PLANNING AND ZONING COMMISSION
MINUTES

September 4, 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
Ryan Bodley, Attorney

6:30 PM

I.  APPROVAL OF MINUTES –

Minutes of August 6, 2019

MOTION/Wilson SECOND/Taylor to approve the minutes as submitted. Vote was (4-0-2-1), Commissioner Chris Shanahan not present at time of vote, Chairperson Pam Buckley absent this evening, and Commissioner Palmer Gillis abstaining because he was not present on August 6th.

II.  SITE PLAN –

Redevelopment of Friendship Manor Hotel with 11 residential guest rooms. The site of this application is described as Lot M, Block 35N of the Bay Heights Plat; further described as located on the west side of Philadelphia Avenue, mid-block between 8th and 9th Streets and known locally as Friendship Manor Hotel, 803 Philadelphia Street, in the Town of Ocean City, Maryland.

APPLICANT:  RENATO DEMO (FILE #19-18100011)

Frank Hall, Zoning Administrator, introduced the application. He explained that a Determination of Non-Conformity has been performed for density, and that the structure is able to be built back with 11 units, though today’s code would allow only 7 units. The new hotel will be fully parked, with one space per hotel guest room, in accordance with code.

Mr. Hall presented the OCDC Design Committee’s recommendations in the absence of Glenn Irwin, Executive Director. The comments were very favorable and applauded the property owner and architectural firm for designing such an attractive structure in keeping with the Upper Downtown Design Overlay Zone district codes.

Mr. Hall also briefed the Commission on the staff report in their packets, included after this motion.

MOTION/Taylor SECOND/Brous to approve the proposed site plan as presented subject to the staff and standard recommendations, and the overview of the Ocean City Development Corporation, comments attached. The vote was unanimous of those present (6-0-1), Chairperson Pam Buckley absent.
Staff Recommendation

Planning & Community Development staff requests the following zoning and standard conditions if the Planning the Zoning Commission approves the site plan for the eleven (11) room hotel.

Zoning Conditions

1. 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.
2. The three-foot extension of the public street sidewalks needs to remain clear and unobstructed, including free of landscaping and trash receptacles.
3. The bottom front step should end at 4 feet from the front property line.
4. The property is located within the AE5 Special Flood Hazard Area, and is subject to periodic tidal flooding. Chapter 38 applies including submission of required Elevation Certificates.
5. All staff, departmental, and standard comments from the Technical Review Committee (TRC) meeting held on August 22, 2019 must be addressed, including OCDC design review comments.

STANDARD RECOMMENDATIONS FOR SITE/SUBDIVISION PLANS

Revised 3/30/2017

1. Design Guidelines, per Section 110-181, apply to all of the corporate limits of the Town of Ocean City, except those area subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and the Upper Downtown Design Overlay Zone (Chapter 110, Article 26).
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 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. Curb cuts located on the State highway are subject to review and approval by the State Highway Administration based on proposed ingress and egress to the project.
6. It is the policy of the Planning Commission to require 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.
8. 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.

9. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.

9. 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.

10. 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.

11. 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.

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

13. Location, height, type, and direction of lighting designed per Section 110-865.21(1)(b) (Upper Downtown Design Area). Lighting Requirements, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in foot candles throughout the property.

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

15. 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.

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

17. The hotel/motel project shall be operated in compliance with Section 110-907, items 1 thru 11, Hotel/Motel Definition, following:
   (1) Be operated exclusively as a place of temporary lodging for compensation.
   (2) Be open to the public generally rather than to a limited group.
   (3) Contain a public lobby and guest registration office with guest rooms & suites.
   (4) Provide full-time on-site management, guest registration personnel, daily maid service and maintenance to all guest rooms and suites.
   (5) Limit the number of different guest room and suite keys to the number of guest rooms and suites approved by Ocean City; rooms or suites shall not be subdivided or used to provide more separate living areas than approved by Ocean City.
   (6) Individual guest rooms and suites shall not have individual utility connections metered separately, including water, sewer and electric connections.
   (7) Maintain a sign with the name of the hotel/motel on the outside of the property, with the word “hotel/motel” prominently displayed.
Maintain records, for at least the most recent two years, of all guests, including names, addresses, rooms or suites assigned and term of stay, and make said records available for inspection by the department on 24 hours’ notice.

