PLANNING AND ZONING COMMISSION
MINUTES
September 5, 2018

ATTENDEES:

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

Staff
Frank Hall
Kay Gordy
Bill Neville
Will Esham, III
Daphne Hurley, Public Hearing
Transcriber

At 6:30 PM

I.  APPROVAL OF MINUTES –

Minutes of August 21, 2018

MOTION/Taylor  SECOND/Wilson to approve the minutes as submitted. Vote was (6-0-1), Commissioner Peck Miller absent.

II. SITE PLAN/RESUBDIVISION –

Proposed Resubdivision of Lot 14A to create Lots 14A & 14B, and changing the designation of existing Lot 14B into Lot 14C (3 lots), Block 68 of Plat No. 4 of Fenwick, Maryland; further described as located on the west side of Tunnel Avenue between 141st and 142nd Street, and locally known as 14102 Tunnel Avenue, in the Town of Ocean City, Maryland.

APPLICANT: SHANNON POSEY (FILE #18-07800001)

Zoning Administrator Frank Hall introduced the application, explaining that Lot 14 had been subdivided into two lots, Lots 14A & 14B a year ago, and this is a further resubdividing of one of those lots into two, now creating three lots. Russell Hammond of Russell T. Hammond Surveying, LLC, was present to represent Ms. Posey.

MOTION/Taylor  SECOND/Gillis the Planning Commission voted unanimously of those present,(6-0-1), Commissioner Peck Miller absent, to preliminarily approve the plat as presented with all staff comments, Technical Review Committee (TRC) comments, listed below, and all other applicable government regulations.

Staff Recommendation: Planning & Community Development staff suggests the following conditions of approval should the Planning & Zoning Commission approve the subdivision:

1. The conservation easement labeled on the plat be recorded as shown.
2. Drainage requirements to be met and approved by the Engineering Department.
3. Limits of disturbance and limits of fill to be approved by the Engineering Department.
4. Addresses for the three lots shall meet 911 addressing standards.
TRC Comments:

5. The Developer/owner shall not remove trees from the parcel or lots of land until approval of the site plan and accompanying landscaping plan and a grading permit is received per Code Section 30-553(c)(12)(a)(i).

6. Every person shall submit to the Town, as part of a site plan or subdivision plat and prior to the issuance of any building permit, a landscaping plan that includes, per Code Section 30-553(c)(12):
   - The location of any existing wooded areas or trees three inches or more in diameter measured 12 inches above ground level.
   - The spacing, size, number and kind of landscaping material to be used.
   - A per-item cost (or per-foot or per-yard cost, if applicable) of the proposed plants.
   - All trees on the landscaping plan shall be well and protected against change of grade.

7. Trees removed within the 100’ Buffer will be mitigated 2:1 (not including the trees in the 5’ perimeter).

8. Each lot must provide a minimum of 15% plantable area per Code Section 30-553(c)(8)(i).

9. A grading plan for each lot showing positive drainage towards the street. It lots won’t be filled, provide an acceptable draining easement across the lots per Code Section 30-553(c)(8)(ii).

10. Drainage methods and storm drains to be approved as minimum condition of subdivision approval per Code Section 78-153.

11. Adequate drainage paths to be provided to reduce exposure to flood hazards and guide floodwaters around and away from proposed structures per Code Section 38-76 Flood Hazard Reduction.

12. Footprint of proposed development activity and a 5’ perimeter. Tabulation of all removed trees outside this geometry is to be added to the mitigation requirements.

13. Must incorporate environmentally sensitive design for Single Family storm water compliance per Code Section 30-146(b)(i) and a permit is required per Code Section 30-148(a).

14. Proposed structures and surrounding grade to meet minimum elevation requirements above adjacent flood risk zone AE-5 per Chapter 38 Floods.

At 7:00 PM

III. PUBLIC HEARING –

A petition has been made to rezone properties identified as Land Unit 2 in the 25th Street Commercial Land Condominium dated April 21, 2015, further described as located on the west side of Philadelphia Avenue between 25th and 26th Streets (excluding the area encompassed by Fairfield Inn and Suites), and locally known as a portion of 2501 Philadelphia Avenue, 2511 Philadelphia Avenue and 207-26th Street, in the Town of Ocean City, Maryland. In order to accommodate a site plan development intended to be a neighborhood shopping center, and citing a substantial change in the character of the neighborhood for uses compatible with the uses of surrounding property as redeveloped, including a hotel use to the rear of the adjacent property along 25th Street, and substantial residential condominium use to the west of the property at 26th Street. Also in keeping with the adopted 2018 Comprehensive Plan and Future Land Use Maps, the applicant requests the area of the lands described above which are
designated R-2, Medium Density Residential, Zoning District, to be rezoned entirely to LC-1, Local Commercial, Zoning District.

APPLICANT: JOSEPH E. MOORE, ATTORNEY FOR OCEAN HARBOR HOLDINGS, LLC, A MARYLAND LIMITED LIABILITY COMPANY (FILE #18-14100010)

Chairperson Pam Buckley called the public hearing to order and read the required statement for those in the audience to object if necessary to any sitting members of the Commission. Seeing no opposition, all members present continue to sit for this public hearing.

Bill Neville, Planning and Department Director of Planning and Community Development, was sworn in and introduced the rezoning application and its purpose as described above.

Joseph E. Moore, Esquire, attorney for the applicant corporation, Ocean Harbor Holdings, LLC, presented the application, calling and qualifying Blaine Smith, former zoning administrator of the Town of Ocean City, as an expert witness. Mr. Smith testified that the neighborhood has changed over the years, citing the need to provide a level of commercial services to service the residents and visitors of the neighborhood he defined as 20th Street to 28th Street on the bayside of Philadelphia Avenue.

Mr. Moore emphasized that by extending the LC-1 zoning an additional 123’ in depth (encompassing subject R-2 property in question) from the eastern LC-1 property would create a better designed project for the neighborhood shopping center. If the zoning is not changed, the shopping center can be built upon the easterly LC-1 portion of Land Unit #2 and the parking can be concentrated entirely on the R-2 portion if a Conditional Use Permit is granted in accordance with Code Section 110-334(5) Off-street parking spaces for uses on property zoned R-3, LC-1, BM and I-1.

Those who testified in opposition:
1) John Simcox, 320 Bayshore Drive Ocean City MD 21842
2) Brooke Rogers, 310 Bayshore Drive Ocean City MD 21842
3) Tom Connolly, 206-26th Street Ocean City MD 21842
4) Joseph Magluilo, president of Gen Cove Villas HOA, 211-26th Street Ocean City MD 21842
5) Madge Bowen, 211-26th Street Ocean City MD 21842
6) John Jones, 215C-26th Street Ocean City MD 21842
7) Clifton Colee, 316 Bayshore Drive Ocean City MD 21842

Their voiced concerns ranged from not seeing a change in neighborhood to warrant rezoning, concern for change in traffic patterns, long-term impact on residential units and residents by having commercial uses immediately adjacent and facing inward instead of towards Philadelphia Avenue, lighting, noise, parking concerns immediately adjacent to residential properties, more intense use of the canal which is narrow.

The Planning and Zoning Commission closed the hearing to testimony at 9:50 pm and postponed their deliberation and decision until the next scheduled meeting on Tuesday, September 18, 2018.
With no further business, the meeting was adjourned.

ADJOURNMENT – 9:55 pm

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