

PLANNING AND ZONING COMMISSION
MEETING MINUTES
September 18, 2025

1. The meeting was called to order by Kent Liddle at 4:00pm with the Pledge of Allegiance. Commission Members Maly, Sigvardson, DiNoto, and Nicholson were in attendance. Planning, Zoning & Development Director Ken Cimino, Town Solicitor Veronica Faust, and Planner Jill Oliver, Engineer Jim Lober were present. Donna Schwartz, Town Clerk, was not present. The meeting was being held at 32 West Avenue.

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

A motion was made by Mr. Sigvardson, seconded by Mr. Maly, to approve the minutes of July 17, 2025. The motion was carried unanimously 5/0.

4. **NEW BUSINESS**

- A. **P-358 104 Atlantic Avenue (PIDN:074.002/CTM#134-12.00-428.01)**

P-358, a land development plan for a proposed retail/office building as shown on the plan titled "The Nguyen Preliminary Plan" prepared and submitted by Plitko, LLC on behalf of the property owners, Nguyen Real, LLC. The property is zoned GB-1 (General Business District 1) and located at 104 Atlantic Avenue (PIDN: 074.002 / CTM# 134-12.00-428.01).

Mr. Lober read his overview to the Commission. He said, the following:

General

- 1) The lot coverage is calculated based on the site acreage of 1.02 acres, but it is unclear whether the 1.02 acres is a gross site area prior to the DelDOT ROW dedication, or a net area taken after the dedication. Please provide a breakdown of the gross site area, the dedication, and the net site area in the site data column and ensure that the lot coverage is based on the net value. Please correct "Proposed" note #5 to read "Max. LOT Area Coverage: 50%". There is no code requirement for building area coverage.
 - a) The 50% maximum coverage requirement is lot coverage, not building coverage, which accounts for all buildings and structures. Correct the title of the requirement in the site data column and provide an accurate accounting of the lot coverage in accordance with code requirements. Again, lot coverage accounts for all impervious surfaces.

- 2) Please remove the reference to “proposed zoning” as no change to the zoning is proposed and correct the zoning to read GB-1.
 - a) The proposed zoning in the data column on the plan is confusing. The proposed use is a by-right use in GB-1 Zoning. Please remove any reference to proposed zoning
- 3) Ensure that the area included in the 8’ wide dedication across the frontage is noted in a label on the plan and accounted for in the site data column.
 - a) The previous concept plan showed an 8 ft. wide ROW dedication. This plan appears to show that area, but it isn’t labeled. Verify if DelDOT is still requiring the dedication.
- 4) Provide the proposed height of the building
 - a) Provide the proposed height of the building.

Parking and Loading

- 1) Addressed
 - a) If the lot coverage assessment results in greater than 50% coverage, the parking will most likely need to be reduced. It is unlikely that the Department will support a variance for more than a 50% increase in parking spaces above the code required amount.
- 2) Addressed
 - a) Dead end parking aisles will require additional depth for turnarounds at both ends.
- 3) Addressed
 - a) The plan lists the use as retail/office but provides a parking calculation based on a retail/service rate. If office is indeed proposed, additional parking spaces may be required as the rate for office space is 1/200 sqft.
- 4) Addressed
 - a) Provide a landscape island within the parking lot after every 10 parking spaces.
- 5) Addressed
 - a) Verify that no more than 50% of the front setback area is devoted to parking spaces, driveway aisles, or parking lot entrances.
- 6) Addressed
 - a) The loading area is impractical and too far from the building. Provide a loading area closer to the building that allows for convenient access and maneuverability. Similarly, the

dumpster location seems difficult to access. Consider reconfiguring the location / orientation of the dumpster.

Wetlands

- 1) The updated ACoE approval will be required prior to final plan approval.
 - a) An updated approval from the Army Corps of Engineers will be required based on the changes made to the layout since the last concept plan was put forward.

Floodplain

- 1) The FEMA approval will be required prior to final plan approval.
 - a) An updated floodplain approval from the Federal Emergency Management Agency will be required based on the changes made to the layout since the last concept plan was put forward.

Landscaping

- 1) Addressed. The Department has determined that the existing vegetation will suffice to provide the screening required to the rear assuming that the plan proceeds as currently proposed. Place a note on the plan stating that the existing vegetation between the building and the rear property line must remain.
 - a) A 15 ft. wide screening buffer is required around the entire perimeter of the site. Given that disturbance of the wetlands is prohibited, it will be impossible to provide this screening in the area to the rear of the property abutting Johnson's Glade. An assessment will need to be made of the existing vegetation within the wetland area to determine if that vegetation, in conjunction with the distance to the building, provides sufficient screening. It is possible that the screening will need to be provided in the upland area between the building and the wetlands.
- 2) Addressed
 - a) The parking in the front is only 9 ft. from the property line, and immediately adjacent to the 9 ft. wide permanent easement being required by DelDOT. The minimum 15 ft. for screening is not provided and no area is provided between the easement and the parking. Provide the minimum 15 ft., and evidence from DelDOT that landscaping sufficient to provide compliance with the screening and commercial development landscape code requirements is permitted within their easement.

Sidewalks

- 1) Addressed
 - a) Provide a sidewalk from the sidewalk along Atlantic Avenue into the site.

Outside Agency Approvals

- 1) Updated approvals from all applicable outside agencies will be required prior to final plan approval.

New Comments from this review

- 1) Ensure that the information contained in the adjoining lot labels is correct.
- 2) Provide a site lighting design in accordance with §187-8.
- 3) Please note that the site is being proposed for development as a retail/office use. These uses are by right uses in the GB-1 zoning district and the parking required for these types of uses is provided by the current design. Should it be contemplated that other uses be included in the building, those uses should be enumerated now so that the site design can account for any specific code requirements associated with those uses. Any change of use in the future will require a revised development plan that specifically addresses the newly proposed use.

Mr. Ray Blakeny, of Plitko, LLC, was sworn in by Ms. Faust. He noted that only 1.02 acres are in wetlands. Mr. Blakeny also noted that the previous plan was more diagonal, with this plan the building is more parallel. He added that they will address lot coverage. The FEMA CLOMR will be updated. The drainage and stormwater is an underground storage area to be reviewed by Sussex Conservation District. Mr. Blakeny noted he will address lighting with revised preliminary plan and any comments from Mr. Lober.

PUBLIC SESSION CLOSED

A motion was made by Mr. Maly, seconded by Mr. Sigvardson to approve the application contingent on Mr. Lober's letter of September 12, 2025. The motion carried 5/0.

5. ADJOURNMENT

A motion was made by Mr. Sigvardson, seconded by Mr. Liddle, to adjourn the meeting at 4:14pm. The motion was carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz MMC