

PLANNING AND ZONING COMMISSION
MEETING MINUTES
March 17, 2016

1. Vice-Chairman Bill Wichmann called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Commission Members Wichmann, Damiano, and Smith were in attendance. Town Solicitor Dennis Schrader, Town Administrative Official Charles McMullen and Town Clerk Donna Schwartz were also present. Mr. Meredith and Mrs. Sharpe were 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. Smith, seconded by Mr. Damiano, to approve the agenda. The motion carried unanimously 3/0.

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Smith, seconded by Mr. Damiano, to approve the February 18, 2016 minutes as presented. The motion carried unanimously 3/0.

5. **NEW BUSINESS**

A. Application P-300 - 98 Woodland Avenue (PIDN: 059.000/001 /Sussex CTM#: 134-12.00-523.00)

Mr. McMullen read his overview to the Commissioners. He said, Jeremy Smith, the applicant, has submitted application P-300 on behalf of the property owners Smithiesi, LLC to initiate a general business on property located at 98 Central Avenue (PIDN: 059.000 / Sussex CTM#: 134-12.00-523.00).

Because the property owner wishes to establish a general business on property zoned GB-1 it is a requirement of the Land Use and Development Chapter of the Code (L.U.D.C.) that they appear before the Planning and Zoning Commission as outlined in Article XVI - Development Plan Approval, § 140-98-C (1) (c) [1]:

C. When Required; Exception.

(1) Development Plan Approval Required. *[Added 11-18-2014 by Ord. No. 315]*

(c) prior to the establishment, erection or enlargement of the following structures or uses.

[1] General business, professional office or industrial buildings.

A development plan is defined in § 140-98-A as follows:

A plan for the development of one or more lots, parcels, tracts, or properties on which is shown the existing and proposed conditions, including, but not limited to, topography, vegetation, drainage, floodplains, wetlands, waterways, landscaping and open spaces, walkways, exits and entrances, circulation, utility services, lot lines, easements, structures and buildings, signs, lighting, parking, screening, surrounding development, and any other

information that may be reasonably required so that the Town can make an informed decision.

The general business proposed is a medical office for chiropractic practice. The use is permissible by Code with the granting of a Special Exception by the Board of Adjustment. If the applicant is appearing before the Commission it indicates that the Special Exception submitted under application V-319 had been approved by the Board. There was also a variance request submitted under application V-320 for relief from driveway and lot coverage requirements of the L.U.D.C. that would also have required approval by the Board before the applicant appeared before the Commission.

A preliminary development site plan is defined in Article XVI, § 140-103-A as follows:

A detailed map showing the proposed layout of a site, parcel, tract, land, property, or residential planned community submitted for preliminary approval.

The site plan prepared by Pennoni Associates and submitted by applicant has been reviewed and is compliant with the requirements set forth in § 140-103-E of the L.U.D.C. with the following exceptions.

E. Plan Contents:

- (8) Contour lines at vertical intervals of not more than one foot. The datum shall be U.S. Coast and Geodetic Survey (U.S.C. & G);
- (9) Location and elevation of the datum used shall be a known, established U; S; C; & G; 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 and within 100 feet outside of the boundaries of the proposed subdivision or land development;

F. Supplemental 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.

Additional comments:

- Providers of sewer, water and electric should be noted on the plan.
- Ten (10) foot drainage easements are required and will be provided during the single lot development process of the parcel.
- Delineate driveway dimension where the driveway ties into Central Avenue.
- Lot coverage should be provided it is easier understood. The preparer should define each structure (as defined by Code) in the computation, delineate its square footage and use that total to provide a percentage of lot coverage as well as open space.

- There has been a permanent easement of 26.37 feet from the front property line granted to the State of Delaware. The purpose of this easement should be noted.

There are signs shown on the site plan for which the property owner will require easements from the State of Delaware to whom a permanent easement has been granted.

Mr. McMullen noted that the two variance applications for this property before the Board of Adjustment for approval both were granted prior to this meeting.

A motion was made by Mr. Damiano, seconded by Mr. Smith to approve the application with the condition that the requirements Mr. McMullen's listed in his overview be met as a condition of approval. The motion carried unanimously 3/0.

6. ADJOURNMENT

A motion was made by Mr. Damiano, seconded by Mr. Smith, to adjourn the meeting at 7:15pm. The motion carried unanimously 3/0.

Respectfully submitted,
Donna M. Schwartz