authorization.

4. The parasail boats shall stay a clear distance of 50 yards within the basin from the north side of the Oceanic Fishing Pier.
5. The approval is valid for five (5) years as requested.

ADJOURNMENT – 7:30 pm

Peck Miller, Secretary 8/15/17
PECK MILLER, SECRETARY DATE