

PLANNING AND ZONING COMMISSION
MEETING MINUTES
January 16, 2020

1. Norman Amendt called the meeting to order at 6:00 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Nicholson, and Liddle were in attendance. Planning & Zoning & Development Director Ken Cimino, Town Solicitor Dennis Schrader, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue. Mr. Damiano was not present.

2. **APPROVAL OF AGENDA**

A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to approve the agenda. The motion carried unanimously 4/0.

3. **APPROVAL OF MINUTES**

A motion was made by Mr. Nicholson, seconded by Mr. Sigvardson, to approve the October 17, 2019 minutes as presented. The motion carried unanimously 4/0.

4. **NEW BUSINESS**

A. P-276 7 Johnsons Glade Lane (PIDN: 074.025 / Sussex CTM# 134-12.00-428.05)

Mr. Cimino read his overview of the application. He said, Application P-276 is a revision to a previously approved Site Plan submitted by the developer, Evergreene Companies, in conjunction with the property owners of the lots in the Johnson's Glade subdivision. The developer and property owners wish to remove the proposed walking trail from the open space area of the final subdivision plan. The open space area of the Johnson's Glade subdivision is located at 7 Johnsons Glade Lane on property zoned R-1 (Single Family Residential) (PIDN: 074.025 / Sussex CTM# 134-12.00-428.05).

The walking path proposed for this community is approximately 528 feet, or, 1/10th of a mile. The community has no desire to use this path or incur costs for maintaining the path. Attached with the application is a petition signed by every lot owner supporting the elimination of the path.

The Office of Planning, Zoning and Development does not object to the elimination of the walking path. The area designated as the walking path shall remain as a designated open space without a walking path.

Mr. Ron Wilkins, Evergreene Companies, was present to speak to the application. He said the property owners voted to not have the walking path; they want to preserve the woodlands. The HOA did not want to have to maintain the path.

Mr. Sigvardson asked if it would be kept as open space. Mr. Wilkins replied yes, its woodland all planted with trees and shrubs. Mr. Wilkins said many supports were present to support the application.

The following people, Gerilyn Pats (5), Gina Honeycutt (1), Cathy & James Beard (3), and Julia Walters (13 Johnson's Glade) all spoke in favor of the application.

A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to accept the requested change and approve the application. The motion carried unanimously 4/0.

B. P-328 88/90 Atlantic Avenue (PIDN: 088.000/087.000 CTM# 134-12.00-434.00/433.00)

The Kercher Group, Inc. (TKG) has reviewed the plans listed below:

- Ocean View Partners, LLC Mixed Use Building – sheets C001-C401 – Prepared by Becker Morgan Group - dated 5/14/19 and as revised through 12/19/19
- Ocean View Partners, LLC Mixed Use Building – Preliminary Sediment and Stormwater Management Plans sheets C500-C902 – Prepared by Becker Morgan Group - dated 8/9/19 and as revised through 12/3/19

Comments from our previous review have been addressed as follows:

Lot Consolidation Plan

1. Addressed
 - pc) Please correct the deed references for the parcels both in the site data column and in the lot labels.
2. Addressed
 - pc) General Note #7 states that the subject parcels are not located within the 100-year flood zone. Based on my review of FEMA FIRM Panel 10005C0511K, I believe this is incorrect. Please provide additional exhibits reflecting the floodplain boundary with respect to the subject parcels to verify the location of the parcels with respect to the floodplain.

Concept Plan

1. Clarify whether the lot coverage square footage listed in the bulk requirements represents the maximum allowable or the actual amount proposed. The maximum allowable lot coverage should be listed in bulk requirements. A separate line item should list the actual lot coverage proposed to verify that the proposed amount is compliant.
 - pc) Include the maximum allowable lot coverage of 50% within the bulk requirements listed in the site data column.
2. As noted in #1 above list the actual lot coverage percentage proposed.
 - pc) The site data column lists the impervious cover as 32,806 sf; however, the lot coverage is listed as 18.3%. I believe this is incorrect. Please provide the correct lot coverage percentage for direct comparison to the maximum 50% permissible by code.
3. Addressed
 - pc) Provide the height of the building on the plan.
4. Addressed
 - pc) Show the location of all proposed mechanical equipment on the plan.

Floodplain

1. Depict the floodplain boundary on the plan.
- pc) If the subject parcels do indeed lie within the 100-year floodplain boundary, development plans will be required to be designed in accordance with the floodplain regulation requirements included within Chapter 116 of the Town Code.

Variances

1. Addressed
- pc) The plan currently lists a total impervious cover of 32,806 sf. This equates to a total lot coverage of approximately 60%. The maximum allowable lot coverage for GB-1 zoning is 50%. The plan will need to be revised to reduce the proposed lot coverage to 50% or less or a variance will need to be obtained to permit the additional lot coverage.

Offsite Stormwater Outfall

1. The applicant has stated that they are in the process of obtaining the necessary permits. Proof of these permits will be required prior to final plan approval.
- pc) The off-site stormwater outfall that directs runoff to the Banks Bennett Tax Ditch appears to disturb wetlands and potentially sub-aqueous lands. Provide all permits and approvals required by the United States Army Corps of Engineers and/or the Delaware Department of Natural Resources and Environmental Control for this work.
2. Addressed
- pc) The off-site easement will need to be recorded and the recordation information provided on the plan prior to final plan approval.

Stormwater Management

1. Sediment and stormwater plans and the stormwater management report have been provided. Comments on these items follow in the new comment section of this letter.
- pc) Provide stormwater management in accordance with the Delaware Sediment and Stormwater Regulations. Provide copies of all stormwater management design calculations and plans. The Town will require approval of the stormwater management design from the Sussex Conservation District prior to final plan approval.

New comments generated by this review.

General

1. Update the site data column to list only the remaining consolidated parcel and list the newest deed reference for the consolidated parcel.
2. Show dimensions on the parking spaces and the drive aisle to verify the proposed dimensions.
3. Ensure that the ownership for the adjoining property to the west is properly noted on the plan.
4. Provide solid gates on the dumpster enclosure structure. The chain link is not permitted by code.

5. The proposed pavement and curb encroach into the requisite 10 ft. easement along the eastern property boundary. Revise the layout to remove the proposed improvements from the easement.
6. Provide the requisite signature blocks for the Town and the Town Engineer.

Grading Plan

1. The minimum allowable slope on paved surfaces is 0.5%. The cross slope on the parking lot at the north end is only 0.25%. Revise the grading to provide the minimum 0.5% slope.
2. The minimum allowable slope on pervious surfaces is 1.0%. The slope in both swales along the eastern and western property boundaries is below 1.0%. Revise the grading to provide the minimum 1.0% slope.
3. Grades at the western end of the loading area and along the southern edge of the building are above the finished floor elevation. Verify that the building design accounts for this grade against the wall or revise the grading in this area to comply with building code requirements for separation from finished floor to highest adjacent grade in accordance with the type of construction.
4. Grading is shown off the property to the west. Revise the grading to maintain the disturbance within the subject property or provide proof of an easement allowing disturbance on the adjacent property.
5. Provide additional topographic detail along the western property boundary between the proposed building the existing building on the adjacent property to verify that the proposed grading can be achieved and that runoff will be directed to the proposed stormwater management feature and not onto the adjacent property.

Landscaping & Screening

1. Provide a landscaping and screening plan in accordance with Town Code requirements.

Lighting

1. Provide a copy of the lighting plan. Be sure that the plan includes details of the specific light fixtures proposed.

Stormwater Management

1. Provide spot grades defining the top of embankment elevation for the stormwater management facility.
2. Provide an emergency spillway that will direct excess runoff at a defined point of overflow to the offsite easement area and the eventual intended point of outfall. Ensure that the grading provided directs overflow away from the adjacent properties.
3. Consider tying all the roof leaders along the rear of the building together and daylighting them at one point of outfall into the basin in lieu of multiple points of outfall through a swale with minimum slope and minimum cross section. At a minimum, angle the pipes such that the outflow is not introduced into the swale at a 90-degree angle to the longitudinal flow through the swale. Provide outlet protection for each pipe outfall to the swale and ensure that the outfall protection does not inhibit longitudinal flow through the swale.

Agency Referrals

2. Provide proof of approvals from all other applicable review agencies, including but not necessarily limited to DNREC, DelDOT, Sussex Conservation District, Sussex County Engineering, Fire Marshal, Army Corps of Engineers and Tidewater Utilities.

Mr. Mike Ryman, Becker Morgan Group, was present to represent the application. Mr. Ryman spoke to the Commission regarding their application on 1.2 acres of land on Rt. 26. He said it is currently a medical office, and will become the home of Mercer Sydell, a dental office. They are planning for a 50-space parking with lot coverage of 60%. Mr. Ryman noted they have an easement agreement with the property owner to the rear for the stormwater facility with outfall to the tax ditch. He also said they have many of the agency approvals they need at this point of the process.

There was no public comment made.

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to approve as a preliminary plan. The motion carried unanimously 4/0.

C. P-330 Comprehensive Plan Ordinance

Ms. Savannah Edwards, AECOM, was in attendance to present an overview of the draft Comprehensive Plan to the Commission. She noted the comment period ends today at 11:59pm. Ms. Edwards stated that this is a process which is required by the State of Delaware to be amended every five-years and updated every ten-years. It is a planning tool for the Town to use for future years. The Town vision statement was developed with Town staff and is being revised based on suggestions received from the public.

The draft comp plan contains twelve chapters on such topics as population & demographics, community, future land use, environment, history, housing, community services, economic development, and transportation. She suggested that a beach shuttle or DART bus line might be something to look at for the future. Ms. Edwards said hopefully the plan would be adopted by the end of April.

Mr. Amendt stated a beach shuttle could be good and bad. Mr. Sigvardson asked who the primary writer was and commented that the document was very well written with only a few typos. Mr. Liddle commented that the document was very well thought out. He also noted that people ride the beach shuttle because there are not enough parking spaces to park at the beach. The shuttles bring a lot of people into Bethany Beach and they don't appreciate the service. Mr. Liddle said Bethany Beach raises their shuttle fees every year, last year was \$2,400 a shuttle.

Mr. Schrader commented on the increase in population over ten-years and that the majority were 65 or older. He also noted that 15.8% of the over 65 age group live alone. This indicates what services the Town needs to address in the years to come.

Public Comments:

Mrs. Tricia Supik, William Avenue, commented that the comprehensive plan review was very open and participatory. She also inquired about technology and keeping cell towers out of

Ocean View. Mr. Schrader replied this is a federal matter and governed by state law. It is not within our jurisdiction to decide where the towers or wires go. Mr. Cimino said all comments are retained for future need. Mrs. Supik mentioned that we need to work with the Towns around us in the future for better planning.

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to move forward with the comprehensive plan and recommend approval to Council. The motion carried unanimously 4/0.

5. ADJOURNMENT

A motion was made by Mr. Nicholson, seconded by Mr. Sigvardson, to adjourn the meeting at 7:00pm. The motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz, CMC