

PLANNING AND ZONING COMMISSION
MEETING MINUTES May 21, 2015

1. Chairman Gary Meredith called the meeting to order at 7:10 p.m. with the Pledge of Allegiance. Commission Members Meredith, Wichmann, Damiano, 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. Mr. Smith was not present.
2. **COMMISSION BUSINESS** – Mr. Schrader swore in new Planning and Zoning Member Baptist Damiano.
3. **APPROVAL OF AGENDA**
A motion was made by Mr. Wichmann, seconded by Mrs. Sharpe, to approve the agenda and add the swearing in of Mr. Damiano. The motion carried unanimously 4/0.
4. **APPROVAL OF MINUTES**
A motion was made by Mr. Wichmann, seconded by Mrs. Sharpe, to approve the February 19, 2015 minutes as presented. The motion carried unanimously 4/0.
5. **NEW BUSINESS**
 - A. **Application P-292**, 33 Daisey Road, a preliminary land development site plan submitted by the property owners, Kurt and Emily Wode, in conjunction with Application P-292 to subdivide one parcel of land into two parcels of land, on property located at 33 Daisey Avenue (PIDN: 142.010 / Sussex CTM#: 134- 12.00-325.00)
The property owners, Kurt and Emily Wode, asked to defer the application in order to investigate a possible deed restriction. A motion was made Mrs. Sharpe, seconded by Mr. Damiano, to defer the hearing until the Wode's can get legal advice. The motion carried unanimously 4/0.
6. **OLD BUSINESS**
 - A. **Application P-261**, Beaver Dam Road – The Planning and Zoning Commission of the Town of Ocean View will review a Land Development Final Site Plan for Phase I, of a Mixed Use Planned Community (MXPC), submitted by the property owner Robert Thornton, under Application P-261 for property located on Beaver Dam Road (PIDN: 413.000 / Sussex CTM# 134-16.00-various)

Mr. McMullen read parts of his nine page overview to the Commission which included comments of missing or incomplete items which need to be addressed. He said the applicant is before the Commission this evening seeking review and approval of a final land development plan for Phase I of MXPC known as Silverwoods which is located on Beaver Dam Road opposite the Bear Trap Dunes Residential Planned Community RPC. Phase I includes single family lots numbered

16 through 33, along Thornton Road. Mr. McMullen asked that the items be complied with and corrected before being recorded at the Recorder of Deeds office. Mr. Jones said all but one comments has been complied with as of 5:00pm today.

Dr. Eric West, Thornton Drive, said there needs to be communication at all with the current residents of Silverwoods by Mr. Thornton. He also noted that use of Thornton Drive for construction purposes will impact the community.

A motion was made by Mr. Wichmann, seconded by Mrs. Sharpe, for approval of Final Site Plan of Phase I, contingent that all comments for Phase I be replied & complied with, including Kercher Engineering comments before signing off on subdivision plat, submit final plans for water and sewer for the 18 lots and that he initiate some communication with the residents of the prior Phase I (non-annexed section of Silverwoods). The motion carried unanimously 4/0.

- B. Application P-291**, 83 Atlantic Avenue – a preliminary land development site plan on Application 291, 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 offered his overview to the Commission saying the applicant wishes to develop the parcel that would continue its GB-1 zoning in two phases. Phase I would be the construction of a 9000sqft retail/office building during which time the existing structure would remain. Phase II would bring about the razing of the existing structure and the construction of a 5000sqft restaurant. Both proposed uses, as defined in §140-24 of the LUDC are permissible within the GB-1 zoning district.

Mr. Tom Ford of Land Design was present to represent the application. Mr. Meredith questioned whether the office building would be one story or two. Mr. Ford stated they have not decided. Mr. Ford reviewed each of the comments on Mr. McMullen's list giving the status of each item. He noted that he was unsure if maximum lot coverage included parking spaces. Mr. McMullen said he feels parking spaces are structures. The other two items Mr. Ford noted concern with besides lot coverage, was screening and an entrance on Woodland Avenue.

Ms. Tess Mattheu, the Cottages, questioned the placement of two dumpsters and also asked where the retaining wall would be built. Mr. Ford showed her where the retaining wall would be built on the plans.

Suzanne Richman, Caroline Street, asked about drainage, she said the water backs up on Sally Lane. Mrs. Sally Ford explained the way the drainage of the lot would work.

A motion was made by Mrs. Sharpe; seconded by Mr. Wichmann, to approve the preliminary plan with conditions that they comply with screening of the lot, FEMA issue, get a variance for the entrance on Woodland Avenue, and resolve the issue of the definition of a structure. The motion carried unanimously 4/0.

7. ADJOURNMENT

A motion was made by Mr. Damiano, seconded by Mr. Wichmann, to adjourn the meeting at 8:15pm. The motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz