

PLANNING AND ZONING COMMISSION
MEETING MINUTES
July 17, 2025

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

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

A motion was made by Mr. Nicholson, seconded by Mr. Sigvardson, to approve the minutes of May 15, 2025. The motion was carried unanimously 4/0.

4. **NEW BUSINESS**

- A. **P-359 12 & 14 Oakland Avenue (PIDN: 201.060 / CTM# 134-12.00-1221.00)**

A lot consolidation plan titled “Lot Line Adjustment for Lots 5 & 6, Lord Baltimore Estates, Lands of Arlene K. Layton.” This application is submitted by Will Kernodle on behalf of the property owner, Arlene Layton. The plan proposes to consolidate two (2) lots into one (1) lot on property located at 12 Oakland Avenue (PIDN: 201.060 / CTM# 134-12.00-1221.00) and 14 Oakland Avenue (PIDN: 201.050 / CTM# 134-12.00-1220.00). Both lots are zoned R-1, Single-Family Residential. Mr. Lober read the following overview, stating that all comments and issues have been satisfactorily done.

- Lot Line Adjustment for Lots 5 & 6 Lord Baltimore Estates, by Plitko Engineering, dated 6/13/25
- Lot Line Adjustment for Lots 5 & 6 Lord Baltimore Estates, by Plitko Engineering, dated 6/24/25

For the record, based on our review of the original plan, dated 6/13/25, we had the following comments. These comments have all been addressed by the subsequent plan, dated 6/24/25, and we have no further comments.

1. Include the height of the dwelling on the plan.
2. Depict the easements as required by 140-79-B(6) and note that they are to be dedicated to the Town.

3. Revise the label on the existing lot line to be extinguished to read “Existing Lot Line to be Extinguished Per This Plat.”
4. Place the following note on the plan
 - a. The existing driveways exceed the allowable maximum width and are considered an existing non-conforming structure in accordance with Section 140-92 of the Town Code.

Mr. Will Kernodle was present and agreed with Mr. Lober’s overview.

PUBLIC COMMENT – opened

PUBLIC COMMENT – closed.

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

A motion was made by Mr. Sigvardson, seconded by Mr. Liddle, for temporary adjournment until 4:30pm. The motion carried unanimously 4/0.

A motion was made by Mr. Sigvardson, seconded by Mr. Maly, to return to session. The motion carried unanimously 4/0.

B. P-356 ORDINANCE REVIEW (Associated with Fast Food Restaurants)

Mr. Liddle read the ordinance to amend the land use and development code addressing fast-food restaurants which was introduced on January 14, 2025, during the Town Council meeting. That ordinance was previously considered by this commission on March 20, 2025. Since that time, in response to public comments and internal consideration, the ordinance has been changed. Given the substantive changes, the revised ordinance is being brought to the commission again. Also, the Department has determined that two complementary ordinances addressing signage and parking are required to be put forward in conjunction with the original ordinance. Section 140-132-B of the Town code requires the Planning and Zoning Commission to review and recommend to the Town Council on all such amendments. The Department offers the following overview for context.

Ms. Faust commented that although they are related ordinances they need to be voted on separately. She swore in Mr. Lober, Mr. Cimino, and Ms. Schwartz. Mr. Cimino spoke on the history of the ordinances, stating that correspondence from Walt Curran, Tim Fugua, Saul Ewing, and Nick Nistazos, are included in the packet.

Mr. Lober read his overview of the ordinances stating the following:

Fast Food

Fast food restaurants are permitted in MXPC, GB-1 and GB-2 Zoning by special exception. However, the code does not currently contain additional criteria, standards or conditions guiding the development of fast-food restaurants. The land use and development code was originally constructed with an outline of typical uses, including reservations for some, with the intent to establish language specific to each use moving forward. Numerous recent inquiries from property owners and potential developers have brought fast food establishments to our attention, and it will be in the best interest of the Town and its residents to incorporate language directing the development of such establishments.

This ordinance amends the definition of a fast-food restaurant and sets forth standards for the use as a special exception in General Business Districts and in the MXPC zone. It also adds and defines fast-food restaurants with drive-through as well as fast-food restaurant with drive-in to the Table of Permitted Uses as uses requiring special exceptions in the General Business Districts and sets forth standards for each.

It also amends Section 140-121 to consolidate medical uses for renumbering purposes only.

Since the original ordinance was heard on March 20, 2025, changes have been made to screening requirements, fence heights, traffic analysis requirements, signage limitations, location and access requirements with regard to street size, and allowances were made for overhead clearance warnings, and roof structures over drive-in parking.

Parking

The current parking requirements for restaurants do not include the categories of fast food, fast food with drive-through or fast food with drive-in. The calculation for restaurants is a generic calculation based on the entire area of the restaurant use, and although outdoor seating has always been interpreted to require parking at the same rate as the indoor portion of the restaurant, it has never been expressly listed.

This ordinance adds the categories for the distinct types of fast food. It revises the requirement to be based on the floor area dedicated to patron use plus spaces for employees in lieu of the generic area calculation. It also specifically states that outdoor seating counts toward patron use area. Finally, the requirement for fast food with drive through and drive in

includes a reduced area multiplier to account for business being conducted that will not require parking.

Signs

Although the current regulations governing signs are sufficient to provide for signage associated with restaurants, including fast food, they do not include categories for fast food with drive-through or fast food with drive-in and the specific types of signs associated with those uses.

This ordinance adds categories for fast food with drive-through, and fast food with drive-in, which include pre-order boards, order boards, and canopies and regulations governing each.

PUBLIC COMMENTS

Mr. Viktor Blattner, Dunkin' Donuts, thanked the Town, and stated he supported the ordinances. As drafted, they allow Dunkin' Donuts to come to town.

Mr. Walter Curran, October Glory, stated that he was happy with some of the adjustments, but still had concerns with some of the following like 180ft stack lanes, traffic studies, planting strips of 15ft, no sharing of dumpsters, and closing times of the drive-up windows. He asked the P & Z Commission to please consider his comments.

Mr. Rick Lowrance, Atlantic Promenade, spoke and said he was thankful for the reconsideration of the ordinances. He listed four points that concerned him. Item B-2 – too subjective; Item B-3 8-foot fence and so foot planting, do not need both; Item B-5 dumpster share; Item C-7 stacking 100ft is acceptable.

PUBLIC COMMENT CLOSED

Mr. Lober answered some questions from the P & Z Commission. He said no traffic studies have been done yet. The comments made in public were not those of professionals. Mr. Lober explained to the Board how the ordinances were developed. He said it is all commonsense stuff. Ms. Faust commented that this ordinance refers to no particular property in town limits. Mr. Lober agreed, saying that this ordinance is future planning in the event of a business wanting to come to town. He said the town business corridor is narrow, and it did not increase parking requirements. It enforces balance, and it is an industry standard to require a traffic study. The ordinances support a fifteen-foot planting strip and an eight-foot-high fence. There is a requirement that fast-food restaurants have their own dumpster. Operating hours are negotiable.

Mr. Maly commented that all his questions were answered. Mr. Sigvardson said he has concerns about staff. Ms. Oliver was asked about the dumpster language. Mr. Lober replied that 140-128 B-5 should be removed. Mr. Liddle questioned whether grease traps should be the same as dumpsters, not shared. Strike “facilities” in all three ordinances C-13, B-5, D-10. Mr. Liddle asked about 180-foot stacked lane. Mr. Sigvardson stated that this applies to no particular property in town.

A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to recommend #140-24, 140-28, and 140-152 of Fast-Food Restaurants with modifications to dumpsters. The motion carried three to one, with Mr. Liddle voting no.

A motion was made by Mr. Maly, seconded by Mr. Sigvardson, to approve, with no changes, to the parking ordinance. The motion passed unanimously 4/0.

A motion was made by Mr. Maly, seconded by Mr. Sigvardson, to approve, with no changes, to the sign ordinance. The motion passed unanimously 4/0.

5. ADJOURNMENT

A motion was made by Mr. Maly, seconded by Mr. Sigvardson to adjourn the meeting at 5:24pm. The motion was carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz MMC