

**PLANNING AND ZONING COMMISSION
MINUTES
OCTOBER 1, 2013**

ATTENDEES:

Members

Pam Buckley
John Staley
Peck Miller
Lauren Taylor
Joel Brous

Staff

Matt Margotta
Kay Stroud
Kevin Gregory

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of September 4, 2013

Lauren Taylor made the motion to approve, seconded by Joel Brous. Minutes were approved (5-0).

II. SITE PLAN:

Site Plan Review of Buccaneer's Caye at Shipwreck Cove, proposed 10,893 square foot restaurant and tiki bar with 3 on-site employee housing units and a manager's apartment. The site is described as Tax Map 110, Parcel 2520, Block 21 of the OT Ocean City Plat, 1875; further described as located on the west side of S. Philadelphia Avenue and south side of South Division Street, on the bayside, and locally known as 700 South Philadelphia Avenue in the Town of Ocean City, Maryland.

APPLICANT: JOHN C STAMATO (FILE #13-18100014)

Matt Margotta, Director of Planning and Community Development, introduced the application and indicated the staff's recommendation for site plan approval. He prefaced the discussion by addressing concern regarding enclosures on the open, unenclosed dining area, since no parking is charged against this gross square footage. Keith Iott, architect of record and representative of applicant, stated that this tiki bar area would remain at least 50 percent open.

Discussion focused mainly on how solid waste trucks, delivery trucks, and emergency vehicles would operate within the confines of the designed traffic circulation and one means of egress onto South Philadelphia Avenue. The Commissioners' consensus was to redesign the interior circulation and try to obtain permission to continue drive aisle around to S. 1st Street on the southern property border to create a second means of egress so that the solid waste trucks, delivery trucks, and emergency vehicles and customer vehicles would not have to back out onto South Philadelphia Avenue. The members were more concerned with efficient design rather than losing parking spaces with all the available parking areas near the site.

Mr. Iott asked that the Commission approve the plan absent the proposed residential units for employees and manager unit so that the site could reduce parking by four spaces to create the second means of egress and to be put back on the agenda as early as October 15, 2013.

Glenn Irwin, Executive Director of OCDC, stated that the concept of linking the private and public boardwalks is favorable for discussion. He also asked that Mr. Iott detail exterior building materials on elevations.

MOTION/Miller SECONDED/Taylor Vote was unanimous (5-0) to approve the preliminary site plan upon removal of residential units, knowing applicant would be coming back (October 15, 2013) with a second means of egress to allow for better flow within property; the Commission prefers to have better access and egress than the required number of parking spaces in this one specific site. Approval also subject to staff recommendations and OCDC recommendations (above paragraph):

1. Project design is subject to the Downtown Design Overlay Zone (Chapter 110, Article 23) and OCDC Design Review Committee.
2. Trash refuse containers and recycling containers shall comply with the minimum standards set forth in Chapter 70 subject to the Solid Waste Department approval.
3. The project shall comply with all regulations pertaining to stormwater management, Chapter 30, Environment, Article III Stormwater Management, prior to 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. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.
7. The location of the transformer shall be subject to the approval of Delmarva Power, OCDC, and the Zoning Administrator.
8. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.
9. All landscape shall be installed in accordance with Chapter 30, Article VII, Atlantic Coastal Bays Critical Area criteria, where applicable.

10. Location, height, type, and direction of lighting designed per Section 110-831.23 Lighting (Lower Downtown Area) Lighting Requirements, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in footcandles throughout the property.
11. Provide survey verifying wetland boundary lines by Dept. of Natural Resources and Army Corps of Engineers including other property lines prior to issuance of a building permit.
12. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.
13. The project is subject to the provisions of the Atlantic Coastal Bays Critical Areas Protection Act.
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. 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).
18. All sign permits shall be issued in accordance with those signs shown on the site plan.
19. Subject to obtaining a building permit for all site work.
20. The Conditional Use Agreement for the Sea Rocket Watersport (#10-12100004) expires on November 15, 2013.

*Please see attached packet for comments by staff and agencies.

ADJOURNMENT @ 7:25 p.m.

John Staley 10/15/13
John Staley Commission Sec. Date