

PLANNING AND ZONING COMMISSION
MEETING MINUTES
April 17, 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, Donna Schwartz, Town Clerk were 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 Ms. DiNoto, seconded by Mr. Sigvardson, to approve the minutes of March 20, 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)**

Ms. Faust asked Ms. Oliver if the signs and notices were placed according to the town specifications. Mr. Liddle read the details of the application. Overview of A Concept Plan for The Nguyen by Plitko Engineering, dated 2/19/25 written by Mr. Jim Lober.

General

- 1) 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) 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) 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.

Parking and Loading

- 1) 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) Dead end parking aisles will require additional depth for turnarounds at both ends.
- 3) 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 sq.ft.
- 4) Provide a landscape island within the parking lot after every 10 parking spaces.
- 5) Verify that no more than 50% of the front setback area is devoted to parking spaces, driveway aisles, or parking lot entrances.
- 6) 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) 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) 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) 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) 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. A minimum of 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) 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.

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Mr. Sigvardson questioned the term "screening." Ms. Oliver explained that it is for looks and functionality.

Mr. Ray Blakely, of Plitko, LLC, spoke on behalf of Nguyen Real, LLC, the property owners. He explained that there will be a bank and a retail office building. He also stated that the Army Corp has given them a fill permit for the wetlands, which needs to be revised. The storm water management system is underground. They have moved the loading dock and expanded the parking area. There are 31 parking spaces proposed, they need only 22. There is an 8ft right of way, 9ft easement with no planting for DelDOT. He said they were thinking of American hollies for the wetland planting. Along with a 6' planted bed with a white fence and sidewalk along the road.

Mr. Liddle thanked him and read the letter sent to the Commission about the holly bushes.

Public Comment -none

There was no vote.

5. ADJOURNMENT

A motion was made by Mr. Sigvardson, seconded by Ms. DiNoto to adjourn the meeting at 4:17pm. The motion was carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz MMC