

PLANNING AND ZONING COMMISSION
MEETING MINUTES October 15, 2015

1. Chairman Gary Meredith called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Commission Members Meredith, Wichmann, Damiano, 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** – none

3. **APPROVAL OF AGENDA**

A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the agenda. The motion carried unanimously 5/0.

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Smith, seconded by Mr. Wichmann, to approve the September 17, 2015 minutes as presented. The motion carried unanimously 5/0.

5. **NEW BUSINESS**

A. Application P-295 33 Betts Avenue (PIDN: 129.000)

This application was submitted by Mr. Anthony Tribbitt, on behalf of property owner Ms. Sally Hickman, to subdivide one parcel of land into four parcels of land on property zoned R-1.

Mr. McMullen read his overview to the Commission. He said that the application received the necessary variance from Article VI, §140-34-A of the LUDC under application V-310 from the Board of Adjustment earlier in the day and proposing to subdivide a parcel of land, zoned R-1, which is 9.83+/- acres into four individual lots that will remain R-1. Lots 1, 2, and 3 would be .75+/- acres each and the remaining acreage of 7.58+/- acres would remain in its current state as an open field. All lots would equal or exceed the required minimum dimensional regulations for lots in the R-1, single family residential district as stated in Article V, §140-28 of the LUDC. Mr. McMullen said, should the Commission agree to approve this subdivision request as a final site plan because there is no creation of a street, there are some requirements of §140-28 of the LUDC that are omitted or require correction on the site plan for recordation in the Recorder of Deeds office in Sussex county.

E. Plan contents:

- (1) Name or identified title of the proposed subdivision or development and of the Town, County and State;
- (2) Name of record owner and developer with certification of approval plan;
- (9) Location and elevation of the datum used shall be known, established USCG benchmark;
- (10) All existing water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, easements, rights-of-way and other

- significant man-made or natural features within the proposed subdivision or land development;
- (13) Proposed development, including: utility easement locations and building setback lines along each street, side and rear yard lines;
- (16) Purpose note;
- (18) Zoning district designation (existing and proposed);
- (24) Legend.

H. Referrals to other agencies – each preliminary development plan shall be referred to the following agencies and departments:

- (1) Sussex Conservation District; need letter indicating no review necessary if that is the case.
- (2) Water provider; 8” main runs on east side of Hickman Avenue adjacent to the proposed lots;
- (3) Sewer provider; need letter indicating they can provide service;
- (11) Town Engineer – review attached.

In addition to the above please correct the notes by:

- Removing all references to DelDOT and use the Town of Ocean View where necessary;
- Indicate that water is supplied by the Town of Ocean View;
- Indicate that sewer is provided by Sussex County.

Mr. Tribbitt was present to answer questions from the Commission. Mr. Schrader suggested again that he make street maintenance a part of the deed restrictions.

A motion was made by Mr. Wichmann, seconded by Mr. Damiano, to approve the application presented as a final site plan with the condition Mr. McMullen’s comments be complied with. The motion carried unanimously 5/0.

B. Application P-296 68 Atlantic Avenue (PIDN:064.000)

This application was submitted by Mr. Steven Smith, to create a general business on property zoned GB-1, located at 68 Atlantic Avenue. Mr. McMullen read his overview to the Commission. He said the Commission is being asked to review and approve a site plan submitted the property owner, Mr. Steven Smith (Rt26 Office, LLC) so that he might establish a general business on a parcel of land zoned GB-1 at 68 Atlantic Avenue (PIDN: 064.000). A site plan review is required by §140-24 of the LUDC under Service Uses – Office, other than medical, surgical or dental which is defined in Article XXI, of the LUDC as: *Office – a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communications equipment.*

The applicant proposes to relocate the construction office for his business, Summer Hill Custom Home Builder, from 70 Atlantic to 68 Atlantic Avenue. The site plan provided for this review indicates that the parcel will share parking as well as ingress and egress routes with the business previously approved for 70 Atlantic Avenue. The applicant’s application was successful before the Board of Adjustment to receive

variances for encroachment into the required front and side yard setbacks, lot coverage in excess of 50%, front steps that exceed the 4' permissible encroachment into the required front yard setback, which may have to be removed as they appear to be in DelDOT's right-of-way and the driveway is within 5' of the adjacent property line as submitted under V-311. He also received approval for lot coverage in excess of 50% at 70 Atlantic Avenue submitted under V-312.

Parking requirements are delineated in §140-59-E(1) of the LUDC require one (1) space for each 250sqft of office space. The applicant has indicated on the site plan that there are four (4) spaces required for the lot in question however it should read five (5) based on the square footage of 1009 square feet which would increase the required total to ten (10) for the two offices. An additional two (2) spaces would be required for the second floor apartment proposed above the office at 70 Atlantic Avenue assuming the need for a garage space is required. This would make the use of the parcel Mixed Use Residential / Commercial which is a permissible use in the GB-1 zoning.

Two of the spots are not the required 10' wide x 20' long. The one next to the structure at 68 Atlantic Avenue is narrower than 10' where it abuts the structure. The other property line between the two structures is 8' wide and could be used as a handicap space however ADA guidelines suggest that it should have an 8' aisle for handicap egress. (ADA attachment)

A landscaping plan has not been provided and screening is required per §140-73-B(1)(b). Mr. McMullen also requested the following be included on the site plan.

- Delineate front property line for 134-12.00-531.00;
- Include setbacks for a GB-1 parcel in the general notes;
- Include entrance and exit signs for ingress and egress to parcels on revised site plan;
- Indicate that water is provided by the Town of Ocean View and that sewer is provided by Sussex County in the general notes;
- Provide a revision date on the revised site plan.

Mr. Smith was present to answer questions from the Commission.

A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the application as a final site plan with the reduction of parking and compliance with the comments listed by Mr. McMullen. The motion carried unanimously 5/0.

6. OLD BUSINESS - none

7. ADJOURNMENT

A motion was made by Mr. Damiano, seconded by Mrs. Sharpe, to adjourn the meeting at 7:45pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz