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July 6, 2023

Town of Millville
36404 Club House Road
Millville, DE 19967

Attn: Debbie Botchie
Town Manager

Re: Gulfstream Office Preliminary Site Plan Review
Millville, Delaware
GMB File No. R230009.00

Dear Ms. Botchie:

We have completed our review of the Preliminary Site Plan for the Gulfstream Office dated March 9, 2023, revision date June 15, 2023. The site is located on Tax Map Parcel 134-12.00-157.00 and zoned C-1 with an existing entrance on Atlantic Avenue. The submission was reviewed per Town of Millville Code Sections 155 and generally accepted engineering principles. Specific comments were made regarding individual components of the submittal and are discussed below.

General

1. According to Town Code Section 155-36 Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Any remaining portion of the building or structure shall be removed from the premises without delay, and in any case, within 180 days of the date of the damage;

C. In the event that the cost of repair or replacement is 50% or less of the physical value, the building or structure may be repaired and used for the same purposes, provided that the original nonconformity is not exceeded, and repair or reconstruction is begun within 180 days of the date the building

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or structure was damaged. The new construction must comply with all new or revised ordinances other than the original noncompliance;

D. When a conforming or nonconforming building is destroyed by fire, explosion, or by any other cause, the debris from such building shall be removed from the premises within 30 days so that the same shall not remain as a nuisance thereon;

E. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

F. Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which does not meet all the yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment, provided:

- (1) The total permitted building coverage is not exceeded;
- (2) The accessory building and/or any addition do not violate any other requirements of this chapter, such as but not limited to height, setback, and parking; and

G. If any such nonconforming use of land ceases for any reason for a period of more than a year and a day, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

Per Town Code Section 155-13, Subsection E, Paragraph 1; The following requirements shall apply to all uses in the zone except where otherwise provided.

a. Minimum:

- [1] Lot frontage: 100 feet.**
- [2] Lot area: 8,000 square feet.**
- [3] Each side yard: 15 feet.**
- [4] Front yard: 20 feet. (NOTE: The "Development Design Standards and Guidelines for Route 26 and Route 17" encourages commercial buildings to be placed near the street line with parking located to the side or rear of the primary building.)**
- [5] Rear yard: 20 feet.**

The existing lot frontage is less than 100 feet, the lot area is less than 8,000 square feet, and the existing structures are within the front, rear and side yard setbacks. The existing lot and existing structures are legally nonconforming.

Per Town Code Section 155-13, Subsection E, Paragraph 3; The following requirements shall apply to all uses in the zone except where otherwise provided. "Maximum coverage: the maximum coverage of

the lot, including all buildings, parking areas, and other impervious surface areas shall not exceed 60%. Maximum coverage may be increased to 70% if the applicant presents a plan placing the building near the street with parking located to the side or rear of the primary building and the additions of streetscape, plazas, courtyards and permanent site furnishings such as benches, tables, bike racks, trash cans, planters, lighting and additional landscaping, etc. Such increase in coverage will be at the discretion of the Town Council based on the findings by the Planning and Zoning Commission that the above improvements are incorporated and are in excess of the minimum requirements established in the "Development Design Standards and Guidelines for Route 26 and Route 17," and provide increased development quality to the site."

The existing lot has an impervious coverage of 75.8%. The proposed plan does meet the requirements of section 155-36 of the Town Code. As the Proposed plan reduces the amount of impervious area below the existing amount from 75.8% to the proposed amount of 68.3%.

2. The Off-Street Parking Requirement for an Office use per the "Town of Millville Attachment 1: Off-Street Parking Requirements by Use" is 1 Space Per 300 Square Foot of Floor Area (exclusive of basement if not used for office or customer service purpose) plus 1 space per the number of employees. With an existing building footprint of 2,100 Sf the required parking should be 7 spaces plus the number of employees. **The Plan shows one space in the garage and one partially in the garage for employees and 2 spaces that are stacked (double parked) for employees which only leaves 4 spaces instead of the required 7 spaces is the owner requesting a reduction in the amount of required parking?**
3. Part of the parking is shown on the adjacent property accompanied by a proposed easement granted by the adjacent property owner. The plans also display an approval block signed by the adjacent property owner.

If you have any questions, please contact me at 302.628.1421. Thank you.

Sincerely,



Andrew J. Lyons, Jr., P.E.
Sr. Project Manager

AJL/