

**Planning and Zoning Commission Meeting
May 12, 2014 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Jim Koozer, Christine West, and Susan Brewer, URS representative Kyle Gulbranson, Town Code & Building Administrator Eric Evans, and Executive Assistant Matt Amerling.

1. **CALL TO ORDER:** Chairman Linett called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ADOPTION OF MEETING MINUTES – April 14, 2014:** Commissioner Susan Brewer motioned to accept the adoption of the minutes from the April 14, 2014, Planning & Zoning (P&Z) Meeting. Commissioner Christine West seconded the motion. Motion was carried 5-0.
4. **NEW BUSINESS:**
 - A. To consider for discussion and possible recommendation to Town Council a revised final site plan submitted by Millville Town Center LLC, in Millville by the Sea (MBTS), which is currently where the Lifestyle Center is located, to relocate the boat dock and extend the existing walkway in front of the Pavilion building to extend to the new dock.

Chuck Ellison, of Miller & Smith, stated he was showcasing the changes to the lifestyle center and there were three main reasons why Miller & Smith decided the initially proposed boat dock was not in the best location. Mr. Ellison stated first, there was a conflict of use in the courtyard and the access to the building, as well as the activities off the dock (such as boating). Mr. Ellison stated the distance between the back of the building and the lake is not the best representation on the map shown because there will be a sidewalk, bank and landscaping in the area. Mr. Ellison further stated Miller & Smith would like to relocate the boat dock to the left side of the crab shack/pavilion, which provides a better separation of the potential uses as well as giving easier access for those bringing in canoes or kayaks, and for maintenance purposes. Mr. Ellison stated the relocation would also provide better handicapped access to the dock area. Mr. Ellison further stated Miller & Smith are not taking anything out of the plan but are rather simply shifting from the center to the side.

Mr. Gulbranson, of URS, stated there are no engineering or Town Code issues and no conditions with this request. Ms. West asked if there will be any lighting down the path or trail. Mr. Ellison stated there are no plans for lighting because Miller & Smith did not plan to have the dock used for nighttime hours, but there will be lighting off the buildings so there will be "ambient lighting" which will spread over to the area. Mr. Linett asked how deep the lake depth is. Mr. Ellison stated the average lake depth is somewhere around six (6) feet, but there are some pockets in the lake, the deepest of which is probably ten (10) feet, for a fish habitat, and that pocket is out towards the island in the lake.

Ms. West motioned to recommend to Town Council the revised final site plan submitted by Millville Town Center LLC to relocate the boat dock and extend the existing walkway in front of the Pavilion building to extend to the new dock. Ms. Brewer seconded the motion. Motion carried 4-0.

B. To consider for discussion and possible recommendation to Town Council a revised preliminary landscape plan submitted by Millville Town Center LLC, in MBTS, to clear the Buffer/Tax Ditch right-of-way (ROW) of plantings. *Synopsis:* MBTS is proposing a total of 83 lots in Summerwind Village, and the previous plans showed a 20' MPC Buffer/Tax Ditch ROW located along the east side between the proposed development and existing residential properties. DNREC has requested the Buffer/Tax Ditch ROW be cleared for future maintenance purposes.

Mr. Ellison stated originally on the preliminary plan for Summerwind Village, there is a 20-foot buffer adjacent to the five (5) lots off Substation Road, and there was a landscape buffer along the road but the Delaware Department of Natural Resources and Environmental Control's (DNREC) concern with maintenance and needing to have access to get back to the area with equipment to clean it out. Mr. Ellison further stated Miller & Smith are going to grade the ditch back, which DNREC felt needed to a clear path. Mr. Ellison stated the area of land is located behind the four lots and one of the things proposed by Miller & Smith in the preliminary site proposal was a fence along the back yard of the lots, and the fence replaces the buffer. Mr. Ellison stated the fence will still be present but the main change now will be from a landscape buffer to a grass buffer with the fence. Mr. Gulbranson stated what Mr. Ellison is presenting is "what has to be." Town Code and Building Administrator Eric Evans agreed and stated DNREC has pretty much "forced Miller & Smith's hands," but Mr. Evans' question is regarding the maintenance of the 20-foot buffer because it is still the Homeowners Association's (of MBTS) responsibility to keep the grass cut down. Mr. Gulbranson stated if DNREC ever needs to come in and clean the ditch out, then it needs to be done. Commissioner Jim Koozer asked about the visual of the area and if DNREC is asking to have access to the buffer. Mr. Ellison stated yes, the area outside of the fence will just be grass and DNREC is asking to have access to the buffer for maintenance purposes. Mr. Gulbranson stated in all tax ditches there are access easements on either side so DNREC can access either side. Mr. Linett asked why it has to be just grass along the fence and not some wildflowers as well. Mr. Ellison stated Miller & Smith will have to do some more research on that. Mr. Gulbranson stated as long as there is nothing there that will restrict DNREC's access, wildflowers should be acceptable. Mr. Ellison stated he has no problem with that as long as DNREC is OK with it.

Chairman Linett motioned to recommend to Town Council a revised preliminary landscape plan submitted by Millville Town Center LLC, to allow for planting of wildflowers as well as grass, however, if there is an issue with DNREC not accepting wildflowers, MBTS can continue the development with the grass planting and the removal of the trees. Ms. West seconded the motion. Motion carried 4-0.

C. To consider for discussion and possible recommendation to Town Council a revision to the preliminary plan submitted by Millville Town Center LLC, in MBTS, known as Lakeside Village,

to relocate a bridge. *Synopsis:* Town Council approved the preliminary site plan at its April 8, 2014, meeting with a condition that the P&Z Commission review and recommend approval of a change in the location and configuration of the pedestrian bridge along Sand Dollar Lake perimeter pedestrian trail.

Mr. Ellison stated the bridge has not yet been built and the plan he has up for display is the rendering brought in when Miller & Smith presented Lakeside Village two years ago and at that time, Miller & Smith showed the slight relocation of the pedestrian trail around Sand Dollar Lake with a bridge over an area needed to span the depression in that area. Mr. Ellison stated he was thinking about it not too long after that hearing and since there are some residents which are very avid fishermen, Mr. Ellison decided instead of a high bridge crossing the water, it would be better to set up the bridge so it is further out toward the water. Mr. Ellison stated Miller & Smith have not submitted detailed engineering plans on the bridge yet and that would come after this approval. Mr. Gulbranson stated he thinks it is a better situation for several reasons – aesthetically, it is much nicer, and it provides better fishing opportunity. Mr. Evans stated whoever owns the house directly in front of the bridge, the trail is not in their backyard, so it gives that property owner a little more peace and quiet.

Ms. West motioned to recommend to the Town Council to approve the changes in location and configuration to the pedestrian bridge along Sand Dollar Lake. Mr. Koozer seconded the motion. Motion carried 4-0.

5. PROPERTY OWNER/AUDIENCE COMMENTS:

Chairman Linett stated he wanted to take time to thank and recognize Ms. Christine West, whose last meeting is tonight with the P&Z Board. Mr. Linett stated Ms. West has worked very hard and given her best to the Town and there is no one more welcoming than Ms. West. Mr. Linett stated there is no one better to serve on P&Z more than her and he is happy that she served on the board. Mr. Linett presented a certification of appreciation and flowers to Ms. West in recognition of her contributions to the Town and the P&Z Board.

6. ADJOURNMENT:

Chairman Linett stated the next P&Z Meeting would be June 9, 2014. Ms. West motioned to adjourn the meeting at 7:20 p.m. Ms. Brewer seconded the motion. Motion passed 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Executive Assistant