MINUTES TOWN OF OCEAN VIEW PLANNING AND ZONING COMMISSION MEETING FEBRUARY 17, 2011

1. Vice-Chairman Eric Magill called the meeting to order at 7 p.m. with Commission Members Lois Saraceni and Ron Smith; Town Administrative Official Charles McMullen; and Town Solicitor Dennis Schrader in attendance. Planning and Zoning Consultant Susan Frederick was not required to attend this meeting. Chairman Logue and Commission member Jack Shubert were not present because of prior commitments. The meeting was held in the Ocean View Town Hall.

Vice Chairman Magill noted that the P&Z has a quorum tonight since three members are present and explained that the application must be approved by three votes. The Town Administrative Official said the applicant is aware of this.

- **2.** The Pledge of Allegiance was recited.
- **3.** Ron Smith asked to amend the agenda to delay Item 6.B, Review and Consideration of Revised Planning and Zoning Commission Procedures, because Chairman Logue, who was instrumental in preparation of these procedures, was not present. There was no objection to this request.

Lois Saraceni moved to approve the amended agenda.

Ron Smith seconded the motion.

Lois Saraceni, Ron Smith, and Vice-Chairman Magill,voted aye. The motion to approve the amended agenda was approved unanimously.

4. There were no changes to the **Minutes** of the January 13, 2011, meeting.

Lois Saraceni moved approval of the minutes.

Ron Smith seconded the motion.

Lois Saraceni, Ron Smith, and Vice-Chairman Magill voted aye. The motion to approve the minutes of the January 13, 2011, meeting was approved unanimously.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. Site Plan Review - Review of site plan submitted in conjunction with Application P-250 by Russell Archut on behalf of Mariner's Bethel United Methodist Church, Inc. for a parking lot to be constructed on property located at 81 Central Avenue (048.000) Russell Archut, Mariner's Bethel United Methodist Church, Inc., who served as spokesman said that he is a member of the Committee that worked on this project; explained the three major parts of this project; i.e., a new entrance, new road, and

additional parking and located these segments on the conceptual plan; and noted that the Church purchased three adjacent lots in the past 8 years, recently purchased the fifth lot in a row of lots, which adjoins the Katherine Howard property; and has signed a contract to purchase the property at 97 Central Avenue by 2013, which is not part of the proposed project. The Church proposed a new entrance on the farthest lot to the west; a looped connector road to connect the new and existing parcels, which will allow people to enter and exit; and additional parking on the first three lots. The homes on the three properties were removed but a garage and shed remain; the shed is presently used for the Church's bicycle ministry but will be removed at some time in the future. The five sheds already on the property will be moved approximately 100 feet closer to the connector road, and the Church plans to build three storage sheds behind the church. All sheds will be used for storage. New Entrance The Church is seeking DelDOT's approval for the new entrance, has received a Letter of No Objection from this agency, and was required to make the following concessions in order to obtain DelDOT's approval: site easements must be obtained, and a drainage easement into the ditch that runs along the Howard property and an ingress easement for a small portion of the property adjacent to the Howard property must be provided. Mr. Archut said that the Church anticipates no problems with the easements, noted that DelDOT will not permit construction to begin until the easements are obtained, and said that DelDOT also required the dedication of a 10 foot strip in the front of the property for use if Central Avenue is ever widened, and the agency wants to ensure that the Church's' entrance/exit can be used if the Howard property is ever developed; i.e., an interconnection option. Connector road will be paved and can be used for ingress/egress since it will connect to the existing parking and entrance, which will remain. Parking area. Mr. Archut explained that their plans for a parking area are unique because they plan to pave only a small portion of the parking area and have a concrete walkway for another small portion; the remainder of the parking area will be covered by grass. The area will be graded but the runoff will not be changed; grass swales will collect excessive water runoff during periods of heavy rain and convey this runoff to the existing ditch; the Church plan to grade the area and bring in the appropriate type of soil to ensure proper drainage. Mr. Archut explained the Church's plans for utilization of a "grass track" on a small site as a test for use on the first line of parking spaces; it will be used on the larger area if it works well and the grassed parking does not; however, he thinks the grassed parking spaces should function well because of improved grading, better soil, and engineered slope. Individual parking spaces will be delineated by parking bumpers but the Church does not plan to use many curbs or signs. Mr. Archut explained the location of a proposed fence, which will serve as a buffer. He presented a landscaping plan and explained that the Church plans to retain as many trees as possible and plant a few additional trees along the ditch, which already has a great many trees, and some additional trees along Central Avenue, and pointed out that approximately 70% of the parking lot will be grass, and about 30% will be impervious surface. He said this design eliminates the need for a storm water management pond and explained that the Church has a Letter of No Objection from Sussex Conservation Service (SCS) and explained that most parking is needed on Sunday during the day, and the parking lot will be practically empty during the week. He said that when the original sanctuary was build, 130 parking spaces were required and provided on the Church lot and across the street; however, , the new Code requires a parking space for every 100

square foot of building; therefore, the Church has approximately 23,000 square feet of building and is required to have about 230 spaces. He explained that they now have 100 existing paved spaces on the two existing lots, will have 13 stone spaces, 2 spaces on Central Avenue, and the new parking area will provide 116 parking spaces for a total of 231 spaces. He said that if this application is approved, the Church hopes to have this project completed by August 2011 and explained the need to plant grass, which will take time to become established. He referred to minor shortcomings with the site plan that were pointed out by the Town Administrative Official that must be addressed. Setbacks were not indicated on the site plan because the applicants didn't realize setbacks were applicable to a parking lot, the site plan must indicate that the planned fence cannot exceed 3 feet, and the names of all adjacent property owners were not shown. Both a concept plan and a site plan were presented in order to clarify the application. The Town Administrative Official said this application was noticed in the *Delaware* Wave on February 8, 2011; referred to his overview; noted the sheds mentioned in the presentation; and said Mr. Gray, the project engineer, provided a revised breakdown of the parking spaces, which must be updated on the site plan to reflect the new Code. He then referred to various sections of the Code: §999-103-L (4) a digital electronic pdf copy of the concept plan was provided, §999-103-M (7) tract boundaries are required on the site plan as well as the concept plan. He noted that the site plan and the concept plan are interchangeable because of the large area and noted that the applicants wanted to present the entire parcel on the concept plan and show a magnified version of their plans for the area on the site plan. §999-103-M(13)(k) proposed landscaping is minimal, and lighting is indicated but may not be sufficient. Page 2. §999-59 D. (1) (a) (b) The application meets this Code requirement, which allows parking in the setback areas but permits no more than 50% to be used for parking spaces, driveway aisles, or parking lot entrances, because there is approximately 333 feet of the parking lot entrance drive that intrudes 2' into the side yard setback, and there are four parking spaces totally or partially in the front yard setback, both intrusions are well below the allowable 50%. §999-59 D. (2) Application meets or exceeds Code requirements that interior drive aisles have a minimum width of 24' and parking spaces should be 10' wide and 20' deep. §999-59.(3) (a) Applicants have received a January 12, 2011, Letter of Approval Pending Requirements from the Sussex Conservation District (SCS) and have met the Code requirements relating to drainage for off-street parking areas. He said the applicants must provide the Town with copies of SCD and DelDOT approved plans. §999-59 (4) A fence will be built to separate off-street parking spaces from walkways, sidewalks, streets or alley to meet Code requirements; however, it must be indicated on the site plan that the fence will be no higher than 3' because it will be built in front yard. §999- (5) (a) Applicants have a January 5, 2011, letter of No Objection from DelDOT for the entrance; therefore, they meet the Code requirement that the location and design of entrances and exits shall be in accord with the applicable state regulations and standards. Page 3. §999-59 (5) (b) Landscaping, curbing or approved barriers must be provided along lot boundaries. There is an existing ditch on the Martin and How-Mart parcels to the west of the driveway but minimal landscaping between the Rogers property that is located between the proposed driveway and parking area. Mr. McMullen said that he did not receive a copy of the landscaping plan used by Mr. Archut tonight, referred to the contract for the Rogers' property, and said that the P&Z may wish to consider the need to

impose landscaping requirements on this section of property because the need will probably be removed when the Church acquires the Rogers' property. The western property line abuts the Howard and How-Mart properties, and no screening is indicated at that site; the P&Z may wish to review this matter. §999-59 (6) (a) Individual parking spaces shall be marked by painted lines, curbs, or other means. Plans do not indicate how this will be done; a need for some type of parking bumper was mentioned. §999-59. (6) (b) Signs or markers shall be used as necessary to endure efficient traffic operation. It is not known whether the directional arrows indicated on the site plan will be painted on the paved driveway and interior drive aisles. Signage may be required. §999-59. (7) (a) Adequate lighting shall be provide if off-street parking spaces are to be used at night. He expressed concern about the possible need for more lighting, especially along the entrance drive, if parking area is used at night and noted that the ditch on the Howard and How-Mart properties is approximately 13 feet from the edge of the paved driveway, which presents a need for some type of lighting. Low voltage lighting may be acceptable. §999-59 (7) (b) Lighting shall be arranged and installed to minimize glare on residential properties. It could be possible to use directional lighting if P&Z determines that additional lighting is necessary. He noted that seven proposed poles with light and existing utility poles with light are indicated on the site plan and expressed a possible need for lighting on some sections of the new parking area including the middle swale and the bridges on the area. §999-59 (8) (b) (1) 50% of every parking area must be landscaped. The site plan doesn't indicate if this requirement has been met; the Commission requires the submission of a landscaping plan. He said the applicants indicate that a fence will be built to serve as a buffer. The P&Z needs to determine what is necessary to meet this requirement. §999-59 (8) (b) (2) 15-foot landscaped buffer shall be installed when parking area is adjacent to residential property. §999-73 requires screening only if the parking area is within 50 feet of a residential parcel. Mr. McMullen said the driveway is the only affected area; however, the Code does not require landscaping for it. The Rogers property is 55 feet from the property, which puts it 5 feet beyond the requirement for such a buffer. §999-74. Landscaping Subsection B (3) (b)[1] a landscaped island is required when 10 single or 25 double parking spaces have been exceeded. The proposed grass swales between the rows and adjacent open space meet this requirement as shown in subsection B (3)(b)[3]. Mr. McMullen said that in addition to the previously discussed items, the applicants must provide the Town with copies of the easements once they have been recorded and explained that the applicants are required to obtain an easement for a small area of the radius of the entrance and other site easements. He said that the buildings mentioned by Mr. Archut are not indicated on the site plan, and the parking should be restricted for church use only. Mr. McMullen said that Church members must park their vehicles at another location during construction of this parking lot; he was told that the Church was offered parking on the 26 Centre parcel (Timmons' property) for use as temporary parking during construction. Roy Thomas, Committee member, said the Church has not yet come to an agreement about use of this parcel, the Church is temporarily using another site, and the Committee will meet to discuss the use of the 26 Centre parcel next week. The Town Solicitor had no comments or questions. In response to a question from Ron Smith, Mr. Archut said Ms. Rogers signed a letter stating that she would grant the site easement and the contract for sale of her property, and the Church plans to accommodate her whenever possible. The Town

Administrative Official said that he spoke with Ms. Rogers today and she indicated that she is aware of the project and has no problems with it. In response to another question from Ron Smith, Mr. Archut said the Church plans to water the grass while it is getting established but has no long-term irrigation plans. The Town Administrative Official said that since the project does not require the construction of a street, the P&Z can approve it as a final site plan with conditions if it wishes to do so. In response to questions from Eric Magill, Mr. McMullen said that he found the 50 parking spaces that he indicated as missing in his overview; Mr. Gray indicated that these 50 parking spaces were located across the street from the Church and said that the Rogers' property is currently zoned R-1 and suggested that the Church may wish to purchase the property before it is rezoned to GB as required by the 2009 Comprehensive Land Use Plan. In response to questions from Eric Magill, Mr. Archut explained that the Church is not proposing any additional landscaping for the ditch on the Howard and How-Mart properties because it is heavily wooded at this time; the Church doesn't plan to paint lines on the 25-foot road because there is ample room to move, is willing to put stop signs at the end of this road, and is required by DelDOT to put a line to indicate the end of the road; and explained the existing lighting and the Church's plans for additional lighting, noted the problems in placing lights in the swale areas, said the Church will be happy to do whatever the P&Z wishes them to do, explained that the parking area will be used primarily in the day; noted that the Church will correct any problems that arise if the lighting is not sufficient, and said that any lighting would be directed away from residential areas. In response to a comment from Eric Magill, the Town Administrative Official explained that the three new sheds would be temporary structures. Duncan Cornell, Committee member, said these sheds are used for storage and are temporary but could not say when they will be removed from the site. In response to a question from Eric Magill, the Town Solicitor and Town Administrative Official said the sheds would be approved for that location if the site plan is approved. The Town Administrative Official expressed concerns about safety, said the Town should have some review of the markings for the roadway, and thinks there should be some delineation to separate the two lanes. Ron Gray explained that the site plan shows no such delineation. Ron Smith said a line is needed at the entrance and some type of low voltage lighting is needed at the west side of the entrance. The Town Solicitor raised the possibility that some type of lighting could be installed that would only be lit during night time activities and understands the Church's desire to avoid placement of street lights that would negatively affect the appearance. Mr. Cornell said they will discuss this issue with Delmarva Power; he agreed that lights are needed at the west entrance. After discussion about possible ways to address the Town Administrative Official's concerns about the need for lighting to ensure nighttime safety, Lois Saraceni suggested the installation of reflectors on the center line of the road to provide lighting and safety. Mr. Archut said this option is very feasible. The Town Solicitor suggested that if a motion for approval is made, one of the conditions could be that the applicants must present a lighting plan to the Town Administrative Official, Mr. McMullen will bring this lighting plan to the P&Z if he thinks that it deviates from tonight's discussion. Mr. Archut agreed with this suggestion. In response to a question from Eric Magill, the Town Solicitor said the plan could be approved as a final site plan since the only remaining issues are DelDOT requirements and lighting. The Town

Administrative Official said that any motion for approval should indicate a condition that the necessary corrections to the site date should be made.

Lois Saraceni made a motion that the Commission should approve as a final site plan, the site plan submitted in conjunction with Application P-250 by Russell Archut on behalf of Mariner's Bethel United Methodist Church, Inc. for a parking lot to be constructed on property located at 81 Central Avenue (048.000) with the following conditions:

- 1. DelDOT requirements must be met.
- 2. Lighting recommendations and road markers must be met.
- 3. Site plan data as indicated by the Town Administrative Official must be corrected.
- 4. Two sets of approved plans from outside agencies must be provided. Ron Smith seconded the motion.

Lois Saraceni, Ron Smith, and Vice Chairman Magill voted aye. The motion to approval Application P-250 as a final site plan with conditions was approved unanimously.

Mr. Archut thanked the member of the Commission on behalf of Mariners Bethel United Methodist Church.

Ron Smith made a motion to adjourn. Lois Saraceni seconded the motion.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Eric Magill Vice Chairman Planning and Zoning Commission

Transcribed from notes and recording: February 23, 2011