

**PLANNING AND ZONING COMMISSION
MINUTES
FEBRUARY 20, 2013**

ATTENDEES:

Members
Pam Buckley
Chris Shanahan
Lauren Taylor
Peck Miller
John Staley

Staff
Matt Margotta
Blaine Smith
Kay Stroud
Bob Nelson
Kevin Gregory

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of January 23, 2013 with the addition of the words “of measurement” after minutes on page two, under Discussion and how building height is measured. First paragraph, fourth sentence: property’s finished grade was the term (of measurement), which allowed filling...

Lauren Taylor made the motion to approve; seconded by Chris Shanahan. Minutes were approved (5-0) with correction.

II. MINOR SITE PLAN REVIEW

Proposed 642 square foot canopy/roof over open, unenclosed, outdoor dining area attached to existing commercial structure to be used as a deli. The site of the application is Lots 1 and 2, Block 120 of the Oceanbay City Plat, also described as located at the northwest corner of 63rd Street and Coastal Highway, and locally known as 6301 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: O.C. JEWISH DELI & DINER, LLC (FILE #13-18100002)

Blaine Smith, Zoning Administrator, explained the history of location and acknowledged the Planning Commission looks at architectural features, parking demand, increasing footprint of building under roof. The plans show a public toilet facility provided. To have outdoor seating under roof without increasing the parking demand the design must remain 51% open at a minimum. The diner has a shared facilities agreement with the T-Shirt Factory adjacent, so there will be no parking deficiency.

Jeff Thaler of the Atlantic Planning, Development & Design Group spoke for the applicant. In essence the main change is the new handicapped ramp for easier patron accessibility.

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MOTION/Taylor **SECONDED/Miller** Vote was unanimous (5-0) to approve site plan as presented based on these conditions of approval:

1. The recommendations of staff.
2. No further enclosure of the outdoor dining area without providing necessary parking.

III. DISCUSSION

1. Review Design Revisions of Rooftop Wind Turbines. The site of the request is described as Lot 8, Block 55N, Sinepuxent Plat, further described as located on the west side of Atlantic Avenue (Boardwalk) and known locally as 1405 Atlantic Avenue, in the Town of Ocean City, Maryland.

APPLICANT: JOSEPH BARTELL FOR MARGUERITE M. VILLA SANTA (File #10-12100001)

Blaine Smith presented the final drawings for the above wind turbines that had been given conditional approval so they could be submitted for permitting.

John Lewis of the OCDC Downtown Design Committee was present in support of the final design.

MOTION/Miller **SECONDED/**Taylor Vote was unanimous (5-0) to give approval to the presented designs with the endorsement of OCDC. The Db (decibel) ratings must meet the noise guidelines at the permitting process. The entire code section dealing with these standards shall be provided to the applicant for reference with the letter of approval.

2. Planning & Community Development Director, Matt Margotta, presenting introduction to the Sustainable Community Application 2013 – a joint application with OCDC

Planning Director Margotta explained at a staff level the Planning Commission's role to brush the dust off of the Community Legacy Plan. The new Sustainable Community application is a joint effort with the OCDC. This work will begin this month through May and then go to the Planning Commission for a recommendation to the Mayor and City Council.

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Open Discussion – Mr. Rick Lutz, resident at 4208 Coastal Highway, northern neighbor to On The Bay Seafood, came back to update the Commission on these concerns:

- Maintenance and height of fence separating the business use from the residential use.
- Placement of picnic tables and other amenities too close to his residence in violation to Board of Zoning appeals approvals.
- Maintenance of the alley to the east.
- Location and maintenance of dumpster.

Mr. Smith agreed to give the Commission an update by the beginning of April in response to Mr. Lutz's concerns to meet compliance.

ADJOURNMENT – 7:18 PM

John Staley/Commission Secretary Date