

**Planning and Zoning Commission Meeting
December 10, 2012 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Jim Koozer, Christine West, Susan Brewer, Steve Maneri, Code and Building Administrator Eric Evans, Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

1. CALL TO ORDER: Chairman Bob Linett called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MEETING MINUTES:

Mrs. West motioned to accept the minutes of the August 13, 2012, meeting, with the change of the word “over-sites” in paragraph 5 to “oversights.” Mr. Maneri seconded her motion. All present voted in favor. Motion passed 5-0.

4. NEW BUSINESS:

A. To consider for possible recommendation to the Town Council, the application submitted by Dove Barrington Development, LLC, for a Conditional Use located on tax map and parcel numbers 134-12.00-372.00, 373.00, 373.01, 373.02 & 373.03, in accordance with the Town of Millville Code Article X. The applicant is proposing a “Temporary Residential Real Estate Sales Center” for Bishops Landing Subdivision. Mr. Evans stated Dove Barrington has met all of the requirements according to Ordinance 13-01 (Article X Section 155-49), including hip roof, parking, handicapped parking, the entranceway – which has already been put in by DelDOT. Mr. Evans also stated he had included six (6) suggestions for the building.

Mr. Steve Marsh, an engineer of George, Miles & Buhr, LLC (GMB), introduced himself and Mr. Steve Brodbeck, of Beazer Homes. Mr. Marsh stated this process had started over a year ago and they had submitted to Mr. Evans a request for a variance to the Code. Mr. Marsh stated Mr. Evans informed him the framework in the Code did not allow for variances because there was nothing that allowed a Conditional Use or Special Exception that would allow this particular use. Mr. Marsh asked Mr. Evans if he was correct; Mr. Evans confirmed. Mr. Marsh stated because of this, he and Mr. Brodbeck came in a couple of months later and gave a brief presentation on what they wanted to do, but the Code did not have any regulatory framework for them to accomplish their goal. Mr. Marsh stated the amendment to the Code was initiated by the Town and you all went through and the issue was you were comfortable with what we wanted to do, but you wanted to make sure that the Code was such that you wanted to get a good product from other builders who wanted to do the same thing. Mr. Marsh stated GMB and Beazer submitted the Conditional Use request, which proposes a modular sales office and what GMB and Beazer are thinking in terms of color scheme, a copper-standing seam roof, columns out front, a gathering area with a pergola over top, and crushed oyster shell parking lot. Mr. Marsh stated they are asking for a one year conditional use (which they won’t completely need) so they can have

it up and running to not miss the sales season this spring while they have the actual units being built over on the site which will then serve as the sales office once those model homes get built.

Mr. Linett stated that Mr. Evans brought up a few points, which were identified on the "Planning and Zoning Review, Bishops Landing, Temporary Sales Center, 12-10-12" paper. Mr. Linett reiterated the preliminary plans submitted did meet the requirements set forth in Ordinance 13-01 section 15 (g) and (i). Mr. Linett went on to item two (2), asking Mr. Marsh and Mr. Brodbeck if they had a sign appearing on the plans. Mr. Marsh stated they did have a sign, pointing it out on the site exhibit. Mr. Linett stated Mr. Evans is recommending limiting the size of the sign to fifty (50) percent of the front façade of the building. Mr. Linett continued on to item three (3), stating Mr. Evans pointed out that exterior lighting is not on the plans. Mr. Linett continued on to item four (4), stating GMB and Beazer requested one year duration for the sales center which is the same length of time provided for in the Ordinance. Mr. Linett reminded Mr. Marsh and Mr. Brodbeck the "bond is required and is tied to the removal of the structure and the site being returned to the like or better conditions as started," and they need State approval for the entrance.

Mr. Brodbeck stated for item three (3), he did speak with Mr. Evans and Mr. Brodbeck's plan was to put two coach-type lights on each end to illuminate the parking lot. Mr. Brodbeck stated once they have approval from Town Council, they want to immediately move forward to start with building the temporary sales office and have it operational by the end of February to capture the sales season. Mr. Brodbeck stated that Beazer has started work over on the site and they're planning on creating a model court, which will include building seven (7) model homes – four (4) single family homes, a 28-foot townhouse, a 40-foot single-story villa, and a 40-foot two-story villa house. Mr. Brodbeck stated they are planning on having the model court open by mid-July, so everything in temporary sales office will get moved. Mr. Brodbeck stated the Burbage Road entrance has already been top-coated and they're starting process with being released of the DeDOT bond within the next month. Mr. Brodbeck stated Beazer is requesting 12 months for completion so they can have buyers moving in once the models are open. Mr. Brodbeck stated the bonding is not an issue with them. Mr. Brodbeck asked Mr. Evans what amount was required for the bond. Mr. Evans replied \$25,000.

Mr. Linett asked if anyone had other issues, and Town Manager Debbie Botchie asked if they plan on going to the January Town Council meeting. Mr. Marsh and Mr. Brodbeck stated in the affirmative. Mr. Evans stated the date would be January 8, 2013, and Ms. Botchie stated that the Public Notice would have to be placed in the Coastal Point (newspaper). Mr. Linett moved that the temporary sales center be approved subject to the provision of a sign that would be 50 percent of the building frontage, as in the C-1 and C-2 Districts, that exterior lighting on either side of the building in terms of coach lights be provided, and that the sales center be in existence for no more than a single year from the date of the Town's approval and then returned to the original site condition. Mr. Maneri asked whether there was a landscape plan on the site. Mr. Marsh stated the rendering is how they plan on doing the landscaping. Mr. Maneri then asked whether the fire pit would be used or just for decoration. Mr. Brodbeck stated Beazer planned on utilizing the fire pit

when they have realtor events. Mr. Maneri stated he asked because of the trees aligned close by the pit. Mr. Brodbeck stated the trees will be cleared around the pit. Mr. Maneri then asked what the front deck would be made of. Mr. Brodbeck stated the ground level will have pavers along the front, and the decking will either be Treks or concrete. Mr. Maneri asked Mr. Brodbeck what the modular is going to be built on. Mr. Brodbeck stated the modular will be on its own frame and there will be no foundation.

Mr. Linett stated Mr. Maneri asked to add on a fourth condition to the motion that the front area of the structure will have construction material to consist of either concrete, pavers and/or Treks. Mr. Evans stated the area needs to have an all-weather surface under the front porch.

Mr. Linett asked Mr. Evans to read back the four points under the motion. Mr. Evans stated the 50 percent of the front façade, the exterior lighting plan, one year for the sales center, and all-weather surface under the front porch. Mr. Linett motioned in favor of the points. Mr. Maneri seconded. All present voted in favor. Motion passed 5-0.

- B.** To consider for possible recommendation to the Town Council, an application submitted by Dove Barrington Development, LLC, to amend the approved final site plan for Bishops Landing subdivision located on tax map and parcel numbers, 134-12.00-25.00, 382.00, 384.00 and 385.00, in accordance with the Town of Millville Code 125-19 B. The applicant is proposing lot line shifts and relocation of various home models. Mr. Linett asked Mr. Marsh what was newly proposed in comparison to the older proposal.

Mr. Marsh stated the project was originally called Barrington Park and it originally received final site plan approval in August 2007. Mr. Marsh stated BMG came before the planning commission in April 2011 with some modifications to what was the approved final site plan. Mr. Marsh stated BMG received a unanimous recommendation from the planning commission, making them start their revisions to their land plan. Mr. Marsh stated the revisions were unanimously approved by Town Council in July 2012. Mr. Marsh stated from July 2012 until now, Beazer did a market study and came back with some recommendations to make a better plan, which will be the night's topic. Mr. Marsh showed the old plan from April 2011 and the new plan. Mr. Marsh stated there are no road revisions. Mr. Marsh stated there were proposing modifications to the clubhouse and that Beazer wanted to alter the elevation of the clubhouse so one can overlook the pond when turning into the development off of Burbage Road. Mr. Marsh stated the other change recommended by Beazer was they wanted to separate the uses of the clubhouse by having two different buildings with one causeway with a roof over top of it connecting the two to make it appear as one building. Mr. Marsh stated the front building would have a great room and TV room, while the back building would have a fitness area and pool with outdoor seating.

Mr. Evans stated the plan would be viewed again because of the site plan review for the clubhouse. Mr. Marsh stated they showed the site plan to here (the Planning & Zoning), but then GBS showed the site plan to URS and Planning & Zoning for review, then after Sussex County and Planning & Zoning approve the plan, the plan goes to Town Council for final

approval. Mr. Brodbeck stated the site plan was undergoing a minor revision because the original site plan had a clubhouse with 7,900 to 8,700 square feet plus decking, whereas the new clubhouse is 9,500 square feet with large seating areas. Mr. Brodbeck stated they are moving the swimming pool from the side to the back of the clubhouse. Mr. Linett asked if the little bar on the plan was a sidewalk. Mr. Marsh stated it will be a sidewalk with hardscaping by the pond. Mr. Linett then asked if the arc was a driveway or hedges. Mr. Marsh stated it was a driveway drop-off area.

Mr. Koozer asked why GMB and Beazer eliminated the access from the driveway to the parking lot, having cars go back onto the street. Mr. Marsh stated Beazer didn't want pavement all the way in front of the building. Mr. Brodbeck stated if you want someone who wants to be dropped off at the front door, you can drive up, drop them off and go in to the clubhouse. Mr. Brodbeck stated most people will pull up, drop off and then park to walk inside. Mr. Koozer stated it seemed to break the continuity of the flow. Mr. Brodbeck stated it then becomes an issue of the pavement versus the landscaping. Mr. Brodbeck stated Beazer's surveys show that people would rather see greenery and landscaping rather than asphalt in the front of the clubhouse. Mr. Linett asked Mr. Koozer if there would not be any drives but rather just one large empty area in front of the clubhouse. Mr. Koozer stated the original plan featured continuity so that a person could continue from the entrance to the clubhouse into the parking lot rather than going back out onto the street and back in to a parking lot. Mr. Koozer stated the new plan did not seem functional to him. Mr. Brodbeck stated it is a multi-use entrance and driveway. Mr. Koozer stated he believed it was not multi-access and that you can only go back into the street and back into the parking lot, whereas with the original plan, a person could either come in, drop off and leave, or park and walk inside. Mr. Brodbeck stated there could only be either the new plan with landscaping or the original plan with pavement in the front. Mr. Koozer stated when you have egress and ingress too many times, it would most likely present trouble with traffic.

Mr. Linett stated Mr. Evans pointed out that item seven (7) from the URS letter which stated the desire to split the use of the clubhouse and create two separate buildings connected by a breezeway, as well as a separate site plan should be submitted for the clubhouse and recreation area and include elevations reflecting changes to the building. Mr. Linett read off all eight items from the URS letter to Mr. Marsh and Mr. Brodbeck. Mr. Evans noted there was only one item that needed action and that was regarding providing a site plan for the clubhouse (item 7).

Mr. Marsh continued with his presentation stating the market had changed drastically from their first approval, that they decided to incorporate more townhome products into phase one, add wider villas around the pond and add single family homes near the woods. Mr. Marsh also stated they put in amenity ponds with no stormwater purpose to break up the longer runs of single family homes. Mr. Marsh stated the break down as follows: the original plan was approved for 457 units and with this proposed revision that would be reduced to 449 units; the original plan had 206 single family units, while the new plan has 202; the original plan had 79 villas, with the new plan having 66; and the original plan had 172 townhomes while the new plan has 181 units.

Mr. Marsh stated he interpreted the Code as being that a public hearing was required should you change more than five percent of the residential housing type; and they were at exactly five percent and felt they did not have to go for a public hearing but just approved by Town Council. Ms. Botchie stated he was correct. The new plan will increase open space and recreation which would have smaller gathering areas such as sand volleyball, bocce ball and other lawn games. Mr. Linett asked Mr. Marsh to reiterate how many more acres would be open space; Mr. Marsh answered seven more acres of open space.

Mr. Koozer stated he is unhappy with the design of the driveway in front of the clubhouse and he would prefer the original entrance to the new one. Mr. Marsh stated he could make the driveway arc longer and connecting to the parking lot. Mr. Marsh also stated he was good with a two-way entrance and another one-way exit out of the parking lot. Mr. Maneri inquired if there would be fountains in all of the ponds to which Mr. Marsh said yes.

Mr. Linett stated he read the PLUS Review and it raises a few issues, one being on stormwater which was already addressed, but also a historical issue because of the report of historical sites on the premises. Mr. Linett confirmed he knew Beazer would be donating \$50 to the Inland Bay for stormwater, and inquired if Beazer and GMB would be able to put up a sign in the approximate area, referring to particular historical landmarks like where a house once stood. Mr. Linett stated he and Ms. Botchie had checked on a historical 1860s map and a house of historical significance once stood there. Mr. Brodbeck informed Mr. Linett he could do that. Mr. Linett stated the Commission could research and dig up some more information. Mr. Brodbeck stated if Mr. Linett informed Beazer of where the site was located, Beazer could put up the sign. Mr. Linett stated he could not give the proper location but the State probably could because they have a map and the GIS to pinpoint the exact historical location. Mr. Linett stated the second issue may be more problematic and that is the location of an old gravesite. Mr. Linett stated further that the State asked if Beazer wanted to search for old burial sites and skeletal remains, to which Beazer answered they did not want to do the historical survey prior to that. Mr. Linett stated he knew his neighborhood of Creekside, human remains were found and the builders did move the buildings, and even though he does not know the cost to move the buildings for the builder, that here, the State also says there are farms with old family cemeteries. Mr. Linett suggested that, given past experience with human remain discovery, Beazer look over those areas with the State's Datamill map for gravesites. Mr. Brodbeck noted the land has been tilled and farmed for many years. Mr. Marsh stated the way the law works, if Beazer and GMB come across remains, building ceases. Mr. Linett suggested from a business side that Beazer and GMB look into possible burial sites first before and further development so that building does not get delayed. Mr. Marsh stated Beazer and GMB have no problem with being prepared for the possibility/potentiality, and if that event does happen, work stops and a forensics team would be sent out to rope off and examine the area. Mr. Marsh stated they can look at the maps. Mr. Marsh stated the problem with the PLUS process is trying to answer so many questions, but they are aware of the law and of the potential for excavating human remains. Ms. Botchie stated she and Mr. Linett saw a picture of the land with a group of trees that has not been tilled, and most gravesites were around trees. Mr. Marsh stated Mr. Linett's and Ms. Botchie's comments are noted and there are two clusters

of trees that he is happy to look at again, and they will deal with it.

Mr. Linett reviewed the three issues being the clubhouse driveway, fountains in the stormwater ponds, and the historical relevance of land and putting up historical markers. Mr. Koozer moved on the first issue that the Town Council approve the plan subject to the following conditions: (1) “the proposed clubhouse entry driveway plan revert to the original entry driveway plan, which tied directly into the parking lots.” Mr. Linett motioned the other issues, being (2) the stormwater ponds be aerated; (3) Beazer and GMB will look further into the roundabout; and (4) “consideration will be given to providing the Town with historical markers at the various sites.” Mr. Evan asked for clarification regarding aerators or fountains. Ms. Botchie stated it was just fountains. Ms. Brewer seconded the motion. All present voted in favor. Motion passed 5-0.

5. PROPERTY OWNER/AUDIENCE COMMENTS:

There were no comments.

6. ADJOURNMENT:

Mr. Linett motioned to adjourn the meeting at 8:22 p.m. Ms. West seconded his motion. All present voted in favor. Motion passed 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk