

PLANNING AND ZONING COMMISSION
MEETING MINUTES
February 18, 2016

1. Chairman Gary Meredith called the meeting to order at 6:00 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. Mr. Smith was not 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 Mrs. Sharpe, to approve the agenda. The motion carried unanimously 4/0.

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Wichmann, seconded by Mr. Damiano, to approve the January 21, 2016 minutes as presented. The motion carried unanimously 4/0.

5. **OLD BUSINESS**

A. **Application P-285 - 34 Woodland Avenue (PIDN: 116.000/001 /Sussex CTM#: 134-12.00-317.0)**

Mr. McMullen read his overview to the Commissioners. He said, on January 7, 2016 he received an inquiry from Mr. Collazuol via the Town Manager who requested that he respond to Mr. Collazuol. The inquiry pertained to the amount of time that was allotted to submit for final land development approval after one had received preliminary land development approval. Mr. Collazuol assumed it was 18 months, but unfortunately Mr. Collazuol was incorrect.

He said, I responded to the inquiry on January 8, 2016 and provided §140-98-E of the Land Use and Development Chapter (L.U.D.C.) of the Town Code indicating that a final site plan was to be submitted within 12 months of preliminary site plan approval. The section of the Code referenced reads as follows and was revised on November 18, 2014 by Ordinance 315.

My email which is included with this packet indicated that the applicant had 12 months to submit a final site plan from the date his preliminary plan was approved. Mr. Collazuol followed with a series of emails indicating that he believed he had 18 months to submit a final site plan and was unaware that it included a request to extend.

Application P-285 was approved on February 19, 2015 and will expire on February 18, 2016 which is 12 months after the approval. Mr. Collazuol is before the Commission requesting that he be granted a six month extension

which would permit him to submit his final site plan no later than August 18, 2016 if approved.

Mr. McMullen noted, in all fairness to Mr. Collazuol I believe an extension at this time would be the proper course of action. Mr. Collazuol was under the impression that he had 18 months to submit based on Figure 3 entitled Development-Plan Review Process included in ARTICLE XVI. Development Plan Approval. This figure was not changed when the section of the Code was revised in November and will be addressed by tis office at a later date.

No questions or comments were made by the Commission to Mr. Collazuol who was present, nor any comments made by the public.

A motion was made by Mr. Wichmann, seconded by Mr. Damiano, to approve the six month extension to August 18, 2016. The motion carried unanimously 4/0.

6. NEW BUSINESS

A. **Application P-298 – 111 Central Avenue/ 95 Woodland Avenue (PIDN: 057.010, 057.020/ Sussex CTM#: 134-12.00-498.01 & 498.02)**

Mr. McMullen said, the Commission is being asked to review and approve a Preliminary Land Development Site Plan submitted by the property owners Paula, Peter and Adam Howard, under application P-298. The applicants are requesting to combine two parcels of land so that they can subdivide them into three parcels of land on property zoned R-1, located at 111 Central Avenue / 95 Woodland Avenue (PIDN's: 057.010 / 057.020 – Sussex CTM#'s: 134-12.00-498.01 & 498.02).

The applicants were required to appear before the Board of Adjustment to request variances for two issues with the proposed subdivision. If the applicants are before the Commission this evening it would mean that variances, required prior to lot combination / subdivision, had been approved under application V-316 which was heard to the Commission's meeting this evening. The variances addressed the encroachment into the required 25' side lot line abutting a street by the existing dwelling unit and the ability to allow a detached accessory structure, the garage, to remain on a lot without a principal structure.

The applicants are proposing to create three lots all of which will conform to the current dimensional regulations for R-1 zoning as set forth in Article V, §140-28 of the Land Use and Development Chapter (L.U.D.C.) of the Code as follows:

The plat provided by Land Design meets the requirements as outlined in the Code with the following exceptions:

Plan Contents: The Preliminary Development Plan shall include the following:

8. Contour lines at vertical intervals of not more than one foot. The datum shall be U.S. Coast and Geodetic Survey (USC & G); (*This is not normally required for a subdivision of this size*).
9. Location and elevation of the datum used shall be a known, established USC & G; benchmark;

19. Source of title;

Supplemental Data: The Preliminary Development Plan shall be accompanied by the following data:

- 7. Title Search—Title search of the pertinent property that includes at least ownership of the property, easements, deed restrictions and other similar information.