Comply with the minimum lot area per dwelling unit specified in the district regulations.

Not to be construed to include any building or structure defined as a multiple-family dwelling in this chapter for the purpose of calculating lot area per unit and off-street parking per dwelling unit. In the case of mixed dwelling types, the required minimum lot area per unit and parking requirements shall equal the sum of the requirements of the various uses computed separately.

In the event that that hotel/motel units are to be sold as condominiums, timeshare, partnerships or other forms of individual ownership, the condominium plats, bylaws and covenants shall be reviewed and approved by the administrator and the Planning Commission attorney.

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.

All parcels shall be deed consolidated as per Section 110-894.

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).

All sign permits shall be issued in accordance with those signs shown on the site plan. All sign permits shall be issued in accordance with Chapter 66 – Signs. No wall sign shall exceed 1.5 square feet of area per linear foot of façade length.

Subject to obtaining a building permit for all site work.

No building permit shall be issued for any work in connection with a use or structure until a site plan has been reviewed and approved for such use or structure. The site plan shall be reviewed for compliance with Ocean City's comprehensive plan, this division and other applicable regulations. The Planning Commission may require changes to site plans requiring its approval or attach conditions or restrictions when such changes, conditions or restrictions coordinate the proposed development with surrounding properties or improve the protection of the public's health, safety and general welfare.

OCEAN CITY DEVELOPMENT CORPORATION

To:    Bill Neville, Director of Planning & Community Development
        Frank Hall, Zoning Administrator
From:  Glenn Irwin, Executive Director, OCDC
Date:   September 4, 2019
Re:    Friendship Manor Hotel
In regards to the proposed Friendship Manor Hotel at 803 Philadelphia Avenue the OCDC has the following comments:

1) The OCDC Downtown Design Committee is supportive of this new construction project and believes it provides many architectural details that are consistent with the downtown design standards.  
2) The applicant has addressed the questions raised by OCDC staff at the TRC meeting. The project’s proposed list of materials, colors, and roof pitch are consistent with the downtown design standards.

This project will be a nice addition to the downtown area. The property owner and his architectural firm should be applauded for providing this attractive building.

Thanks for the opportunity to comment.

Please give me a call at (410) 289-7739 if you have any questions.

cc: Kay Gordy, Zoning Analyst II  
    Jack Mumford, Becker Morgan Group  
    Brooke McGrath, Becker Morgan Group

III. STAFF PRESENTATION –

Bill Neville, Planning Director, and Kay Gordy, Zoning Analyst II, presented collected data from calendar years 2011 through June 20, 2019 to address the concern that the Town of Ocean City may be losing commercial uses in favor of residential development.

After review of information presented, the Commission agreed that it does not appear that the Town is currently sacrificing commercial uses to residential uses and supported notifying the Mayor and Council in writing of these findings. This report could be presented to the Mayor and Council in an upcoming work session.

The Commissioners did caution staff of possible upcoming trends and subsequent development type changes on the near horizon. Pyramidal zoning and residential uses in
commercial districts often cause conflict between the two uses. Mr. Neville suggested perhaps making residential uses in commercial districts a Conditional Use permit. The Commission spoke in favor of drafting amendments to the Commercial Zones to utilize Conditional Use criteria for residential development. Staff will begin work on those drafts.

To conclude the meeting, Mr. Neville gave an update on Hurricane Dorian and its possible impacts on the City.

With no further business, the meeting was adjourned at 7:30 pm.

Peck Miller 10/1/19
Peck Miller, Secretary Date