

PLANNING AND ZONING COMMISSION
MEETING MINUTES
June 18, 2026

1. The meeting was called to order by Mr. Liddle at 4:00pm with the Pledge of Allegiance. Commission Members Sigvardson, DiNoto, Alves, and Nicholson were in attendance. Planning, Zoning & Development Director Ken Cimino, Town Solicitor Lisa Hatfield, and Engineer Jim Lober, Planner Jill Oliver were present. Donna Schwartz, Town Clerk, was also present. The meeting was being held at 32 West Avenue.

2. **SWEARING IN OF Buddy Alves**

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Nicholson, seconded by Mr. Sigvardson, to approve the minutes of March 19, 2025. The motion was carried unanimously 5/0.

5. **OLD BUSINESS**

- A. **P-336 32 & 34 Woodland Avenue (PIDN's 116.010, 116.011/CTM:134-12.00-317.01, 134-12.00-317.01)**

Mr. Lober read the following statement. We have reviewed the documents listed below:

- Final Land Development Plans – Blue Heron Landing, as prepared by Pennoni Associates, Inc., dated 12/2/25 and as revised through 3/6/26.
- Record Plan – Blue Heron Landing, as prepared by Pennoni Associates, Inc., dated 3/10/22 and as revised through 3/25/26.

Based on our review, we have no further comments regarding the Final Land Development Plan. All comments regarding the record plan have been addressed.

Mr. Steve Anderson, Pennoni Associates, was present to answer any questions about the proposed development.

PUBLIC COMMENTS OPENED

Mr. Robert Herrington of Woodland Avenue asked the Commission to approve the plan.

PUBLIC COMMENT CLOSED

A motion was made by Ms. DiNoto, seconded by Mr. Sigvardson, to approve the final site plan including a needed maintenance agreement as Mr. Lober suggested. The motion carried unanimously 5/0.

6. NEW BUSINESS

A. P-363 5 Atlantic Avenue (PIDN:284.001/CTM:134-13.00-1096.00)

Mr. Lober read the following overview regarding the concept plan for 5 Atlantic Avenue.

General

- 1) The Site has been granted a Special Exception by the Board of Adjustment to allow the proposed fast-food restaurant with drive through. Add a note to the plan referring to the Board of Adjustment approval. Specifically include the application number.
- 2) The site has been granted a variance by the Board of Adjustment to exceed the 50% maximum allowable lot coverage to construct up to 60.9%.
- 3) The site has been granted a variance by the Board of Adjustment to provide a 6 ft. wide screening area along Rt 26 in lieu of the 15 ft. wide area required.
- 4) Clearly depict and label the area being dedicated to DelDOT as additional ROW. Provide the existing gross site acreage, and a breakdown of the proposed condition including the area being dedicated and the net site acreage. Provide revised metes and bounds descriptions of the area being dedicated and the new parcel boundaries.

Parking

- 1) Building floorplans will be required to verify the square footage dedicated to patron space utilized in the parking calculation.

Landscape Screening

- 2) The screening will be required to provide both a low and high level as required by §140-73

Wetlands

- 1) Provide a wetland report and delineate any wetlands identified in the field on the plan. Provide all buffers required for any wetlands identified.

Floodplain

- 1) The site lies within a special flood hazard area with a base flood elevation, but no floodway designation. A CLOMR will be required to be obtained from FEMA for the proposed development prior to final plan approval.

Outside Agency Approvals

- 1) Approvals from all applicable outside agencies will be required prior to final plan approval.
- 2) The Tidewater Utilities approval should specifically address the proposed development within their easement.

Mr. Alan Decker, Pennoni Associates, was present to answer questions from the Commission Members.

PUBLIC COMMENT – none
PUBLIC CLOSED.

No vote, concept plan.

B. P-364 95, 97, & 101 Atlantic Avenue (PIDNs 094.410, 094.400, 094.380 /CTMs 134-12.00-2089.00, 134-12.00-2088.00, 134-12.00-297.00)

Mr. Lober read the following overview regarding the Concept Site Plan presented by Dunkin by Parker and Associates. on 5/12/26

General

1. The site exists with an overall lot coverage of 79.4%. The plan currently proposes to reduce the lot coverage to 78.4%. The maximum allowable lot coverage for GB-1 zoning is 50%. A variance will be required to allow coverage beyond 50%.
2. Field shot topography will be required on the preliminary plan.
3. Provide the 10 ft. wide easement required by §140-79-B(6).
4. Show the dumpster location. The dumpster will need to be located and screened in accordance with code requirements.
5. Provide the height of the existing building on the plan.
6. The proposed height of accessory structure is 20 ft. exceeding the maximum allowable height of 14' for a detached accessory structure. A variance will be required.
7. The existing building violates the front yard setback along Rt 26. A variance will be required.
8. The setback along Town Road is required to be a front setback of 30'.

9. The northerly boundary of the site is a side lot line and remains a side lot line for the entire length regardless of the various directional changes in the line. Provide a 15 ft. setback along this entire length.
10. The easterly boundary of the site is a rear yard and requires a 30 ft. setback along the entire length.
11. The relocated structures are also detached accessory structures and are required to meet the 15' side yard setback and be 10' off the rear line.
12. The existing sign will require a variance.
13. More than 50% of the setback area on 3 sides of the site is covered with parking, drive aisles and entrances. A variance will be required.
14. Moving forward, additional comments will be provided regarding specific plan requirements as each level of plan review is achieved through the process.

Parking and Loading

1. The required number of parking spaces must include the square footage of the proposed building, and the second story of the existing building. Please ensure that the parking calculation is based on the total GFA. If the required number of spaces cannot be provided based on the code provisions, the Planning and Zoning Commission may modify the number of required parking spaces upon submission of a parking study by a qualified traffic analyst demonstrating that sufficient off-street parking needs can be achieved with fewer spaces than the code requires.
2. Provide the angles and dimensions required by 140-59-D(2) to verify that the angled parking shown is code compliant.
3. The drive aisle along the northern boundary of the site is closer than 5 ft. to the property line. The driveway will have to be narrowed, or a variance will be required.
4. Although only two ADA compliant spaces are required, accessible spaces must be provided for all of the various entrances to the building. Provide an ADA compliant space on the west side of the building. Both ADA spaces are required to be van accessible. Ensure that the appropriate dimensions are provided.

Landscaping, Screening and Lighting

1. Landscaping, screening, and lighting will be required to comply with the code. Variances will need to be obtained for relief from any requirements that cannot be met.

Floodplain

1. The site lies within a special flood hazard area with a base flood elevation, but no floodway designation. A CLOMR will be required to be obtained from FEMA for the proposed development prior to final plan approval.
2. The building will need to comply with the requirements of §116-5(C). Variances will need to be obtained for relief from any requirements that cannot be met.

Outside Agency Approvals

1. Given the unique nature of the existing condition of the site, and the number of variances that will be required to permit the proposed use to be approved, approvals from the State Fire Marshal will be required prior to the acceptance of the preliminary plan and any variance requests, as any site plan modifications required by those approvals will need to be incorporated into the site layout prior to final variance determination, hearing by the Board of Adjustment, and potential preliminary plan approval.

Variances

1. At this point, the Department has identified that variances from the following categories may be required. We will not be able to complete the variance list or the specific variance descriptions until the site layout has been finalized.
 - a. Maximum lot coverage
 - b. Sign location
 - c. Minimum screening width
 - d. Parking area design standards
 - e. Setbacks (driveway, building)

Mr. Brock Parker, of Parker and Associates, spoke to the Commission Members about the concept plan. He stated that the three lots would be redeveloped into a single lot. He further talked about fencing, parking and landscaping.

PUBLIC COMMENTS:

Mr. Carl Kylan, Powell Lane, stated he was not in favor, they will create an enormous amount of traffic.

Mrs. Dierdre Burchette, Port Royal Road, asked about a franchise license, and complained about traffic.

Mr. Ed Burchette asked the Commission to deny the franchise, citing that we don't need another Dunkin Donuts.

Ms. Patty Mallen, Columbia Avenue, stated that screening or fences are not good enough. She is worried about the exhaust from 14 – 20 cars. Ms. Mallen said she worried about the dumpsters and rats.

Ms. Martha Re, Columbia Avenue, stated her concern was the traffic.

Mr. Paul Norris, Port Royal Road, said his major concern is traffic congestion on Route 26.

PUBLIC COMMENT CLOSED.

No Vote, concept plan.

6. ADJOURNMENT

A motion was made by Ms. DiNoto, seconded by Mr. Nicholson, to adjourn the meeting at 5:10pm. The motion was carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz MMC