Because no roads are to be created within this subdivision, the land development plan can be approved as a Final Site Plan if the commission so chooses. Should the Commission decide to approve as a Final Land Development Site Plan the plan must be revised to include items omitted as defined by the Commission, resubmitted with a signature blocks as delineated in §140-105 Figure 7 and include a revision date on the plan.

Mr. McMullen also noted that the Board of Adjustment had granted the requested variances earlier in the day. There were no questions or comments made by the Commission to Paula Howard, nor any comments made by the public.

A motion was made by Mr. Damiano, seconded by Mr. Wichmann, to approve the request as a final site plan with the condition revisions are made as stated by Mr. McMullen. The motion carried unanimously 4/0.

B. Application P-258/260 – Beach Club Avenue (PIDN: 408.351 / Sussex CTM#: 134-17.00-977.00)

Mr. McMullen read his overview to the Commissioners. He stated the applicant Davis, Bowen & Friedel, Inc. (DBF) had submitted, on behalf of the property owner Windansea, LLC, a request to revise a site plan that was previously approved under Applications P-258 and P-260. The request is to revise the Amenity/Mixed Use Residential – Commercial area of Condominium Parcel ‘A’ on property located on Beach Club Avenue (PIDN: 408.351 / CTM# 134-17.00-977.00).

The original site plan or concept plan for the community was approved by the Planning and Zoning Commission (P&Z) and Town Council when this community was annexed into Ocean View as an R.P.C. on March 6, 2007 via Ordinance 214. Subsequent reviews occurred over the years with the final site plan being approved on July 18, 2013 and on September 24, 2014 P&Z approved the realignment of structures on Condominium Parcel ‘L’. There had been mention in the past that the amenity area would be revised and brought back to P&Z for review and approval.

The applicants have provided a revised site plan that was provided to the Commission and it shows the changes that are being proposed which have been outlined by DBF as follows:

**Ocean View Beach Club
Amenities Parcel Comparison**

<u>Areas:</u>	<u>Original</u>	<u>Proposed Revision</u>
Clubhouse Area (sf)	5,000	9,138
Indoor Pool (sf)	-----	5,496

Pool Mechanical (sf)	432	386
Commercial (sf)	1,500	1,500
<u>Residential Units</u>		
Villas	8	0
Cottages	0	3
Apartments	2	3
<u>Total:</u>	10	6

**Ocean View Beach Club
Amenities Parcel Comparison**

<u>Areas:</u>	<u>Original</u>	<u>Proposed Revision</u>
Parking spaces	51	68
Loading spaces	1	1
<u>Sports</u>		
Sport Court		1
Soft Court Volleyball		1

My review of the submitted plan indicated the following:

1. It meets or exceeds those requirements approved previously.
2. It does not increase the number of dwelling units previously approved but does increase the number of parking spaces.
 - The applicant has used a number of 300 square feet per use to determine the required number of parking spaces for those structures that are amenities and not residential or commercial in nature. § 222-16 identifies a gym / fitness center as a permissible use however I was unable to locate the square footage associated with these uses to calculate the required parking. It does however indicate in § 222-16-I, that parking requirements for ‘OTHER’ uses can be determined by the Commission on a case by case basis. Should the Commission agree that 300 square feet is sufficient to determine the required number of parking spaces the table provided on the cover sheet (P-01) should be revised. Increase the required number of parking spaces for the amenities center from 30 to 31 and the pavilion from 3 to 4. Each would require 1 parking spot for each 300 square feet and when divided the fraction is required to move to the next whole number.
 - The applicant has noted that the 50% allotment of residential on street parking, permissible by the R.P.C. conditions (see 6C of the R.P.C. conditions), has been applied by delineating six (6) proposed parking spaces on Beach Club Avenue which will become at some point be dedicated to the Town.
 - There are three (3) handicap accessible parking spaces, numbered 23, 59 and 62 which meets the Americans with Disabilities Act (ADA) requirements for the number of parking spaces proposed (51 to 75

proposed spaces requires a minimum of 3 handicap accessible parking spaces).

- The space numbered 59 does not appear to have the required access aisle (egress/ingress point) as required by the ADA. Dimensions for handicap accessible spaces should be indicated on the plan along with dimensions for access aisles.
 - The question about parking spaces for residential and commercial units should be addressed so as to ensure that required parking is available for these units. The area within Parcel 'A' is private and the Commission could require that commercial and residential parking spaces, as required by Code, be reserved for those structures so as to ensure that minimal parking requirements for these type of units is met. My concern is that in the summer months, when residents of the community wish to access the amenity areas, parking will be at a premium and residents and businesses will be without the required parking. The Commission should be aware that there is a secondary area of the Ocean View Beach Club that is not within the Town limits. Will those residents also be using these facilities? If so will community transportation be provided? Is there to be transportation provided to the beach?
 - Please explain parking spaces 60 and 61.
 - There is only one loading area, which should be dimensioned and it is located in front of the indoor pool. Is it sufficient? Please reference comments above regarding parking.
 - There are three (3) cottages shown that do not meet the required minimum livable floor area of 1250 square feet as outlined in § 222-20-A of the previous zoning Code under which this community is reviewed. I have spoken with Mr. Zac Crouch at DBF and he has indicated that the square footage provided is for the first floor and that these cottages (dwelling units) have two floors and the actually square footage will exceed the minimum required. This should be included in the plan so please revise Data column entry for Cottage 1, 2 & 3 to reflect the necessary information. Please also indicate the number of stories for the other commercial and residential structures.
 - I would recommend pedestrian crossings at all sidewalk locations where they intersect with a roadway and for the parking spaces numbered 42 thru 49 and 50 thru 58 so that they are not required to walk in the roadway to access a sidewalk.
3. Adjacent to the outside pool and in particular the lagoon, is an area identified as a bar/catering location. I have spoken to Mr. Crouch at DBF and he has assured me this is a place to eat and maybe have outside food service. This should be clarified.
 4. The Fire Marshal's Office has previously provided site plan approval however, the Commission should determine whether additional review and approval is required by the FMO for this revision.

Mr. Terry Scanlon, of Davis, Bowen and Friedel, was present to answer questions from the Commissioners. He explained how he used the parking space table in the code for his computations. They are expecting more foot traffic than car traffic. Mr. Scanlon also noted the “bar” is not a place selling alcoholic drinks. It is a cabana area, or staging area, for food. Mr. McMullen suggested they re-label it as something besides a “bar.” Mr. McMullen also noted to the Commissioners the applicants are waiting for Fire Marshal approval on the changes to the amenity area. Mrs. Sharpe asked how many houses in total were planned. Mr. Scanlon replied “296.” Mr. Schrader noted that the amenity area was for the entire development. No public comments were made.

A motion was made by Mr. Wichmann, seconded by Mr. Damiano, to approve the plan incorporating the conditions Mr. McMullen noted in his overview. The motion carried 4/0.

C. Application P-299 – Ordinance Review

Mr. McMullen stated Application P-299 is an ordinance introduced by Town Council on January 12, 2016. The purpose of the ordinance is to add Brewpubs and Microbreweries as Special exceptions in the GB-1 and GB-2 in Commercial Districts. The ordinance was introduced at the request of a property owner in the Town and has been forwarded to the Commission for your review and recommendation to Town Council.

Mr. McMullen said, I have provided with this overview the following documents:

1. A copy of the proposed ordinance.
2. Article XVIII that defines a Special Exception, shows the review process and findings that the Board of Adjustment should follow to grant a Special Exception and also some examples of Special Exceptions within the current Code.
3. Some definitions of words used within the ordinance.

Mr. Schrader offered an overview of the ordinance saying the Town Council had received a request from an individual who was interested in opening a microbrewery in Town. Mr. Schrader commented that he had Gene Dvornick, Town Manager of Georgetown, to thank for allowing him to model the Ocean View ordinance after the Georgetown ordinance which was written by Mr. Dvornick to industry, and Delaware Alcohol and Beverage Control standards.

A motion was made Mr. Damiano, seconded by Mrs. Sharpe, to recommend to Council to approve. The motion carried unanimously 4/0.

7. ADJOURNMENT

A motion was made by Mr. Wichmann, seconded by Mrs. Sharpe, to adjourn the meeting at 6:50pm. The motion carried unanimously 4/0.

Respectfully submitted, Donna M. Schwartz