

**PLANNING AND ZONING COMMISSION**  
**MEETING MINUTES March 19, 2015**

1. Chairman Gary Meredith called the meeting to order at 7:10 p.m. with the Pledge of Allegiance. Commission Members Meredith, Wichmann, Smith and Sharpe were in attendance. Town Solicitor Dennis Schrader, Town Administrative Official Charles McMullen and Town Clerk Donna Schwartz were also present. The meeting was held in the Ocean View Town Hall, 32 West Avenue.
2. **COMMISSION BUSINESS** – Mr. Schrader noted that Mr. Liddle has resigned in order to run for an open Council seat.
3. **APPROVAL OF AGENDA**  
A motion was made by Mr. Smith to approve the agenda, seconded by Mr. Wichmann. The motion carried unanimously 4/0.
4. **APPROVAL OF MINUTES**  
A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the February 19, 2015 minutes as presented. The motion carried unanimously 4/0.
5. **OLD BUSINESS** - none
6. **NEW BUSINESS**

- A. **P-56, 61 Atlantic Avenue, P-56** - review of a previously approved (8/17/88) site plan submitted by Mr. Phillip Hastings of Builders Supply of Delmarva on behalf of the property Mr. Louis J. Travalini to amend the site plan by creating new parking spaces and adding a paver patio at a property zoned GB-1 located at 61 Atlantic Avenue (PIDN: 201.110/Sussex CTM#:134-12.00-1226.00)

Mr. McMullen read his overview to the Council noting that the Commission is being asked to approve a request to amend application P-56, which was approved by the P & Z Commission on 8/17/1988. The proposed changes would add the following to the site:

1. A spiral staircase to access the second floor of the existing structure;
2. A 16 x 16 paver patio at the rear of the building;
3. A paver sidewalk on the east side of the building that would connect the paver patio to the spiral staircase, the new paver walkway and the existing deck which provides access to the first floor of the existing structure;
4. New landscaping at the front, sides and rear of the building;
5. Gravel parking area in the rear of the building with five 10' x 20' parking spaces delineated by parking bumpers.

Mr. McMullen also noted the following:

- The handicap parking space at the front of the business is required to have an 8' area marked for egress and ingress for handicap access;

- Parking spaces for this location should be netted out at 1 for each 250sqft of floor area as stated in §140-59-E (1) of the LUDC of the code. Square footage of both floors is approximately 2,154+/- which would require 9 parking spaces. The plan provided indicated there will be 6 when the area for handicap egress/ingress is delineated. The Commission can modify the required spaces if it so chooses;
- Property owner was approved for a variance under application V-280 on 12/19/13 to complete a common driveway to 59 & 61 Atlantic Avenue off Evans Avenue during the duration of the SR26 Mainline project. This has not yet occurred.
- Property owner is also required to provide a single lot development site plan for approval as a result of fill placed on lot. The Town is awaiting this site plan.

Mr. Phillip Hastings, of Builders Supply of Delmarva, was present to answer the Commission's questions. Chairman Meredith asked Mr. Hastings what if anything they would be storing in the building. Mr. Hastings said they would only be using the building as a showroom, nothing would be stored there. He also said there would be only one to two employees using parking. There were no questions or comments from the public.

A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the plans as submitted with six parking spaces. The motion carried unanimously 4/0.

**B. Application P-291, 9 Town Road – review of a preliminary site plan submitted by Mr. Keith Smith of Rent Equip on behalf of the property owners Patrick and Pamela Acri, to create a general business on property zoned GB-1, located at 9 Town Road (PIDN:284.050 / Sussex CTM#:134-13.00-1226.00)**

Mr. McMullen said the Mr. Keith Smith of Rent Equip on behalf of the property of owners Patrick and Pamela Acri, to create a general business. The applicant previously appeared before the Commission at which time the proposed use was deemed permissible by the Code and Commission instructed Mr. Smith to return with a site plan for review. Mr. McMullen noted the following:

- Both the Fire Marshal's Office and Sussex Conservation District have signed off on this application because they previously approved the parcel for a use that they felt is consistent with the applicants proposed use.
- The parcel is located at 9 Town Road in what was originally called Ocean View Centre and what is now part of the General Business District 1.
- Parking spaces for this location should be netted out at 1 for each 250 square feet of floor area as stated in §140-59-E(1) if the LUDC of the code. The site plan depicts a 4000sqft building on a parcel of land that is 16211sqft which would require 16 parking spaces. The applicant is providing 7 spaces, two of which are handicapped. This exceeds the number of handicapped spaces required. The Commission can modify the required spaces if it so chooses.
- I question the ability to access the area labeled equipment storage with the parking spaces as delineated.

- The applicant has indicated that there will be no dumpster onsite and this should be clarified. Should the Commission determine that one is required its location must be delineated and shown as being enclosed with a vinyl fence.
- A chain link fence is delineated on the site plan and I have inquired about the aesthetics of this. This applicant has indicated a willingness to modify to a vinyl fence.
- There is no outside wall pack lighting indicated on the building which is normally a requirement of the Commission for safety purpose should the police be required to respond to this location.
- If a pylon sign is proposed by the applicant it should be delineated on the site plan.

Mr. Keith Smith of Rent Equip was present to answer any questions from the Commission. Mrs. Sharpe asked how many total parking spaces were planned. Mr. McMullen replied seven and two handicap. Mr. Ron Smith asked Mr. Keith Smith how many employees he had. Mr. Smith replied he was the only employee and only needed one parking space. Mr. McMullen also noted only one handicap parking space was required. Mr. Schrader asked if there was a garage door at the loading zone. Mr. Keith Smith replied that there was. Mr. Ron Smith recommended that a vinyl fence be installed and Mr. Keith Smith agreed it would not be a problem. Mrs. Sharpe asked that the landscaping be expanded. Mr. Keith Smith said he would add some flowers.

Mr. Meredith asked how many customers he has at one time. Mr. Keith Smith replied he sometimes has two to four customers dropping things off and picking things up. Mr. Keith Smith said the back area is storage only. He also said most of the large equipment will be stored in Roxanna. Mr. McMullen noted that any outside storage will have to be kept behind the building. Mr. Meredith noted that outdoor lighting will be needed around the building. Mr. Keith Smith agreed and will be adding security lighting on both sides and the rear of the building. Mr. Keith Smith also stated there would be no dumpster, he has one at his plumbing shop and he will carry the trash out daily. He also noted that he will be making application for a wall sign for the front of the building. Mr. McMullen made note of the fact that Mr. Keith Smith is ready to open his business and asked the Commission to consider approving this as a final site plan with conditions.

A motion was made by Mr. Wichmann, seconded by Mr. Ron Smith, to approve as a final site plan with seven parking spaces with the added conditions of additional lighting all around the building, no dumpster, a vinyl fence installed, no display of equipment out front, and additional landscaping, and he will give Mr. McMullen a revised site plan within 21 days. The motion carried unanimously 4/0.

- C. P-291, 83 Atlantic Avenue** - review of a concept plan submitted by the property owner CJ Pines, LLC to create a general business that will include structures for a restaurant and office/retail space, on property zoned GB-1, located at 83 Atlantic Avenue (PIDN:093.000/Sussex CTM#:134-12.00-300.00)

Mr. McMullen read his overview for P-291. He said application P-291 is before the Commission for the review of the concept plan, which is the first step in the Land Development process. The applicant is proposing to improve a parcel that is zoned GB-1 located at 83 Atlantic Avenue (NW corner of Woodland & Atlantic Avenues) that is identified by Town PIDN: 093.000 and Sussex CTM#134-12.00-300.00. The parcel is shown as having .337 acres of land on which there is currently an improvement that will be removed to make way for the following two structures:

- Restaurant of 5000sqft
- Retail/Office Building of 9000sqft

The property owner will be required to comply with all requirements of the Town Code as outlined in the LUDC of the Town code. In addition reviews and approvals by a number of outside agencies will be required to be presented for final site plan approval by the Commission. This portion of the land development review process has a definition and purpose defined in the Code as follows:

