

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**July 18, 2019**

1. Baptist Damiano called the meeting to order at 6:00 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Nicholson, Liddle, and Amendt were in attendance. Planning & Zoning & Development Director Ken Cimino, Town Engineer James Lober, Town Solicitor Dennis Schrader, and Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue.

2. **APPROVAL OF AGENDA**

*A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to approve the agenda. The motion carried unanimously 5/0.*

3. **APPROVAL OF MINUTES**

*A motion was made by Mr. Amendt, seconded by Mr. Sigvardson, to approve the June 20, 2019 minutes as presented. The motion carried unanimously 5/0.*

4. **NEW BUSINESS**

**A. P-324 3 Atlantic Avenue (PIDN: 284.002/Sussex CTM# 134-13.00-30.00)**

A Preliminary Land Development Site Plan submitted by the property owners Adams Family Enterprises, LLC, D.B.A. Shipwrecked, LLC, in order to establish a general business (miniature golf course) on property zoned GB-1 (General Business District 1) located at 3 Atlantic Avenue (PIDN: 284.002 / Sussex CTM# 134-13.00-30.00).

Mr. Jim Lober read his overview to the Commission. He highlighted some of the following items.

1. Remaining Site Data Column items
  - a. Provide the proposed gross floor area for all structures on site.
  - b. The required number of parking spaces has been outlined on the Site Plan and is shown to be 23 with 24 being provided. The notes on the Demolition & Existing Conditions plan list the required number of spaces to be 24 with 26 provided. Please reconcile these numbers.
  - c. Provide the lot coverage as a percentage of the total lot area so that it can be directly compared to the maximum 50% coverage permitted by code.
  - d. The water service provider should be listed as Tidewater Utilities.
2. The building height has been added to the plan. Please include the height of the tallest element of the golf course structures on the plan as well.
  - pc) No height information has been included on the plan.
  - pc) Provide the height of the building and all elements of the golf course on the plan.
3. Addressed
  - pc) It does not appear that any mechanical equipment has been shown on the plan. pc) Show the location of all existing and proposed mechanical equipment on the plan.
4. Addressed

pc) The dumpster as currently shown will be inaccessible if cars are parked in either of the two spaces that block the location. The dumpster should be located such that it can be freely accessed from the drive aisle.

pc) Show the proposed location of the dumpster area and specify on the plan how it will be screened.

#### Special Exception

1. Addressed

pc) Please include the note on the plan referencing the Special Exception approval as previously requested.

pc) The parcel is zoned GB-1. The proposed use of Miniature Golf Course is permitted within GB-1 zoning as a Special Exception as noted in Chapter 140 Land Use and Development - Attachment 1 Table of Permitted Uses and Structures. Special Exception approval was granted by the Board of Adjustment at their meeting of December 20, 2018. Include a note on the plans referencing the special exception approval.

#### Variances

1. It is our understanding that the applicant intends to pursue a variance to permit the aspects of the golf course construction to be placed within the required setbacks. Should the Board of Adjustment grant the necessary variances, a note will need to be added to the plan referencing the Board's decision. Should the Board not grant the necessary variance, the layout will need to be revisited in accordance with our previous comments.

#### Floodplain

1. Addressed

pc) Please depict the floodplain limits on the plan and add the note as previously requested.

pc) The subject parcel lies within a FEMA Special Flood Hazard Area – Zone AE with no floodway, elevation 7 as shown on FEMA NFIP FIRM Panel 10005C0512K dated March 16, 2015. Show the floodplain boundary on the plan and add a note to the plan stating the floodplain information.

#### Wetlands

1. A note has been added to the plan stating that no wetlands exist on site. Please provide a letter from the Wetlands Specialist certifying to their findings.

pc) Provide a copy of the wetlands report as previously requested. Include a note on the plan reflecting the findings of the report.

pc) Provide a wetland delineation report in accordance with Section 116-13 of the Town code.

### Parking

1. A parking analysis has been provided that addresses the fact that parking requirements for a miniature golf course are not specifically addressed in the code. The Town finds the parking rationale acceptable. The project will now be required to provide 23 parking spaces.

pc) The plan has been revised to include 24 parking spaces. No parking study or other justification for the number of spaces was provided. Of the 24 spaces provided, the 2 curved spaces shown on the outside circumference of the drive aisle and the 2 parallel spaces east of the proposed building in the rear are inaccessible and unacceptable. The remaining 20 spaces do not meet the 28 previously determined to be the requisite number of spaces for the proposed use. Revise the design to provide 28 spaces, or provide some justification for providing fewer spaces for review and consideration by the Town.

pc) The code does not currently include a minimum number of required parking spaces for the proposed use. Section 140-59 paragraph B(3) notes that the required number of parking spaces for uses not specifically listed shall be the same as for a similar listed use. The listed use most similar to the proposed use of miniature golf course is restaurant.

The number of parking spaces required based on an estimate of the total proposed floor area of the buildings and the restaurant multiplier of 1 parking space for each 50 sq. ft. of floor area is 28. The plan currently includes 16 parking spaces. Revise the plan to provide 28 parking spaces or provide a parking study in accordance with Section 140-59 paragraph E(3) for consideration by the Planning and Zoning Commission to permit modification of the number of required parking spaces.

### Utilities

3. The connection point to the sanitary sewer has been revised. Approval from Sussex County of the tie-in location is still necessary to satisfy the Town's requirements.

pc) Provide approval from Sussex County Engineering with regard to the proposed sanitary sewer connection, wherever that connection ends up being made.

pc) Provide approval from Sussex County Engineering for the proposed grinder pump forcemain connection to the existing 10" forcemain.

### Easements

1. A note has been added to the plan referencing the Joint Driveway Agreement and a signed copy has been provided. Once the document is recorded the recordation information will need to be included in the note.

pc) A document entitled Amendment to Joint Driveway Agreement has been provided. This document has not been signed or recorded. Provide a copy of the Joint Driveway Agreement referenced in this document. The amendment will need to be recorded and referenced on the plan prior to final approval.

pc) A cross access easement agreement for ingress and egress will be required between the subject parcel and the adjacent parcel to the west. That easement will need to be recorded prior to approval of the final plan.

2. A note referencing this easement should be added to the "Special Notes" listing on the Site Plan. Once the document is recorded the note will need to be revised to include the recordation information.

pc) The easement has been shown across the southeast corner, however the document provided does not appear to have been signed or recorded. If this document has been previously recorded, please provide a copy of the recorded document and reference the recordation information on the plan. If this document has yet to be recorded it will need to be recorded and referenced on the plan prior to final approval.

pc) Show the easement associated with the canal path that crosses the south east corner of the subject parcel.

3. A note has been added to the plan referencing the Water Agreement and a signed copy has been provided. Once the document is recorded the recordation information will need to be included in the note.

pc) A document title Water Agreement has been provided addressing the existing water service to the property. This document does not appear to have been signed or recorded. If this document has been previously recorded, please provide a copy of the recorded document and reference the recordation information on the plan. If this document has yet to be recorded it will need to be recorded and referenced on the plan prior to final approval.

pc) Any utilities serving the subject parcel crossing the adjacent parcel to the west will be required to be covered by easements. These easements will need to be recorded prior to final plan approval.

4. A note has been added to the plan referencing the easement with Sussex County. Once the document is recorded the note will need to be revised to include the recordation information.

pc) Provide approval from Sussex County for the proposed construction within the easement. pc) The golf course construction is shown within the 20 ft. wide sanitary sewer easement.

Provide approval from Sussex County for the proposed construction within the easement.

5. Addressed.

pc) The previous subdivision plan that created the parcel that is the subject of this application, and reflects the 4,804 sq. ft. conservation area that was a condition of that subdivision approval, was recorded at the Sussex County Record of Deeds on July 11, 2008 at deed book 00121 page 00108. A copy of that plan is attached hereto for your use. Show the conservation area on the plan and ensure that the LOD remains outside of that area.

pc) Show the conservation area from the previous subdivision on the plan and ensure that the LOD remains outside of that area.

### Stormwater Management

1. The corner of the proposed gravel lot still encroaches into the Stormwater Management Easement. The stormwater management easement was provided as a requirement of the Conservation District associated with the sediment and stormwater approval of the previous plan. If, in the Conservation District's opinion, the encroachment into the easement is acceptable and will not adversely affect the stormwater management feature, the Town will accept their decision. Please discuss the issue with them and provide correspondence from them addressing the matter.

pc) Addressed. The proposed paving associated with the parking lot encroaches into the stormwater management easement. Redesign the parking area to remove any disturbance from the stormwater management easement.

pc) The "ex. grass swale" shown on the plan is a stormwater management feature required in conjunction with previous development on the subject parcel and the adjacent parcel to the west. Revise the label for this feature to clearly delineate it as a "stormwater management area".

### Grading

1. A grading plan has been provided. Please add detail in the area of the handicap parking space and van accessible area to clearly depict that the grading in this area is ADA compliant.

pc) A grading plan designed in accordance with requirements of the Town Code will be required to be reviewed and approved prior to final approval of the plan.

pc) Provide a grading plan in accordance with Section 140-100 of the Town Code.

Mr. Douglas Brown, of Rauch Inc, spoke on behalf of the applicants. He stated that the work session they had with the town was very productive. He thanked the staff for the meeting. Mr. Brown said they have talked to soil conservation about the sewer connection. He said they are willing to comply with the requirements.

He introduced Mr. Casey Rauch who spoke about the number of useable parking spaces and noted that the dumpster has been relocated. There was no code for parking, so they have designed one per hole plus the ice cream store, handicap spaces and employees which totals 23 spaces. The proposed site is less than 50% impervious. Mr. Rauch stated that the lighting will be angled down away from property lines, low level lighting would create no light pollution. The only outstanding issue at this time is the variances that are needed from the Board of Adjustment.

Mr. Liddle questioned when he would see a conceptual plan of the golf course. Mr. Adams showed him a drawing he had in his possession. Mr. Liddle also questioned the use of only two spaces for the ice cream shop, stating that it appears to be busy and may need additional parking. Mr. Brown replied that the code calls for only 2 spaces.

Public Comments:

Tom Melack, Ocean Mist Drive, commented that the golf course is far too close to the Assawoman trail. He also commented on the downward facing lights.

Victoria Erickson, Central Avenue, stated she was concerned with the runoff into the canal not the storm management pond. Mr. Brown replied that the runoff problem has been corrected. Ms. Erickson also noted that she was concerned with the cars and bicyclist on Rt. 26.

Terri Melack, Ocean Mist Drive, asked if the parking spaces were dedicated spaces. Mr. Brown replied they are all dedicated spaces on gravel marked by curb stops. She also inquired about the hours of operation and was told by Mr. Schrader that was not an issue of the site plan.

Bill Wissler, Lake Village Circle, stated he liked the idea of a mini golf and an opportunity for the town to offer some family fun.

Paula Morin Hudson, neighbor, said she was excited to have the mini golf as a neighbor, and welcomed their overflow parking.

***A motion was made by Mr. Amendt, seconded by Mr. Nicholson, to approve the preliminary plan with conditions. The motion carried unanimously 5/0.***

## **5. ADJOURNMENT**

***A motion was made by Mr. Nicholson, seconded by Mr. Amendt, to adjourn the meeting at 6:38pm. The motion carried unanimously 5/0.***

Respectfully submitted,  
Donna M. Schwartz, CMC