

**PLANNING AND ZONING COMMISSION  
MINUTES  
APRIL 16, 2013**

**ATTENDEES:**

Members  
Pam Buckley  
Chris Shanahan  
Peck Miller  
Lauren Taylor

Staff  
Blaine Smith  
Kay Stroud  
Will Esham

**CALL TO ORDER – 6:34 PM**

**I. APPROVAL OF MINUTES:**

Minutes of April 2, 2013

Lauren Taylor made the motion to approve; seconded by Peck Miller. Minutes were approved unanimously (4-0).

**II. DISCUSSION:**

1) Proposed change of accessory use from tennis courts to in-house miniature golf course intended for residents only and not open to the general public

**MARK ROHRER FOR CAROUSEL HOTEL**

The Carousel Hotel proposes this change of use from tennis courts to miniature golf for guests of the hotel. The modular miniature golf amenities would be placed on the existing tennis courts. Color photographs indicated where the existing courts are and the surrounding neighborhood.

This request was remanded to this meeting from April 2, 2013 so that more specific information could be presented. The representative submitted equipment specs and showed by photograph the amenities placed on the grounds of two other courses.

Lauren Taylor made the motion to approve with the condition that any changes would be brought back to the Planning Commission. Peck Miller seconded. Motion approved unanimously (4-0).

2) Proposed revisions to existing building footprint to relocate kitchen, preparation area, refrigerator, storage, and office space. **FAGER'S ISLAND**

Hurricane Sandy caused bayside flooding damage; prompting this revised floor plan which will help prevent future damage. The new floor plan shows an additional floor, placed above the existing, and making no increase to the footprint of the building. The "abandoned" lower floor will be used now for storage and the new upper level will house the relocated kitchen, preparation area, refrigerator, office space, and some storage.

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Lauren Taylor made the motion to approve the revisions as long as the abandoned area be used for nothing more than passive storage. Chris Shanahan seconded. Motion was approved unanimously (4-0).

**III. SITE PLAN REVIEW:**

1. Proposed site plan review of expanded restaurant, pavilion, and parking facilities for existing restaurant. The site of the application is described as Lots 4, 5, 6, and 7, Block 89 of the Fenwick Plat; and further described as located on the west side of Coastal Highway and south side of 131<sup>st</sup> Street, and locally known as O.C. Crab Bag, LLC, 13005 Coastal Highway, in the Town of Ocean City, Maryland.

**APPLICANT: OC CRABBAG LLC – (FILE #13-18100003)**

Blaine Smith, Assistant Director of Planning & Zoning, presented the application and gave a brief history of the existing O.C. Crab Bag and the neighboring properties. The Aquarius Condo will be demolished and the condo regime desolved. That property will then be redeveloped as part of the Crab Bag Restaurant. All parcels will be consolidated. The “original” house will retain its degree of non-conformity, but the redevelopment will be code compliant. The staff presented these recommendations to the Commission:

1. Trash refuse containers and recycling 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.
2. The project shall comply with all regulations pertaining to stormwater management and infiltration as per the Standards of the Worcester County Soil Conservation District and the State of Maryland prior to issuance of a building permit.
3. 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.
4. 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.

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5. 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.
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 or access drive.
7. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
8. 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.
9. The location of transformers shall be subject to the approval of Delmarva Power and the Zoning Administrator.
10. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.
11. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
12. Location, height, type, and direction of lighting designed per Section 110-876(h) Lighting Requirements, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in footcandles 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.
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. All parcels shall be deed consolidated as per Section 110-874.
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).

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**MOTION/**Miller     **SECONDED/**Taylor     Vote was unanimous (4-0) to approve site plan as presented based on the above staff recommendations.

2. Proposed Phase II of the Sunburst Townhomes, six (6) townhouse units (6 – 3BR units) to be located on Lots 1, 2, 3, and 16, Block 2, Edward Shute Plat, further described as located on the east side of Philadelphia Avenue and the north side of 16<sup>th</sup> Street and this phase address to be known as 1602A & 1602B Philadelphia Avenue, in the Town of Ocean City, Maryland.

**APPLICANT: CRAIG BOONE, MANA-JIT, INC – (FILE #13-18100004)**

Peck Miller recused himself from this proceeding. Under Robert's Rules of Order, the remaining three members sitting may review and make a decision on this site plan since the meeting convened with a quorum. Blaine Smith provided the history of the application – this was the second phase of an approved site plan that had expired in August 2012 due to economic downturn. The Board of Zoning Appeals (BZA 2366 !3-09400003) granted a 3 parking space waiver in March of 2013 to replace the lost nonconformity. The staff recommendations are as follows:

**\* This site plan is recommended under the same conditions as the site plan approved on November 21, 2006, (File #06-18100012) which ultimately expired on August 21, 2012. The applicant received a special parking exception to waive three (3) parking spaces on March 28, 2013 (File BZA 2366 #13-09400003) to replace the expired nonconformity. Below are those conditions:**

1. Trash refuse containers and recycling containers shall comply with the minimum standards set forth in Chapter 70 subject to the Solid Waste Department approval.
2. The project shall comply with all regulations pertaining to stormwater management and infiltration as per the Standards of the Worcester County Soil Conservation District and the State of Maryland prior to issuance of a building permit.
3. 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.
4. 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.

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5. 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.
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 or access drive.
7. All loading zones and service areas shall maintain a minimum headroom clearance of fourteen (14) feet, clear of all obstructions including utilities and lighting fixtures.
8. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
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 transformers/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.
11. All landscape shall be installed in accordance with Chapter 98, Article II Landscaping, and with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.
12. All focal lighting, including exterior lights, and parking lot lighting necessary for the safety and protection of property, shall be controlled and focused within the site's property lines to minimize glare on adjoining properties.
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 the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
15. The project is subject to impact fees adopted by the Mayor and City Council.
16. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.
17. 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.

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18. If the project is to be a phased project, site plan approval shall include a phasing plan.
19. 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).

**MOTION/Taylor      **SECONDED/Shanahan****      Vote was unanimous (3-0) to approve site plan as presented based on the above staff recommendations, but allowing a 24-month approval term instead of the standard 18 months because Planning & Community Development staff has a backlog of project reviews currently.

**IV.      UPDATE:**

Chairperson Buckley brought up abandoned and neglected signage in the town in an effort to clean these up. She pointed out that it was a condition of the site plan approval that the Sunations sign at 94<sup>th</sup> Street be remedied. After discussion and concurrence among the Commissioners, she directed staff to send Mr. Sibony a notice to fix sign by May 15<sup>th</sup>.

Blaine encouraged the Commissioners to utilize email, cc'ing any necessary departments, to ensure follow-up of these matters of concern.

**ADJOURNMENT**

John Staley      May 7, 2013  
John Staley/Commission Sec.      Date