**§140-102. Concept Plan**

- A. Definition – a drawing of a development plan of sufficient accuracy to be used for discussion only.*
- B. Prior to submitting a Preliminary Development Plan, a concept plan shall be submitted to the Planning and Zoning Commission to be used as the basis for discussion and to receive direction on preparation of the preliminary plan, but not for approval or disapproval.*

There are no requirements about what needs to be submitted for a concept plan only that the following suggested information be provided:

1. Tract boundaries, accurately labeled; existing rights-of-way and easements; area of subject property - ✓;
2. A location map showing where the development is located - ✓;
3. North point - ✓;
4. Approximate written or graphic scales- ✓;
5. Required and proposed zoning district data – ✓ **should read GB-1;**
6. Significant topographical one-foot contour intervals and physical features, stream and floodplain location and wetlands locations - ✓.
7. Existing and proposed general street and lot layout, open space, and recreation plan – **n/a;**
8. Location of existing utilities, conceptual layout of proposed utilities, conceptual layout of storm water management and drainage facilities - **Not indicated;**
9. Name and address of the owner and applicant - ✓;
10. Locations of proposed uses, including types of dwellings and commercial structures - ✓;
11. Date of plan submission and each revision - ✓;
12. Other information needed by the Planning and Zoning Commission to provide guidance and direction to an applicant on preparing a preliminary plan - ✓;
13. The plan shall be prepared by a Delaware registered engineer, surveyor or architect - ✓

This parcel lies within the AE-7 floodplain as delineated on the current FEMA maps effective March 2015.

Mr. McMullen noted some additional observations regarding this plan:

- Lot coverage (code allows for a maximum of 50%);
- Wetlands;
- Condition of current ditch abutting parcel to the North and management of storm water runoff;
- Parking calculations and number of handicap parking spaces shown.

Mr. Tom Ford, Land Design, was present to answer questions from the Commission. He indicated that the restaurant was a one story building and there is no drive-thru indicated on the plans. Mr. Smith asked if the retail space would hold one retailer or two. Mr. Ford indicated it would be just one. Mr. Smith also asked what would become of the existing building. Mr. Ford said it would be razed. Mr. Ford stated they have a letter of agreement with DelDOT and are online with them. Soil tests and wetland delineations are done. He noted that Woodland Avenue is a concern for them saying they want a 30' width, which is standard. Mr. Schrader asked if additional land would be given to the Town for this widening. Mr. Ford noted that the land has been taken and they are also funding some of the cost. Mr. Schrader asked about a water connection. Mr. Ford stated a connection was available for public water. Mr. Smith questioned Mr. Ford about storm water management. Mr. Wichmann also voiced concerned about storm water collecting in that area. Mr. Ford stated DelDOT was handling the storm water management.

Tess Matthews, Sally Lane, said her yard abuts this property and was concerned whether there would be a fence installed. She also asked if the office building was to be one or two stories, and what kind of retail there would be. Mr. Ford stated there would be no fence. Mr. Schrader noted that there is a limit on the height of buildings. She also stated she was concerned about exiting Woodland Avenue and how difficult it was without a complex on the site. Mrs. Matthews noted that local property values could go down because of this project, asked Mr. McMullen if everyone in the Cottages was notified and he said he is required to notify those property owners within 200'. He suggested the HOA notify any additional property owners. Mr. McMullen reminded everyone that this was a concept plan only, and the plan would change drastically when the other 26 outside state agencies reviewed it.

Ms. Patty Malin, the Cottages, stated she was tired of all the development in Ocean View and doesn't think this project would be safe. She would like to see Ocean View stay small and quaint.

## **7. ADJOURNMENT**

A motion was made by Mrs. Sharpe, seconded by Mr. Smith, to adjourn the meeting at 8:20pm. The motion carried unanimously 4/0.

Respectfully submitted,  
Donna M. Schwartz