

**MINUTES OF THE MEETING  
OF THE CITY OF SEAFORD  
PLANNING AND ZONING COMMISSION**

September 8, 2016

7:00 p.m.

Chairman Wayne Sammons, called the meeting to order with the following present: John Leverage, Thomas A. Temple, Jr., Mark Grassett, Matthew Shaffer, and E. B. Peterson. Joshua Littleton, Building Official.

Chairman Sammons explained the Commission is reviewing three applications tonight. The Commission's recommendation will be presented to the Mayor and Council at the September 27, 2016 Regular meeting. He turned the meeting over to Mr. Littleton.

Mr. Littleton stated that the first project is the request for a final site plan approval from Perdue Grain and Oilseed, property owners of 1001 Nanticoke Ave. He introduced Mr. Greg Rowe, Perdue AgriBusiness and Mr. Michael Phillips also from Perdue. The property under consideration is identified as Tax Map and Parcel(s) 531-13.00-30,33,34, & 34.01 located on the southernmost westerly tip of the city, on Nanticoke Ave along the riverfront. The existing site is used to transport grain from barge to truck. They store on site as well. It has an existing storage grain elevator. The site will be expanded to the south and northwest across the railroad tracks. The property is zoned M-2 Heavy Industrial District. The project will consist of the addition of a barge dock and off-loading and equipment; (3) - 90' diameter grain storage tanks; (1) - 116' diameter grain storage tank on the north side, elevators and conveying equipment; loop road for the truck traffic; (1)- 18' diameter grain dryer, removal of two tanks, and in their place erect (2) - 30' diameter grain hoppers. The entrance from Nanticoke Ave. will be improved with mountable curbing on both sides of the entrance and pavement inside the entrance. The curbing will help prevent the edge of the pavement from deteriorating. The seventy five (75')foot wide entrance is to accommodate the truck traffic.

Mr. Littleton noted the project received approvals from the State Fire Marshal for major site and, from Sussex Conservation District for Sediment and Storm Water Management.

Chairman Sammons asked Mr. Rowe what percentage wise would there be in additional truck traffic? Mr. Rowe said what they are doing today some is handled by Eddie Kaye. The improvements on the river are for storage and to off load. The off load from Kaye's site would be moved to this site so there'd be increase in truck traffic up the river. They actually did an internal traffic study. The inbound stays the same, obviously there will be some increase in truck traffic to the site with the storage. But in all, the actual truck traffic should decrease overall in the region of about 3000 trucks a year because Perdue has closed the Venture Milling site on S. Bradford Street.

Mr. Peterson asked if the tanks were dry? Mr. Rowe said the 90' tanks are dry storage. Some improvements are for wet grain storage.

Chairman Sammons asked for public comment. No one spoke.

Chairman Sammons expressed his concern with the condition of the road. Mr. Littleton explained the City has looked at the road in front of the entrance. It is broken up - the City has asked Perdue to improve it. The City is looking at Nanticoke Ave in general - basically its heavy truck traffic and some boat/trailer traffic. Mr. Leverage said the area is so low when it rains the water stays, there is no

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drainage. Mr. Littleton responded noting the City is asking Perdue to address the drainage on their site. He also spoke to the road concerns. The area was developed years ago, and they are trying to improve what is there as the City can fund it. Since the developer is showing a reduction in truck traffic, it's not feasible to place the burden on the developer to improve the entire road. The City has no jurisdiction on the north side of the site as it is not in the city limits. Chairman Sammons felt we should get ahead of Perdue and prepare for further expansion.

There being no other discussion or comments, Chairman Sammons called for the Findings of Facts.

**Findings of Facts:**

- Final Site Plan Approval
- Property Owners: Perdue Grain and Oilseed, LLC
- Located at 1001 Nanticoke Ave and is identified as TMP# 531-13.00 30.00; 33.00; 34.00; 34.01
- Property Owners: Perdue Grain and Oilseed, LLC
- Zoned M-2 Heavy Industrial
- Construction of:
  - Barge dock & offloading equipment
  - (3) 90' Diameter grain storage tanks
  - Loop driveway
  - (1) 116' Diameter grain storage tank
  - (1) 18' Diameter grain dryer
  - (2) 30' Diameter grain hoppers
  - Elevators and conveying equipment
  - Improved entrance from Nanticoke Ave, curbing & paving.
- State agency approvals:
  - State Fire Marshal,
  - Sussex Conservation District,
- The project will comply with the area and bulk requirements of the districts.

Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion. Mr. Peterson motioned to recommend approval of the final site plan based on the Findings of Facts. Mr. Grasset seconded the motion.

**ROLL CALL VOTE:**

- Mr. Grasset voted in favor based on the Findings of Facts;
- Mr. Temple voted in favor based on the Findings of Facts;
- Mr. Leverage voted in favor based on the Findings of Facts;
- Mr. Peterson voted in favor based on the Findings of Facts; and,
- Mr. Shaffer voted in favor based on the Findings of Fact.

Chairman Sammons noted the Commission voted unanimously to send a favorable recommendation to Council on September 27, 2016.

Mr. Littleton presented the request for a final site plan review from Fevzi Darilmaz, property owner of 23412 Sussex Highway, (Seaford Eagle Diner), Tax Map and Parcel: 331-5.00-60.01. Mr. Serkon Darilmaz, son of the property owner and Mr. Michael Cotten, engineer for the project were present. The property is zoned C-2 Highway Commercial District. The owners intend to demolish the existing

diner and sheds; a new restaurant with site improvements will be built. They share an entrance with the SEARS Home Store. There will be a small expansion of the paved area. The site improvements will include upgrades in lighting and a dumpster enclosure. The footprint of the building remains basically in the same location.

Mr. Littleton noted on September 7, 2016, the Board of Adjustment granted the project two variances. A variance was approved for a fifteen (15') foot side yard setback where a twenty (20') foot side back is required by Code. This relief was granted in order for the shift of the entire building to accommodate parking, fire lanes and drive aisle. A variance was approved to reduce the number of required parking spaces from fifty-four (54) to forty-one (41) parking spaces. The site currently has forty-three (43) parking spaces. The parking layout will be altered; the storm water management on site will remain unchanged.

The project will require approvals which are pending from the Office of Drinking Water for fire suppression tap. The entire building will have a fire suppression system. The project will also require approval from the Office of the State Fire Marshal for site and building. Mr. Littleton noted the recommendation should be contingent upon outside agencies approvals. He added since it is not a change in use, DeIDOT doesn't have to review the project.

Mr. Darilmaz commented he has problems with traffic using his entrance from Comfort Suites. Mr. Littleton explained the connection was left open between the two properties but was not required when the Hotel was developed.

Chairman Sammons asked how do we make the entrance safe for Sears customers during the construction process? We need to make sure we maintain a through way during the construction. Mr. Darilmaz explained a fence will be installed around the construction area. Mr. Temple asked if there was an easement on either deed regarding the shared entrance. Mr. Cotten stated the diner owners have an agreement with Sears that allows the diner use of Sears' parking after business hours. Mr. Cotten noted the existing diner is 3200 sq. ft and will be increased to 3600 sq. ft. Chairman Sammons asked how did we get to decrease parking requirements? Mr. Littleton spoke to that, the owners requested a variance. Since the project is a complete demo, the new structure needs to be in complete code compliance. The project was sent to the Board of Adjustment first for the needed variances. Chairman Sammons questioned the reduction of five (5') feet in the side yard setback. Mr. Littleton explained the site presented a practical difficulty because of its size. The parking lot is being squeezed in as far to the south as possible without getting into the drainage system. The City has a fifteen (15') ft. utility easement, so the fifteen (15') foot easement is the largest the City could allow. He went on to say the storage sheds will be removed; pavement will be installed over the easement. Mr. Cotten noted delivery trucks have a difficult time, adding pavement will make it safer. It is a one story building with full basement and they are well aware of the sub-surface drainage.

Chairman Sammons called for public comment. There was none. He asked Mr. Littleton to present the Findings of Facts.

**Findings of Facts:**

- Final Site Plan approval for Seaford Eagle Diner
- Located at 23412 Sussex Highway; Tax Map and Parcel 331-5.00-60.01
- Zoned C-2 Highway Commercial District
- Project will include:
  - Demolition of existing diner & sheds

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- Construction of a new restaurant
- Expansion of paved parking area;
- Dumpster enclosure
- Site lighting upgrades
- Received two variances from the Board of Adjustment on 9/7/16 for:
  - 15' side yard setback on the north side of the property; and,
  - Reduction in the required no. of parking spaces from 54 to 41.
- State Agency approvals required & pending from:
  - DHSS – Office of Drinking Water - fire suppression water tap
  - Office of State Fire Marshal for site and building
- Planning and Zoning to make recommendation to Council

Chairman Sammons called for a motion. Mr. Peterson motioned to recommend approval of the final site plan based on the Findings of Facts. Mr. Temple seconds the motion.

**ROLL CALL VOTE:**

- Mr. Grassett voted in favor based on the Findings of Facts;
- Mr. Temple voted in favor based on the Findings of Facts;
- Mr. Leverage voted in favor based on the Findings of Facts;
- Mr. Peterson voted in favor based on the Findings of Facts; and,
- Mr. Shaffer voted in favor based on the Findings of Fact.

Chairman Sammons noted the Commission voted unanimously to send a favorable recommendation to Council on September 27, 2016.

Mr. Littleton presented Case No. S-16-16. Mr. Littleton introduced Mr. Steven Fuller from Solutions Engineering who was present to represent the property owners. Seaford Village, LLC, the property owners of Seaford Village Shopping Center, identified as Tax Map and Parcel 33-5.00-50.00 have requested a subdivision to create a 1.545± acre parcel from the main property. The parcel will be located on the west side of the entrance to the shopping center from Herring Run Road. The property is zoned C-2 Highway Commercial District. The new outparcel will meet lot size for the district. The remaining property will retain frontage on Herring Run Road with the Hallmark store; the Roses' building will maintain setbacks. The owners are carving out a piece of land that can be developed separate from the shopping center.

Chairman Sammons called for public comment. No one came forward.

Mr. Leverage asked if the ownership is staying with the owners. Mr. Littleton noted once the subdivision is recorded, the parcel can be sold. Chairman Sammons asked about an entrance for the outparcel. What if the lot is sold, what happens with the two entrances owned by shopping center? Mr. Littleton said the development of the lot will be required to have normal agency reviews. It will probably work out to be a shared access easement through the shopping center property.

Chairman Sammons asked Mr. Littleton to present the Findings of Facts.

**Findings of Facts:**

- Case No. S-16-16 – Subdivision
- Property Owner is Seaford Village, LLC

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- Zoned: C-2 Highway Commercial
- Identified as Tax Map and Parcel 331-5.00-50.00
- Subdivision of 1.545± acre from the larger parcel
- New parcel will be located on the west side of the Herring Run Road entrance into the shopping center & Front along Herring Run Rd.
- Meets minimum lot size in a C-2 district
- Remaining parcel will retain frontage along Herring Run Rd and the existing building will meet setbacks.
- Planning and zoning to make a recommendation to council

Chairman Sammons called for a motion. Mr. Peterson motioned to recommend approval of the final site plan based on the Findings of Facts. Mr. Temple seconds the motion.

**ROLL CALL VOTE:**

- Mr. Grasset voted in favor based on the Findings of Facts;
- Mr. Temple voted in favor based on the Findings of Facts;
- Mr. Leverage voted in favor based on the Findings of Facts;
- Mr. Peterson voted in favor based on the Findings of Facts; and,
- Mr. Shaffer voted in favor based on the Findings of Fact.

Chairman Sammons noted the Commission voted unanimously to send a favorable recommendation to Council on September 27, 2016.

Chairman Sammons called for a motion to adjourn. Mr. Peterson made the motion; Mr. Grasset seconded the motion. All present voted in favor.

Chairman Sammons adjourned the meeting at 7:35 p.m.

By: \_\_\_\_\_

Wayne Sammons

Chairman, Planning and Zoning Commission

