

PLANNING AND ZONING COMMISSION
MEETING MINUTES
July 19, 2018

1. Chairman Wichmann called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Commission Members Damiano, Liddle, Amendt and Sigvardson were in attendance. Planning & Zoning Development Director Ken Cimino, Town Solicitor Dennis Schrader, Town Engineer Jim Lober and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue.

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

A motion was made by Mr. Liddle, seconded by Mr. Damiano, to approve the June 21, 2018 minutes as presented. The motion carried unanimously 5/0.

4. **OLD BUSINESS**

A. **P-314 44 Atlantic Avenue (PIDN: 805.000/Sussex CTM#: 134-12.00-657.00)
Site Plan Review – Lands of D&B Ocean Gateway, LLC. Tax Map ID: 1-34-12-657**

Mr. Lober read his overview for the Lands of D&B Ocean Gateway, LLC – Prepared by Simpler Surveying - dated 5/9/18, and as revised through 7/13/18. He said based upon our review, we have the following comments.

Parking

1. Addressed
pc) Provide an assessment of the existing gross floor area on-site including the specific uses and the total gross floor area associated with each.
2. Addressed
pc) Provide a required parking calculation for each existing use.
3. Addressed
pc) Provide a separate calculation for the proposed use for the dwelling shown at the rear of the property.
4. Addressed – The parking delineated on the plan will need to be delineated in the field. For all parking spaces on asphalt, the spaces will need to be striped out as shown on the plan. For all parking spaces on gravel a parking bumper will need to be installed to delineate each space
pc) Provide parking on site to satisfy the total number of spaces required as determined by the analysis described above. All parking will need to be code compliant in both total number of spaces provided as well as geometric dimensions of each space.

Grading

1. A grading plan will need to be provided for the new walkway and the handicapped spaces proposed near the dwelling at the rear of the property.
 - pc) Provide a grading plan in accordance with Code Section 140-100 for any additional paving and walkways.
2. Handicap spaces cannot be provided on gravel. The handicap spaces in the rear near the dwelling must be paved to be considered ADA compliant.
 - pc) Ensure that grading is ADA compliant for all handicap parking spaces and walkways.

Stormwater Management

1. Provide either SCD approval for the proposed disturbance and additional impervious or correspondence from SCD confirming that the proposed disturbance and additional impervious is below their required threshold for compliance.
 - pc) Provide Sussex Conservation District approval for any proposed disturbance and/or additional impervious cover.

Mr. Schrader spoke with Mr. Keith Gordon of Bonky’s Ice Cream and Snow Cones. He asked him if he had a problem with any of those conditions that needed to be met. Mr. Gordon replied “No, not at all.” Mr. Schrader said the Commission could allow approval by staff, if all conditions are met.

A motion was made by Mr. Damiano, seconded by Mr. Amendt, to approve subject to conditions of the letter dated 7/19/2018. The motion carried unanimously 5/0.

Mr. Liddle questioned parking spaces 52-59 being paved or gravel. Mr. Lober said these are new parking spaces will be filled with gravel. Parking spaces 50 & 51 are handicap and will be paved. Mr. Liddle also questioned whether “Building 3” and “Dwelling” are the same building. He also asked whether the planned deck and porch need to be on the drawing. Mr. Lober stated they were on the drawing.

5. NEW BUSINESS

A. P-316 An Ordinance to Amend the Code of the Town of Ocean View Relating to Land Use and Development and the Requirement for Development Plan Approvals for Certain Permitted Uses.

Overview: Application P-316 is an ordinance introduced by Town Council on April 10, 2018. The purpose of the ordinance is to amend the Ocean View Code Chapter 140 “Land Use and Development”, Article XVI, Development Plan Approval. This ordinance creates exceptions from the development plan review for permitted uses where the use is permitted and will occupy an existing building or structure that requires no alterations, additional parking, or the construction or extension of public utilities or streets.

No Public Comment.

A motion was made by Mr. Damiano, seconded by Mr. Amendt, to recommend to Council. The motion carried unanimously 5/0.

B. P-317 An Ordinance to Amend Ocean View Code Chapter 140, Article IV, §140-24, Article VI, Additional Use and Dimensional Regulations and Article XXI, §140-152 to allow Miniature Golf Courses as a permissible use with the granting of a Special Exception in GB-1 and GB-2 Commercial Districts.

Overview: Application P-317 is an ordinance introduced by Town Council on May 8, 2018. The purpose of the ordinance is to amend the Ocean View Code Chapter 140, Article IV, §140-24, Article VI, Additional Use and Dimensional Regulations and Article XXI, §140-152 to allow miniature Golf Courses as a permissible use with the granting of a Special Exceptions in GB-1 and GB-2 Commercial Districts. This ordinance was introduced after Rebecca and Patrick Adams submitted a letter to the Town Council with a request to build a miniature golf course at 3 Atlantic Avenue which is zoned GB-1 (General Business). The proposed use however, is not an approved use at this time which brings it before the Commission this evening because it is a land use issue.

Mr. Amendt asked if this applied only to 3 Atlantic Avenue. Mr. Schrader said the change would be allowed on any GB-1 or GB-2 property. It is not site specific.

Public Comment:

Brenda McIntyre, William Avenue, stated she objects to a miniature golf course in the Town of Ocean View. She does not want Ocean View to turn into a Bethany Beach. She also said she feels the Town Council is overwhelmed and should not take on any projects of this sort.

Rebecca Adams, Woodland Avenue, stated she was in favor of the miniature golf course as a good family activity.

A motion was made by Mr. Amendt, seconded by Mr. Damiano, to recommend to Council. The motion carried unanimously 5/0.

Mr. Liddle stated he didn't understand why we were being asked to approve a certain business. Mr. Schrader explained that this is not listed as a permitted use in Town so Council must approve the use before any business can come to Town. They can approve as a special exception. He said just because something is recommended for approval to Council does not mean it will succeed in final approval.

C. P-318 An Ordinance to Amend the Conditions of Approval for 115.59 acres, more or less, annexed into the Town limits by Ordinance No. 282 and Ordinance No. 321, being the lands of Silverstock, LLC.

Overview: Application P-318 is an ordinance introduced by Town Council on June 12, 2018. The purpose of the ordinance is to amend the conditions of approval for 115.59, more or less, annexed into the Town limits by Ordinance #282 and Ordinance #321 being the lands of Silverstock, LLC. Maximum lot coverage for single family lots shall be 45% with an exception of 50% lot coverage for single family lots on which, by deleting the text [the Ryan Homes Springhaven model is erected] and adding the text selected models may be erected on non-adjacent lots and comply with all other conditions set out herein.

Mr. Schrader said the Springhaven model no longer exists therefore the word needed to be removed from the ordinance. The larger models still needs to be alternated 50% lot coverage, they cannot be side by side.

No comments from the public.

A motion was made by Mr. Liddle, seconded by Mr. Damiano, to recommend approval to Town Council. The motion carried unanimously 5/0.

6. **ADJOURNMENT**

A motion was made by Mr. Damiano, seconded by Mr. Liddle, to adjourn the meeting at 7:40pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, CMC