

**Planning and Zoning Commission Meeting
October 21, 2013 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Christine West, Steve Maneri, and Susan Brewer, URS Representative Kyle Gulbranson, Town Code & Building Administrator Eric Evans, and Town Clerk Matt Amerling. Commissioner Jim Koozer was absent.

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 – September 9, 2013:** Commissioner Steve Maneri stated he would like it to reflect in the minutes that Miller & Smith stated the propane tanks discussed at last month’s meeting would be buried underground. Commissioner stated the discussion was located near the end of the presentation. Town Clerk Matt Amerling stated he would include the statement. Commissioner Christine West motioned to accept the adoption of the minutes from the September 9, 2013, Planning & Zoning (P&Z) Meeting with the noted correction. Commissioner Susan Brewer seconded her motion. Motion was carried 4-0.
4. **NEW BUSINESS:**
 - A. To consider for recommendation to the Town Council, a site plan submitted by Millville Town Center, LLC for:
 - Millville by the Sea (MBTS) Model Homes, sub-phase 2C-3, located at map parcel 134-12.00-380.00 (Part Of), and;
 - MBTS Summerwind Village, sub-phase 2C-4, located at 134-12.00-380.00 (Part Of).

Synopsis: The Model Homes will be built as part of Millville Town Center’s next product of homes. Summerwind Village is the next phase of MBTS being constructed, located in the most northern section of MBTS.

Chairman Linett stated that Commissioner Steve Maneri would abstain from voting on the site plan because he is a resident of MBTS. Mr. Chuck Ellison, of Miller & Smith, stated in order to get away from the numbering system, Miller & Smith has designated sub-phases 2C-3 and 2C-4 as Summerwind Village. Mr. Ellison stated one of the challenges when Miller & Smith first submitted to P&Z was Beebe Medical Center because of its property bumping out, so Miller & Smith revised the plans so the spine road will curve around Beebe’s property. Mr. Ellison stated the first four lots are designated as a model home park so they could close down the existing model home lots so actual homes could be sold and/or built in that space. Mr. Ellison stated Miller & Smith’s goal is to get the model homes completed as soon as possible. Mr. Ellison stated the plan is straight-forward with all of the streets inter-connecting and utilization of traffic circles to give the neighborhood a little more character. Mr. Ellison introduced four of his

associates: Mike Hayman, the land development superintendent; Nate Scott, the land planner; Ron Sutton; and Jonas Caulwalk, from CEA. Mr. Scott stated one of the things Miller & Smith is attempting to do with this portion of development is allow the open space and landscape elements to be the items to drive the overall development pattern and to be a welcoming aesthetic to those who visit or pass by MBTS. Mr. Scott stated this will also provide a buffer between the lifestyle center and amenities buildings from residences. Chairman Bob Linett asked what the difference between the units on one side of MBTS versus the other side. Mr. Scott stated the orange colored lots on the plan are two-story cottages with narrower and deeper lots, and the yellow lots are the one-story rancher products which are wider and shallower. Mr. Scott the only thing to note is along the perimeter of the property where Miller & Smith is required to fill the 20-foot buffer to adjacent land uses is there is a slightly smaller rear yard to those lots because they are getting the addition of that buffer to their property.

Mr. Ellison stated the other thing Miller & Smith is moving toward is to design specific product or areas in trying to address a different market by having a ranch house, which Miller & Smith had found was most desirable after taking a survey. Mr. Ellison stated MBTS will have two styles of a rancher with one having a 1,835 square foot model as well as a 1,550 square foot model, with all one-story living. Mr. Ellison stated there would be nothing but these rancher houses on the tan-colored lots. Mr. Ellison stated the other product line, which is a little bigger than a cottage, is a two-story house that is narrower – at 42 feet wide – than the rancher, with a master bedroom suite on the first floor, and the other bedrooms up on the second floor. Mr. Ellison stated these houses are designated to the orange-colored lots on the plan. Mr. Linett asked about the square-footage. Mr. Ellison stated the two-story houses are 2,029 square feet.

Mr. Ellison stated he would next like to talk about the URS comments. Mr. Ellison stated for the model park, the setbacks are listed as 20 feet for the appropriate length of the driveway with a garage, and Miller & Smith will have a fence buffer all sides of the property except areas with green space. Town Code & Building Administrator Eric Evans stated Mr. Scott said the rear yard setback is reduced to 10 feet because of the buffer but the buffer will make the owner feel like they have additional yardage so if the fence goes up, the owner will not have the buffer. URS representative Kyle Gulbranson stated it is not usable yard space and asked if the area behind the fence will be hard to access and keep up with maintenance. Mr. Ellison stated his appreciation to Mr. Gulbranson pointing that out and reassured there will be access points to go back to the rear areas. Mr. Scott stated in the landscaped area, there will not be much turf grass to trim. Mr. Ellison stated, under engineering issues, the fact that the cul-de-sac is the source for parking rather than a parking lot, Miller & Smith is comfortable – after viewing the studies of the number of patrons – with utilizing this method, but, in the event there is more traffic, Miller & Smith do have more space on the other side of Endless Summer Drive to turn into parking spaces. Mr. Ellison stated in terms of the sidewalk construction, Miller & Smith have no issues with URS's recommendations. Mr. Ellison stated the final planning comment was on lot 203 making the driveway further from the entrance road and that will easily be done.

Mr. Ellison stated the next comments for the main body of Summerwind Village, sub-phase 2C-4, Mr. Scott and his team looked at how these specific houses would fit on lots and he has come up with an excellent concept on how these houses “might live,” how people may make use of the open space. Mr. Ellison stated what Miller & Smith is trying to do is look at options that are not huge because they have heard from customers that they do not want huge yards in need of a lot of maintenance but they want space. Mr. Sutton showed the scale of yard and open space, stating open space has much greater consideration compared to past plans. Mr. Sutton stated with an extensive open space system connected by extensive sidewalks with access to small parks and other public amenities, Miller & Smith feel there is less reliance needed on individual yards of private homeowners. Mr. Sutton further stated in rear yards there are smaller, manageable spaces.

Mr. Linett asked if the two models (out of four) will be in the front of MBTS. Mr. Ellison stated yes, the two shown will be two of the four showcased at the front model area. Mr. Linett stated two will be for Summerwind Village and the other two will be for other sub-phases. Mr. Ellison stated yes that is correct. Mr. Ellison stated in relation to the front setback, Miller & Smith need to at least have a 13- to 15-foot setback and they worked on the plans to do that but, unfortunately, they were not translated through some of the plans submitted and Mr. Sutton and his team re-drafted, and no matter what the architecture says on the smaller area in the front, there is a 20-foot setback to the garage so there is adequate space for people to park in the driveway, and he noted the 20 feet is not from the curb line in the road but from the property line which is back behind the sidewalk by about a foot. Mr. Ellison stated as he mentioned earlier, the reason Miller & Smith is requesting this is because Miller & Smith does want to push the garage back to try and downplay it. Mr. Ellison stated one of the concerns expressed was if homeowners backing out of their driveway would be able to see cars coming in the road. Mr. Ellison stated Mr. Sutton and Mr. Hayman both did an independent study and used technical standards for sight distance. Mr. Hayman stated the study is a fairly basic calculation just for reaction time and braking distance, and Miller & Smith figured at a 25 mile per hour (MPH) design speed, they would need about 144 feet for a vehicle to safely stop on a tangent section road. Mr. Hayman further stated these are small lots so when a car backs about eight feet out of the garage, as long as there was no obstructive view, there would be adequate time to stop for both the homeowner and the driver in the road. Mr. Sutton stated he did the same thing as Mr. Hayman, but he took the view from a little further up, just past the porch, so as the homeowner is backing out of their garage, that gives one their sight distance. Mr. Sutton stated his team calculated theirs out to be 160 feet in either direction, which is really close to what Mr. Hayman has in his report. Mr. Sutton further stated when one is coming from a stopped condition onto the driveway and subdivision road (which he and his team determined to be a “minor road”), the distances are really short in which one needs to react to stop or to adequately see a car approaching on the road. Mr. Sutton stated there will be additional “calming devices” throughout the subdivision, like traffic circles, stop signs at intersections, and that will shrink the sight distance down. Mr. Gulbranson asked if they knew what the chosen speed limit would be. Mr. Sutton stated Miller & Smith’s speed limit is 25 MPH because that is what DeDOT requires in subdivisions, but when the coasting speed is 25,

the designing speed is 30 MPH, which is what they used.

Mr. Ellison stated under planning and technical issues, comment six, Miller & Smith did redesign some of the open space areas to have better sidewalks and one of the areas Miller & Smith is definitely doing is along the back of the lots which back up to Endless Summer Drive, and those lots will be fenced. Mr. Ellison further stated all the sidewalks and all of the roads are private so all of the sidewalks will be maintained. Mr. Ellison stated comment 2, the future continuation of the spine road will continue to become a major road throughout the community, and there will possibly be an intersection somewhere in south MBTS. Mr. Ellison stated comment 10, the proposed traffic circle standards are from DeIDOT. Mr. Gulbranson stated the only concern was that he did not see a visual of how the circles would work. Mr. Scott stated his team was thinking of placing ornamental grasses or shrubbery. Mr. Scott stated it is most important to add trees along the community roads. Mr. Linett asked if it would be irrigated. Mr. Scott stated they might but they could specify plants and trees that would not require irrigation; however, because of the microclimate in the middle of the traffic intersection, they will take irrigation into consideration. Mr. Ellison stated Miller & Smith always take irrigation into consideration and will probably do so because Tidewater is so expensive. Mr. Evans stated on that aspect, Miller & Smith could just drill a hole for irrigation and get a permit for that and Tidewater cannot go against that irrigation.

Mr. Gulbranson asked if Miller & Smith would mark the travel direction around the traffic circles. Mr. Ellison stated yes. Mr. Evans asked how Miller & Smith would utilize signage for the circles. Mr. Ellison stated he finds the best way is to put an arrow marking in the pavement. Mr. Evans asked about stop signs because there are interconnected streets so there is traffic coming from other directions. Mr. Ellison stated one road may have a stop sign further up the road to slow traffic but then there would be the arrow markings in the pavement as well as maybe a small sign in the middle of the circle showing the direction for the vehicles. Mr. Scott stated trying to eliminate as much visual clutter as possible would be the priority, and placing markings on the pavement would help cut back on the clutter. Mr. Evans stated he agrees with that but when there is interconnectivity going across the circle, somebody is going to have to stop and if there is no notice telling drivers to stop, they will not stop, and there will be accidents. Mr. Ellison stated Miller & Smith will take that into consideration.

Mr. Evans asked if the front yard setbacks have been changed from 10 feet to 15 feet. Mr. Ellison stated yes. Mr. Evans stated Mr. Scott stated the rear yard setbacks are 15 feet; however, the sheet Mr. Evans has states 20 feet or 10 feet if there is a buffer behind them. Mr. Evans asked if Miller & Smith is changing the rear setbacks. Mr. Sutton stated the intent is to have 20 feet on the rear and 10 against the buffers and the open space. Mr. Sutton confirmed the rear yard setback is 10 feet if it abuts a buffer zone, but otherwise the rear yard setback is 20 feet.

Mr. Gulbranson stated regarding the triangular-shaped piece of land (open space) near the bottom of MBTS at Substation Road, Miller & Smith have utility easements and pathways which leave the MBTS property and cross another property. Mr. Ellison stated yes, in the URS

comments, the recommendation was, prior to final approval, Miller & Smith had to document the easement. Mr. Ellison further stated he has talked with property owner Mrs. Wells several times, and Miller & Smith are working toward finalizing that paperwork. Mr. Evans asked regarding construction of the multi-modal path, currently under the amenities center, there was a temporary multi-modal path going from the amenities center all the way down to Sand Dollar Village, but now, going into the next phase, what is the material used for the multi-modal path? Mr. Ellison stated they will use all-weather asphalt. Mr. Evans stated that detail needs to be placed on the site plans. Mr. Evans wanted P&Z to note that somewhere approximately on lot 72 on sheet C-1, the curbing along the boulevard is absent so the water slopes directly into the pond. Mr. Ellison stated Miller & Smith will be constructing a large pond which will serve MBTS as well as Beebe.

Mr. Linett motioned for P&Z to recommend for approval by Town Council for the model community with a proviso that the setbacks are equal to what is to be established for the remainder of the community. Commissioner Susan Brewer seconded his motion. All present voted in favor. Motion passed 3-0.

Chairman Linett stated for the second issue, he motioned for approval by the Town Council the approval of Summerwind Village, sub-phase 2C-4, plans with specific reference that consideration be given to assure the uniformity of setbacks, traffic circles are provided with adequate signage for safety reasons, and provided with landscaping including required irrigation. Mr. Linett further motioned upon approval of the State and County of sub-phase 2C-4, Summerwind Village, MBTS will proceed to re-record the entire community 2C-3 and 2C-4, including the model village and Summerwind Village as one complete phase. Commissioner Christine West seconded his motion. All present voted in favor. Motion passed 3-0.

B. To consider for recommendation to the Town Council, a revision of sub-phase 2C-2 in Millville by the Sea (MBTS), submitted by Millville Town Center, LLC, located at map parcel 134-12.00-380.00 (Part Of).

Synopsis: Millville Town Center is asking to construct a secondary access road in accordance with the revised plans by CEA, dated September 30, 2013, for MBTS, sub-phase 2C-2.

Mr. Ellison stated from the approval of the lifestyle center, it was determined there would need to be a secondary access point for emergency situations. Mr. Ellison further stated, at that time, based on Miller & Smith's research, they could not get a new entrance permit onto Roxana Road, so Miller & Smith submitted a plan which showed Miller & Smith tying into the parking lot down by their existing project office and reaching a far distance parallel the temporary trail which will come up from Sand Dollar Village. Mr. Ellison stated two months ago, they scheduled a meeting with DelDOT, and arranged it so now Miller & Smith is able to have a direct access point from the end of Endless Summer Drive – which is approved and bonded with the Town – directly out to Roxana Road. Mr. Ellison further stated the only DelDOT request is for Miller & Smith to place a gate across it, which is standard. Mr. Ellison stated Miller & Smith does have the DelDOT entrance permit in hand and they are waiting for

Fire Marshal concurrence so Miller & Smith can do whatever they need to do to modify the permits and move forward.

Mr. Evans stated his concern is the temporary barrier in that there is no detail on the second temporary barrier at the end of the blacktop. Mr. Ellison stated it will be the same. Mr. Evans asked if they will have a double gate. Mr. Ellison stated yes, but they will check with the fire chief and make sure he's OK with that. Mr. Evans asked when will the road be completed in blacktop? Mr. Ellison stated it will not be finished in blacktop. Mr. Evans stated he does not want it to remain gravel when Summerwind Village is completed, and some time that road has to be completed. Mr. Ellison stated right now, Miller & Smith has all the DelDOT criteria needed for one entrance off Substation Road and he doesn't know when Miller & Smith will reach tipping point that they need to build that. Mr. Ellison further stated if Miller & Smith had to make a commitment on timeframe right now, he would withdraw this request immediately and build one road because once Miller & Smith make that commitment, they have to do a whole other amount of improvements that are not achievable at this time. Mr. Gulbranson stated Mr. Ellison's response is still not giving any type of timeframe. Mr. Ellison stated Miller & Smith have been through all of the land and they have met all of the criteria with Summerwind Village and the small parcels next to Beebe so they can utilize the Substation Road entrance. Mr. Sutton stated when Miller & Smith looked at the entrance, and the traffic coming to that intersection, Miller & Smith determined once sub-phase 2C-5 comes in, they would need the second entrance, because that would generate enough traffic to need a second entrance. Mr. Sutton further stated as long as Miller & Smith have interconnectivity coming down and through Summerwind Village, they will not require the second entrance. Mr. Linett asked if the tipping point is the development of the 2C-5 area. Mr. Sutton stated yes. Mr. Linett asked if 2C-5 is on the planning horizon after Summerwind Village. Mr. Ellison stated Miller & Smith have not made a plan for it yet because the next step is to revise the master plan but they have given some thought to it. Mr. Evans asked if the master plan will show a road there, and not a gravel road, connecting out to Route 17 at that location. Mr. Ellison stated yes, the road will be there.

Chairman Linett motioned to approve the road plan subject to it will be double-gated subject to the Fire Marshal's approval, and it will include reference to the 24-inch culvert. Ms. Brewer seconded his motion. All present voted in favor. Motion passed 3-0.

5. PROPERTY OWNER/AUDIENCE COMMENTS:

Mrs. Maureen Walker, of Ogelthorpe Lane, asked if there would be any alleys in the sub-phase. Mr. Ellison stated no.

Mrs. Penny McCormick, of Tybee Street, stated Sand Dollar Village's current Home Owners Association (HOA) requires there be two parking spots per home on the property and on the roadway. Mrs. McCormick asked if there would be enough parking in the roadway with all of the homes proposed. Mr. Ellison stated yes.

Mr. Steve Maneri, of Pembroke Lane, stated regarding the absence of curbing on the current lake, the other places where there is no curbing is eroding because there is no curb line, and the creek is eroding. Mr. Maneri stated he spoke with someone from DelDOT and he told Mr. Maneri something needs to be done to correct it because it is eroding so bad. Mr. Maneri further stated if someone looks at a particular house in that area, there is a lot of erosion and the same thing is going to happen to the new lake area. Mr. Ellison stated the one area of the house is a 12 foot strip out of that entire area. Mr. Maneri stated he thinks it is bigger than 12 feet, and he thinks going without a curb line is wrong because it is washing the dirt out. Mr. Linett suggested placing grass or pavers down to prevent the erosion.

Ms. Sally Griffin, of Huntington Street, asked regarding the multi-modal path, if there will be grass or a buffer between that and the spine road. Mr. Ellison stated yes, there will be a separation. Ms. Griffin asked if it is 10 feet. Mr. Evans stated it is six feet. Ms. Griffin asked if that path is the only trail system. Mr. Hayman stated there are all the sidewalks throughout every village which will connect. Mr. Ellison stated there will be the temporary trail going all the way down and this multi-modal path will overlay the temporary trail. Ms. Griffin asked if, in Summerwind Village, the only part of the big trail system is the one along the spine road. Mr. Ellison stated yes, the permanent one.

Mrs. Walker asked what kind of trees will be put in. Mr. Scott stated Miller & Smith's landscape strategy for Summerwind Village and the lifestyle center will be to try and draw on the vernacular landscape so there will be a combination of evergreen trees, along with red oaks, red maples, willow oaks, and, in certain locations where ornamental plants are needed, river birch, crape myrtles, and magnolias, just to name a few. Mr. Gulbranson stated Miller & Smith might want to think of putting pines in. Mr. Scott stated they have considered various pines and holly trees.

6. ADJOURNMENT:

Chairman Linett stated, due to the next P&Z meeting falling on Veterans Day, the next P&Z Meeting would be pushed back to November 18, 2013. Mr. Maneri rejoined the commission. Ms. Brewer motioned to adjourn the meeting at 8:17 p.m. Ms. West seconded her motion. All present voted in favor. Motion passed 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk