

**Planning and Zoning Commission Meeting  
December 8, 2014 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Jim Koozer, Paul DuCott, and Holly Wingate, URS representative Kyle Gulbranson, Town Solicitor Seth Thompson, 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 – October 20, 2014:** Commissioner Holly Wingate motioned to accept the adoption of the minutes from the October 20, 2014, Planning & Zoning (P&Z) Meeting. Commissioner Paul DuCott seconded the motion. Motion was carried 4-0.
4. **ANNOUNCEMENTS:** Chairman Bob Linett
  - A. In January, Planning and Zoning will be reviewing amendments to the Town's current Zoning Code-Chapter 155; Article VI District Regulations; AR-Agriculture Residential , R-Residential, C1-Route 26 Corridor/Town Center Commercial Districts.

Chairman Linett stated he, Town Planner Kyle Gulbranson, Town Code & Building Administrator Eric Evans, and Town Council Member Steve Maneri have been members of a group reviewing an ordinance for residential, agricultural and C1 and C2 districts within the Town, and making revisions as well as going over changes, which will hopefully be reviewed at the next P&Z meeting. Mr. Linett stated Mr. Evans has also been working on a new flood plan ordinance, which P&Z will also hopefully get to see at its next meeting. Commissioner Paul DuCott recused himself from the dais.

5. **NEW BUSINESS:**
  - A. To consider a revision to the approved Schematic Master Plan and the accompanying Development Performance Standards (DPS) for the Millville by the Sea (MBTS) development, submitted by Millville Town Center, LLC, for possible recommendation to the Town Council.  
*Synopsis:* The original Schematic Master Plan for the MBTS development was approved in February of 2006. Since that time, the Town has seen many modifications, including but not limited to, change in developers, revisions to phases, adjustments to economic changes and trends in housing products. Mayor Hocker formed a committee earlier this year which consisted of the following persons: Mayor Hocker, Councilmember Kent, Town Manager Debbie Botchie, Code & Building Administrator Eric Evans, Town Planner Kyle Gulbranson, URS Corp., Planning & Zoning Chairman Bob Linett, Chuck Ellison of Miller Smith and several members of his team. The committee worked very diligently this past year reviewing and discussing the revised plan and the DPS. We feel the DPS will provide regulatory control and protections the Town will need while allowing the developer to adjust to economic changes.

Town Code & Building Administrator Eric Evans stated the original master plan was in great detail but it also laid out all the lot lines, it had the lot sizes the developer had to fit a product into, and it was quite extensive – real close to a preliminary plan. Mr. Evans stated with the changing of the developers within MBTS, the developers did not have a product they wanted to design to that standard and had their own products in mind. Mr. Evans further stated the last three subdivisions the Town has done in MBTS – Phase II (Sand Dollar Village), Lakeside, and Summerwind Village – were a revision to the master plan, and it was very difficult for everyone working on the plans. Mr. Evans stated Mayor Hocker approached him and told Mr. Evans the Town needed to modify this standard, so what Miller & Smith has come up with now is a schematic plan, which is something that can grow or change; however, there is also DPS and the DPS will remain continual, so if, for example, Schell Brothers comes in to MBTS in five years and starts building, the performance standards are set for MBTS – and the standards will continue on with the development as the development grows.

Town Solicitor Seth Thompson stated when it comes to the schematic and the performance standards, the Town is really talking about a zoning element which is separate and apart from the subdivision process, which is still going to apply. Mr. Thompson stated the schematic is almost supposed to take the place of the code which the Town would otherwise see in, for instance, an R-2 (residential) zone. Mr. Thompson stated Mr. Evans is correct that the standards should apply throughout the process, and they should stay that elevated height because when one gets into that level of detail like in 2006, unfortunately, one ends up in a situation like the one the Town is in now where everything did not play out the way people had planned back in 2006. Mr. Thompson stated this standard is supposed to set the ground rules the same way a zoning ordinance would, so as the subdivision applications and site plans come in, they would be judged based on the performance standards the same way one would look to a zoning classification. Mr. Thompson stated this is a large, overarching view in terms of how these areas are supposed to blend. Mr. Linett asked if as subdivisions come up for preliminary plan approval, they can be more stringent but consistent with this overview. Mr. Thompson stated yes. Mr. Linett stated this is a vision statement. Mr. Kyle Gulbranson, of URS, stated the master plan Miller & Smith has before P&Z tonight lays out the spine and backbone of the overall subdivision. Mr. Gulbranson stated the DPS are the guiding principles which any new development located within the MBTS community will follow. Mr. Linett stated he would like Mr. Chuck Ellison, of Miller & Smith, to go through the schematics first and then move into the DPS, page by page.

Mr. Chuck Ellison, of Miller & Smith, stated the original schematic master plan approved in February 2006 had an immense amount of detail and was very rigid, and it was designed with the intent that a single homebuilder was going to buy all of the lots in MBTS over a very short time frame and put their specific product on it. Mr. Ellison further stated that builder dropped it but that builder today doesn't build the houses which they anticipated in 2006 they were going to build and the ones being built today are much different. Mr. Ellison stated as Miller & Smith entered into revising the master plan, they had a discussion with the Town working group and discussed what the Town's goals were as well as what was important to Miller & Smith at these different levels. Mr. Ellison further stated the point of this was to craft a plan which both provided the 30,000-foot overview, and the flexibility for things changing because

Miller & Smith is going to be building here in Town another 25 to 30 years, but also provided the quick controls and processes so the qualities maintained in the original vision is seen and realized.

Mr. Ellison stated he wanted to introduce Mr. Nathan Scott, a land planner of Miller & Smith, and Mr. Billy Scott, of Scott and Shuman Law Offices LLC. Mr. Ellison stated, going through the schematic plan, there are eight (8) sheets to it – each sheet has a specific version of the plan. Mr. Ellison stated the first sheet – MP-01 – is the cover sheet and Miller & Smith placed a graphic rendering (not an actual photograph) of the MBTS lifestyle center on it. Mr. Ellison stated he thinks the most important part of the cover sheet – aside from some of the standard requirements – is the chart in the lower right-hand corner, which is a comparison between the old plan and the new plan. Mr. Ellison stated one of the differences between the old and new plan is Miller & Smith are slightly smaller in size – about 690 acres compared to the original 756 acres – because there were some parcels which were under contract, and Miller & Smith did not go through with closing those parcels due to the change in economy. Mr. Ellison stated since this is a smaller acreage, there will be slightly fewer units – 2,900 compared to 3,174 from the approved plan – and the density remains the same with the overall maximum of 4.2 units per acre. Mr. Ellison stated the number of DelDOT-approved entrances is now twenty-seven (27) as opposed to the previous thirty-three (33), which is an important feature because of some of the different regulations that “have come into play.” Mr. Ellison stated the lifestyle center was moved from its original vicinity of the MBTS project office, south of Roxana Road, to the intersection of Roxana Road and Burbage Road, south of Summerwind Lake. Mr. Ellison stated he thinks one of the most important changes done – by Millville Town Center LLC – was the sale of the twenty (20) acres for Beebe Medical Center; and, at the time the acres were sold, Beebe had very current and very detailed plans to build a medical facility in Millville. Mr. Ellison further stated the last discussion he had with Beebe about nine (9) months ago, Beebe told him their plans had been “pushed back way out into the future” and Mr. Ellison does not think the Town is on Beebe’s “radar screen right now.” Mr. Ellison stated the 20 acres is still there and is still zoned as a master planned community (MPC), and its ultimate use does have a rollover, a factor which needs to be considered as Miller & Smith and the Town move forward with MBTS.

Mr. Ellison stated the second sheet – MP-02 – is a representation of the various properties Miller & Smith owns and, to get P&Z oriented, Mr. Ellison pointed out the location of the lifestyle center as well as Summerwind Village. Mr. Ellison stated all of the green on the map is the remaining land Miller & Smith owns. Mr. Ellison further stated Miller & Smith has 387 lots approved today, but Miller & Smith still have a long way to go [in terms of development]. Mr. Ellison stated it is very important Miller & Smith have a standard which is flexible but also provides Miller & Smith with guidance and provides the Town adequate control. Mr. Ellison stated the third sheet – MP-03 – is a technical sheet which is a requirement of the ordinance, showing items such as tax ditches, wetlands, waters of the United States, the existing development bodies as well as the original parcels which were required to form MBTS. Mr. Ellison further stated the fourth sheet – MP-04 – is a rendering of the MBTS lifestyle center and since MBTS is not a new community, coming in and starting from scratch, Miller & Smith actually have a good deal of their amenity package approved and in place. Mr. Ellison stated

Miller & Smith, therefore, thought it was appropriate to create a few sheets in this package to show what has been updated, can be updated, and what already exists. Mr. Ellison stated the lifestyle center opened near the end of April 2014, and Miller & Smith have been very pleased with how well it went over during their first summer season. Mr. Ellison further stated, as with any new facility, Miller & Smith will be making some tweaks and adjustments, but, by-and-large, it's worked out very well. Mr. Ellison stated this entire complex provides an anchor at the north end of the project, and as Miller & Smith complete the pedestrian connections to other areas of the project, these key connections will provide a comprehensive network of uses and open space throughout the community.

Mr. Ellison stated page five – MP-05 – shows the second major amenity near Sand Dollar Lake, located adjacent to Sand Dollar Village, and that is Huntington Park, which lies between Phase I and Phase II of Sand Dollar Village. Mr. Ellison stated the lake does have a walking trail around the lake. Mr. Ellison further stated Miller & Smith did recently put in a revision to the walking trail, approved by the Town, and that is a little bridge coming across on the northwest area of the lake. Mr. Ellison stated the trail portion is not in yet but the bridge is there and Mr. Ellison thinks the bridge will provide a nice, little enhancement. Mr. Ellison stated there will also be a second bridge placed down on the southwest corner of the lake (not pictured) to provide a nice experience for walkers and bikers within the community. Mr. Ellison stated the sixth sheet – MP-06 – is the presentation of what of Miller & Smith's lead development pods are available. Mr. Ellison stated the tan-colored areas are areas of MBTS which have ground water and the soils characteristic to support the type of residential development and commercial development Miller & Smith and the Town are talking about. Mr. Ellison stated those areas which cannot support development – such as tax ditches and/or buffers – are shown in one shade of green. Mr. Ellison also pointed out the Delmarva Power Utility Easement and wetlands. Mr. Ellison further stated the major change to the plan are the identification of the "borrow pits" (three bodies of water) located in the southern area, which do not meet the current standard for lakes or ponds, and was to be developed for residential purposes under the approved plan but that would have taken having to fill in these bodies. Mr. Ellison stated such tasks have made the "borrow pits" undevelopable pods due to having to fill in the lakes, which is both very difficult and very expensive. Mr. Ellison stated Miller & Smith will repurpose these "borrow pits" and find some alternative uses for them, which Miller & Smith will present shortly.

Mr. Ellison stated the seventh sheet – MP-07 – is a very important sheet (as well as the eighth sheet) in that it exhibits the vehicular circulation patterns which Miller & Smith are anticipating. Mr. Ellison further stated having interconnectivity between the parcels in any MPC is always very important but one also has access to public roads, as well as to plan as how drivers outside of the community may come through. Mr. Ellison stated what Miller & Smith have tried to identify on this page are three sets of things. Mr. Ellison further stated Miller & Smith tried to (1) identify the major set of roads – roads designed to carry more through-traffic or traffic between parcels, and will not have units fronting on that road so people don't have to worry when backing out of their garages directly onto the road; (2) identify the minor road network in terms of what provides the major connection points between individual parcels; and (3) identify the approximate location of entrances onto various public roads.

Mr. Ellison stated one example is the first road, which is in place today, Endless Summer Drive, which goes down to the lifestyle center. Mr. Ellison further stated if one goes down Endless Summer Drive today, on the right-hand side, one will see the lifestyle center, there is a parcel on the corner of Burbage Road and Substation Road, which will eventually be developed, but those houses will not access Endless Summer Drive by way of a garage, but rather some kind of road which will go off of there. Mr. Ellison stated there is the four-unit model court, which has a very short cul-de-sac, so anyone going to the model court comes in Endless Summer Drive, goes up a cul-de-sac or public street, parks there and then goes into the units. Mr. Ellison stated when those models become homes someday, those driveways will come right out of the garage onto the small cul-de-sac. Mr. Ellison stated on the west side of Summerwind Village, there is Summerwind Drive, which is a denied-access – or no-access – “spine road,” a major road which will connect into the interior to up by the back corner of the Beebe Medical Center parcel. Mr. Ellison stated also shown is the large road coming in off Roxana Road and this will be a no-access road in terms of garages and things of that type. Mr. Ellison stated there will also be a connection somewhere in the middle of the site with a major road going out to Substation Road. Mr. Ellison further stated if one were to pull out some of the old plans and sketches, Miller & Smith did once show a connection which was pretty straight all the way back to Pembroke Lane. Mr. Ellison stated part of the discussion of the working group was Pembroke Lane was not really designed as a through street – it’s got garages ending onto it – so the working group came up with the idea of moving the major access point downward. Mr. Ellison stated there will be connections with Pembroke Lane – there will be cross-connections throughout everything – but the ones which will be the major streets for someone who, for instance, was coming from Bear Trap and going down to the MBTS town center, hopefully, they would come down Substation Road and come out on Roxana Road. Mr. Ellison stated the goal is to design the network so the more through traffic is encouraged to use a major street and there is also plenty of cross accessibility or interconnectivity with the other streets to bring everything together. Mr. Ellison stated in the map there is a system of arrows to show the existing and/or potential access points to the existing public streets, and all of them are subject to approval by DelDOT in the future. Mr. Ellison stated the map also shows the “borrow pit” and Miller & Smith are anticipating it will be converted into some kind of public amenity, so there is a vehicular access point shown on this sheet.

Mr. Ellison stated the last sheet – MP-08 – takes the vehicular access (still shown in purple) and overlays it in red with a short batch of the “major elements of the pedestrian network.” Mr. Ellison stated he wanted to emphasize every subdivision street in MBTS has either a sidewalk or trail on both sides. Mr. Ellison further stated Miller & Smith did not try to show every subdivision street but rather tried to “get the flavor” of where the major pedestrian network will go, and all of the major streets will have sidewalks. Mr. Ellison stated Miller & Smith also planned to utilize a lot of the tax ditches in the area – such as the Beaver Dam tax ditch – to provide a pedestrian network. Mr. Ellison stated this is designed to provide a variety of experiences, some of which are walking along major roads, a walk through a neighborhood or village, or a nature trail walk. Mr. Ellison further stated also shown in this plan are the major community elements – such as the lifestyle center to the north and the smaller existing center in Sand Dollar Village. Mr. Ellison stated Miller & Smith are anticipating two other major

amenity centers – both along the west side of Roxana Road (marked as blue asterisks). Mr. Ellison stated at this time, Miller & Smith are not specifying what kind of amenity centers those will be, but will wait until the area is more built up maybe 15 to 20 years out and see how community tastes, desires and necessities change. Mr. Ellison stated Miller & Smith know there is a need for a major amenity in the western area and it is on the plan, so when Miller & Smith come in with a concept and preliminary plan for the particular area, the Town will have an idea there is already an area set aside for the amenity.

Mr. Ellison stated the “borrow pit” shows a trail system which will come through it and into MBTS proper – allowing Miller & Smith to make access of it – and some of the trail system throughout there will have to be a boardwalk-type trail system because it will go through wetlands. Mr. Ellison stated this sheet, at the end of the day, brings together all of the elements and, in conjunction with the DPS, will provide the ability to proceed, provide Miller & Smith the flexibility in going forward, and will provide the Town with control. Mr. Ellison stated one more item on this sheet is the showing of the town center, located east off of Roxana Road, anchored on the south end near Miller & Smith’s current project office, adjacent to the Beebe parcel. Mr. Ellison further stated the initial plans for Beebe was the first phase being a clinic-type operation, along with some rehabilitation services; the second phase was some medical office building; and the third phase was a full-fledged hospital. Mr. Ellison stated he is still not sure whether that is how the Beebe property will turn out, but, assuming Beebe does do something with this property, it will add to the town center. Mr. Ellison stated Beebe did not want to have direct access (an access point) onto Roxana Road, so, under Miller & Smith’s agreement, Miller & Smith do have to provide Beebe with an access point plan off of Roxana onto the south point of Beebe’s parcel.

Chairman Linett asked Mr. Gulbranson or Mr. Evans if they had any questions or concerns regarding page MP-01. Mr. Evans stated he had no problem with the Schematic Master Plan. Mr. Gulbranson stated he had no problem either. Commissioner Koozer asked, regarding the number of approved entrances, on the first page, the changed number of DelDOT-approved entrances is 27, but on page MP-08 shows 28, so is it 27 or 28? Mr. Ellison stated Miller & Smith will have to verify which it is and get it corrected. Mr. Linett asked, regarding residential density, the sheet states 4.2 units per acre, and there was a handout of the villages with less density than 4.2 – for example, 3.5 per Lakeside Village, etc. – so does the density with 2.93 include the lifestyle center? Mr. Ellison stated the 2.93 includes all of the land Miller & Smith have processed through the Town and have recorded a final plat for, because the overall 4.2 is only gross acreage, which Miller & Smith is well under. Mr. Ellison further stated if P&Z look at the 2006 master plan, there is the 4.2 with a lot of condominium units, and whether or not there is going to be a market for condo units – even in the next 25 years – is questionable. Mr. Linett asked what the density is in a part of Sand Dollar Village Phase 1 with townhouses. Mr. Ellison stated the townhouses were designed as part of it and not as a separate thing, but those townhouses could be done at about eight (8) per acre.

Mr. Linett and P&Z stated there were no concerns about pages MP-02, MP-03, MP-04, and MP-05. Mr. Gulbranson stated, regarding page MP-06, the only issue he has is with the ten (10) acres of commercial district, which seems very small, and he doesn’t know if it is economically

viable for any type of substantial commercial. Mr. Ellison stated Miller & Smith have some information on that, which Mr. Nathan Scott can address. Mr. Scott stated the 2006 plan was based on a higher density with first-floor retail and wall units above – something no one cannot predict when this market will support that. Mr. Scott handed out a few examples, in which the first page showed the Sea Colony Market Place in Bethany Beach, Delaware. Mr. Scott stated the area featured has 5.1 acres cordoned off for development, but with 3.6 acres (give or take) actually developed, with the building footprint right around 24,000 square feet and Miller & Smith did a quick take-off of that. Mr. Scott further stated the floor-to-area ratio (FAR) – if one is including the entire 5.1 acres – is pretty low at .11; but if the forested area on the west side is taken out, the FAR jumps up a little higher. Mr. Scott stated it is worth noting in this example there is not just buildings, but a parking area, a little amenity center between the buildings, and a stormwater management pond close to the highway. Mr. Scott stated when Miller & Smith and P&Z take a look at the proposed location of the town center where the existing project office is located, Miller & Smith already have stormwater management off of the 10 acres so Miller & Smith would not need to be accommodating that in the 10 acres being proposed.

Mr. Scott stated the principle with all of these examples is the same, so for instance, on the second sheet (of the handout), the example is a larger development so Miller & Smith highlighted a portion which would be more comparable to the MBTS town center. Mr. Scott further stated the highlighted area is simply a portion of the overall site, but it is eight-and-a-half acres, give or take, which would be like that of MBTS and when Miller & Smith tabulated the building square footage just under 9,000 square feet, it comes out to a FAR value of .24. Mr. Scott stated, traditionally, Miller & Smith is assuming about a .3 FAR is about the upper limit one could get on a site if one is not doing any structured parking. Mr. Scott stated if one has to park everything surface, then .3 or .33 is as high as one can get and that is on a really efficient site. Mr. Scott stated Miller & Smith wanted to throw this example out there because at 2.4, the FAR is getting up there. Mr. Scott stated the last sheet in his handout shows the proposed location of the town center, and Miller & Smith has a few tabulations at the bottom of the page. Mr. Scott stated if Miller & Smith and P&Z assume an overall 10 acres, two (2) acres of that is going to be dedicated to the “market green,” the area which is for programming use by the Town, which leaves about 8 acres for mixed use development in the future. Mr. Scott stated Miller & Smith are assuming in this series of tabulations a one-and-a-half acre is for residential use per the DPS – a minimum of 15 percent of whatever value is agreed upon (acreage or FAR) has to be dedicated to residential.

Mr. Koozer asked when this gets built out, are Miller & Smith going to build it to suit – are there going to be limited building footprints – and what is the plan for this thing? Mr. Ellison stated these questions came up during the working group and he came up with an “evolution plan.” Mr. Ellison stated it is important to remember the development of the town center is going to be driven by overall commercial activity in Sussex County, and that is very difficult to predict at this stage. Mr. Ellison stated Miller & Smith have checked with a number of brokers and Miller & Smith do not see the demand for any kind of major businesses – such as Home Depot or another grocery store – because those kinds of businesses need to be on a more major road, which Roxana Road is not. Mr. Koozer stated while Roxana Road (Route 17) is not,

at this moment, busy enough, Mr. Koozer feels Roxana Road is going to be the targeted road for a big lot, so is it possible for those businesses could come in there and use up the space? Mr. Ellison stated, as Miller & Smith envision it today, no – Miller & Smith could not see that within the town center. Mr. Ellison stated if one of the big businesses approached Miller & Smith and looked at another parcel, Miller & Smith would approach the Town and ask for a revision to the schematic plan. Mr. Gulbranson stated if the question is “Would the DPS as drafted prevent a ‘big box store’ from coming in?”, Mr. Gulbranson does not think the DPS would prevent it. Mr. Ellison stated there is no restriction on what kind of commercial is put in, but it is really more of a factor is what kind of commercial will the market support.

Mr. Koozer asked if Miller & Smith are planning on moving its project office out of the 10 acres. Mr. Ellison stated no, the project office is the start of the town center, and recently – within the last month or so – Miller & Smith signed a lease on the upper two floors to local groups, and the ground floor is used as a project office for Miller & Smith. Mr. Ellison further stated there are also four (4) pad sites which exist today and the plan is – assuming the schematic plan is approved – to start a marketing program for businesses to come into those sites. Mr. Ellison stated Miller & Smith have submitted a response to the Town’s request for proposal (RFP) for two acres, to be identified as the “market green,” which Miller & Smith are really excited about. Mr. Ellison further stated there are a lot of examples throughout the country where something like the market green – public or private – has been a pretty good draw of people. Mr. Ellison stated Miller & Smith can see more uses coming in to the town center as businesses and the market green are built up. Mr. Ellison stated what Miller & Smith were thinking was having enough space to hopefully fill up (with residences and businesses), but not having too much so a lot of it ends up being vacant. Mr. Ellison stated, based on this, Miller & Smith were thinking about what would be an achievable range, and Mr. Scott’s number shows 65,000 square feet with an acre-and-a-half residential component; or with the two-and-a-half acres, which would be around 50,000 square feet, and there are a lot of examples in this world where there are very successful 50,000-square foot commercial projects.

Mr. Gulbranson stated his concern was with the ten (10) acres – two (2) acres of it will be given to the market green, leaving eight (8) acres remaining, and Mr. Gulbranson knows a commercial component is very difficult and there are a lot of local examples where it was tried and those people failed. Mr. Gulbranson stated the examples on the handout provided – particularly the Sea Colony location – the beach is across the street and there is a lot of density around it, so everyone can walk there, and hopefully that will happen here in the future, but it’s very difficult. Mr. Gulbranson stated, regarding the scenario Mr. Scott gave with the type of development Miller & Smith is looking for, Mr. Gulbranson thinks it works, but Mr. Gulbranson is hesitant about the Beebe situation. Mr. Gulbranson further asked if Beebe’s breaking ground is 20 years down the road, and if it does happen, will the Beebe center’s “synergy” help Miller & Smith? Mr. Gulbranson stated the other issue is, going back to Mr. Scott’s presentation on the FAR and square footage of the development, Mr. Gulbranson is wondering why there needs to be a 16-foot height limit for that location. Mr. Gulbranson asked Mr. Ellison if Miller & Smith is considering a hotel. Mr. Ellison stated no, as will be shown on the DPS, Miller & Smith agreed with lowering the height limit to the Sussex County standard.



Mr. Linett asked where Miller & Smith will move on to next in terms of development. Mr. Ellison stated the physical location of the utilities is what will dictate what parcel Miller & Smith will go to next in terms of development, because Miller & Smith have a significant investment in the water and sewer in the ground, so Miller & Smith will incrementally come off that rather than start in a far-off area. Mr. Ellison stated, right now, Miller & Smith have water and sewer lines all the way up and down Substation Road, as well as water and sewer serving the existing development portions of Sand Dollar Village and going into Lakeside; and there is sewer serving portions of Summerwind. Mr. Ellison further stated Miller & Smith's logic is "build from the center in" so Miller & Smith can start filling in the middle area. Mr. Ellison stated the one parcel marked 77.5 acres will have Miller & Smith start building off Summerwind and start connecting these two together, then start getting into the "back door of the town center" so there can be the vehicular, bicycle and pedestrian access for use – whether it be a Town use or commercial use. Mr. Ellison further stated one of the areas off Substation Road would probably be next, since there will be water and sewer there, so Miller & Smith can move into that area pretty easily. Mr. Ellison stated the next areas would probably be across Roxana Road and a little bit south of the project office because that is the shortest run of connecting to the water and sewer. Mr. Ellison stated the last developed would probably be the areas off Powell Farm Road and Peppers Corner Road. Mr. Linett asked if the areas (on MP-06) marked 77.5 acres, 3.3 acres, 28.4 acres, and 9.5 acres will be the next to be developed. Mr. Ellison stated yes, after Lakeside Village. Mr. Linett asked when Mr. Ellison pointed to the "borrow pits," Mr. Linett thought he heard Mr. Ellison mention "alternative uses shortly," and is that something Miller & Smith are thinking about uses now. Mr. Ellison stated yes, Miller & Smith are thinking about the long-term and this is going to be some type of public amenity. Mr. Ellison further stated Miller & Smith are thinking of a nature park walk stretch or something like that, but are not thinking of an active recreational complex – because there is not a lot of "fast land."

Mr. Gulbranson stated, regarding page MP-07, one of the big issues initially in conservation about MBTS is a need for the spine road in the circulation plan. Ms. Wingate asked if the subdivision roads are DeIDOT roads. Mr. Ellison stated no, they are private roads and everything within the limits of MBTS will be a private road. Mr. Gulbranson stated as Miller & Smith and the Town go from phase to phase, it is difficult to plan the appropriate roadside system if Miller & Smith and the Town don't yet know what the roads will function as or what category they are in. Mr. Ellison stated the roads are all designed and built to DeIDOT standards, but the ownership stays with the community. Mr. Linett asked Mr. Gulbranson when a road crosses one of the green areas [on MP-07], does that mean Miller & Smith are looking for some kind of permanent approval from the State. Mr. Gulbranson stated yes, there will be permits required. Mr. Linett asked if each one of these approvals may hit some timing issue. Mr. Gulbranson stated yes, especially once Miller & Smith get into the west side [of Roxana Road], with the multiple parcels. Mr. Gulbranson stated, in regards to page MP-08, the map is both pedestrian and vehicular stipulation which just builds on to show the pedestrian component and the amenity center on the western side [of Roxana Road].

## Development Performance Standards (DPS)

Mr. Ellison stated when Miller & Smith worked on the DPS, their one goal was to set up the overall vision of the community and talk about the broad aspects of planning, interconnectivity, etc. Mr. Ellison stated Miller & Smith then wrote the DPS down by product type and uses, and got more specific in those product types as to what kind of front-yard setback might be, what the side-yard might be, etc. Mr. Ellison stated Miller & Smith broke it down into the categories of single family detached residences, which is the most of what Miller & Smith have built today; then single family attached residences, which would be a villa or townhouse product; then the multi-family, which could be a variety of products, including a quad-plex; and then some criteria for the town center. Mr. Ellison stated Miller & Smith looked over the DPS and went through some things which were not specifically detailed in the Town zoning ordinance of which Miller & Smith needed some control on, and hopefully P&Z will approve. Mr. Ellison stated Miller & Smith marked their ideas and concerns for conversation tonight so ultimately the Town will get adequate control while also giving Miller & Smith adequate flexibility. Mr. Linett stated a key point Mr. Ellison stated was “hopefully P&Z will approve” because this DPS “does not set in cement what it is,” but provides the flexibility with the standards associated with designing a community when these plans come before the Town.

Mr. Gulbranson stated when thinking about traditional zoning, one has all the requirements up front, but with this process of the DPS, one has to “work in reverse” in that one establishes their vision for the community and then steps back and asks, “What standards do I need to achieve that vision?” Mr. Gulbranson stated this DPS is sort of a version of form-based code – it’s not a perfect form-based code provision – but what P&Z is looking at is the relationship to the street, what relationship buildings have to the streets. Mr. Linett asked for a definition of form-based code. Mr. Gulbranson stated what form-based code does is establish relationships between the streets, buildings, etc., and how they all interact with each other as well as how they fall into place. Mr. Gulbranson further stated form-based codes are not well-known in Delaware and there are only a few communities which have actually started working through this process, but it is pretty much “unchartered territory” in Delaware, even though it is used a great deal throughout the country.

Mr. Gulbranson stated the first page of the ordinance is talking about the purpose, establishing the overall community vision. Mr. Gulbranson further stated there were not any substantial comments for page one. **Mr. Linett stated the only notable addition was the table. Mr. Ellison stated that table will be a part of every submission package Miller & Smith will submit for a new village/phase, giving a new updated tally of every phase as Miller & Smith go through each one for review by the Town. Mr. Linett stated he did not know what Mr. Ellison meant be “interconnected” in comment #2, but he assumed it had to do with interconnected roads. Mr. Ellison stated what Miller & Smith meant by “interconnected” was when people see it, they know it’s open space because with most communities, there is often open space people don’t really know is there because it is either “leftover land” and/or stuck in a back area. Mr. Ellison stated there are some areas like that in MBTS because Miller & Smith have to keep the 20 foot buffer around the perimeter, so they are not as easy to identify. Mr. Ellison**

further stated Miller & Smith want people walking down the street to know by an open space by its use and landscaping that it is an open space parcel and not some property owner's big sideyard. Mr. Nathan Scott stated there may be certain areas which are associated with tax ditches or the wetlands areas where they are not physically accessible but the designation is clear by looking at it. Mr. Linett stated he likes the use of the word "obvious" in front of "visible," and that tells a lot. Mr. Linett stated page one was done, and no one had any comments for page two or three.

Mr. Ellison stated, regarding page four's first comment ("SLT4") - "This sentence implies that there will be homes not oriented to streets or open spaces if neither is possible ..."), Miller & Smith had an easy solution to the comment by deleting the words "To the extent possible" because all homes will front on or over an open space. Mr. Thompson stated the recommended action is great because one of his municipalities had a terrible time with 911 addressing because a few of the houses were facing an open space so they were accessed by a lane, but it sounds like the Town is not going to have that issue.

Mr. Evans asked if P&Z is going to have Mr. Ellison go back and redo the standards with the comments now being made to go to Town Council and, if so, how is Council going to know P&Z's recommendation. Mr. Linett stated his view would be that right now Mr. Ellison is very kind in providing responses so Council will see both of the comments of the review board and any other comments made tonight, which will be made as a recommendation to Council, reclusive of the comments which Council can see and the responses. Mr. Evans stated he just wanted a clear picture of how P&Z will be recommending to Council. Mr. Gulbranson stated P&Z's recommendation will be conditioned on all of the comments and the response to the comments as P&Z decide.

Mr. Ellison stated the other comments on page four regarding the reinsertion of "Even with their uniqueness ..." (TM5) is fine by Miller & Smith. Mr. Ellison stated the comment (RL6) asking "Why should landscaping be consistent?" had him answer "all landscaping is not identical or the same. It will vary. Delete the sentence beginning with 'Additionally ...'" Mr. Linett stated Mr. Ellison's action on that comment was acceptable.

Mr. Linett stated it appears the recommendation to Council will be to accept any of the font which appears in red. Mr. Linett stated, regarding page six, he wanted Mr. Thompson to explain the strikethrough of the word "largely." Mr. Thompson stated the word "largely" makes the sentence feel as if there is "room there" not to follow the mentioned chapter (Chapter 125). Mr. Linett stated Miller & Smith are accepting all of Mr. Thompson's comments on page six, so everything is fine. Mr. Thompson stated he thinks the SDP does a good job at laying out everything is still going to follow the regular subdivision process. Mr. Linett stated there were also minor comments on page seven which were also accepted by Miller & Smith and P&Z.

Mr. Linett stated page eight is where P&Z and Miller & Smith start hitting things which are more specific, such as setbacks. Mr. Thompson stated he simply put in that if there is a specific definition which is not within the DPS, then the Town's definition will be used. Mr. Linett stated

if the font is red so it has been accepted by Miller & Smith, and P&Z can continue.

Mr. Gulbranson stated on page eight, P&Z get into the development standards for the different unit types of development, and in the first part, there are standards for single-family detached units. Mr. Gulbranson stated this establishes the front yard and side yard setbacks and encroachments for such units, as well as distance from rear-loaded and side-loaded garages. Mr. Gulbranson stated Miller & Smith are envisioning a ten-foot minimum front yard setback for a principal structure, 20-foot minimum setback from front-loaded garages, and there are some questions under #3-C regarding the ten-foot minimum setback to face of side-loaded attached or detached garages. Mr. Gulbranson stated the Town's committee group thought there should probably be 20-foot setbacks for side-loaded garages. Mr. Ellison stated he doesn't know if Miller & Smith will ever use a side-loaded garage but it is an option Miller & Smith would like to preserve, and the main purpose of doing that is to downplay the front of the garage door on the streetscape and try to make the side of the garage the point of the house. Mr. Ellison stated, as seen in section A, Miller & Smith does have a ten-foot setback for a principal structure, and Miller & Smith's thought process is to design a garage to look like the principal structure and there has to be adequate off-street parking. Mr. Evans stated his concern was when the committee looked over #3-C, the "ten-foot minimum setback to face of side-loaded attached or detached garage," he thought the language would need to be changed to "ten-foot minimum front yard setback ..." because when the committee was looking over this, there was a realization that a car coming into the garage from the road and it is going to be ten feet, but you can't park on that. Mr. Ellison stated the easiest way to probably do that is to have P&Z include an attachment of a sketch to show an example. Ms. Wingate stated language might need to be added to #3-C, after the phrase "10 feet minimum setback," to the effect of "... from the front property line ..." Mr. Linett stated for the example provided, the language "(See Exhibit A)" will be added in the appropriate section of the DPS, as well as "see fix on page 8." Mr. Thompson asked if this would not apply to a corner lot. Mr. Gulbranson stated a corner lot would have front yard setbacks on both sides facing the streets. Mr. Ellison stated the setback would not apply if the garage door is facing the street, but only if the garage door is perpendicular to the street. Mr. Linett stated he wanted to clarify the setback is not 10 feet but a minimum of 10 feet.

Mr. Gulbranson stated with #3-D, the setback is five feet or, if there is a rear-loaded garage, it is a 20-foot setback to face of rear-loaded garage. Mr. Linett read Miller & Smith's comment: "Should be five feet to 20 feet to eliminate parking issues." Mr. Ellison stated that particular comment is coming from a great deal of professional experience because Miller & Smith have done a lot of traditional neighborhood developments and when there is an alleyway, if one wants to try and control the parking, one of two things needs to be done: (1) either have a very small setback to the garage door, or (2) there needs to be a full parking space. Mr. Ellison stated if there is something put in between the 10 feet – as suggested – people who have a very small car (like a Mini) will try to park parallel to the garage door and the alleyway access "becomes a nightmare." Mr. Ellison stated there either needs to be a setup to encourage no parking at all or full parking. Mr. Koozer asked if the off-street parking is tied into this setback. Mr. Ellison stated when a traditional neighborhood development is done, because there is garage parking in the back, and there are a majority of people who fill up

their garage with stuff, you end up with more parking available on the street because there are no garages fronting on the street. Mr. Gulbranson stated with a 20-foot setback, one can conceivably get another parking space. Mr. Ellison stated yes. Mr. Evans asked if the five feet will be taken into the same consideration as the front yard side-loaded garage. Mr. Ellison stated what is being discussed is a traditional neighborhood development where there is an alley and the five feet would be from the edge of the alley, the property line, to the face of the garage door; or 20 feet from the edge of the property line to the face of the garage door. Mr. Evans stated the comment says "5 feet or, if there is a rear-loaded garage, 20 feet ..." Mr. Ellison stated he did not mean that wording when it was written, but rather "either/or," the way it is right now. Mr. Thompson stated the phrase would have to be worded to be more of a mandatory issue to avoid confusion. Mr. Nathan Scott stated the sentence is worded as the setback having to be either 5 feet or 20 feet and there is no other option. Mr. Evans asked if the phrase "... if there is a rear-loaded garage" needs to be taken out. Mr. Thompson stated yes, and it should be left at "5 feet or 20 feet setback to face ..." Mr. Linett agreed to take out the phrase in red font.

Mr. Gulbranson stated the next #3-E is "5 feet minimum side yard setback." Mr. Ellison stated Miller & Smith is fine with the Town's suggestion of changing 5 feet to 7 feet. Mr. Evans asked if #3-F is the rear yard setback for a typical front-load house. Mr. Gulbranson stated yes, it is 20 feet minimum rear yard setback when units are back-to-back and a 10-foot minimum rear yard setback when a unit is adjacent to an open space. Mr. Thompson stated, regarding #3-G, if some of the setbacks are 5 feet, how can the deck have a 5-foot setback. Mr. Ellison stated if someone has a deck, the 5-foot setback would be off the principal structure. Mr. Linett stated the statement will read: "Decks *off of the principal structure* may encroach into the rear yard setback no more than 5 feet" (emphasis added).

Mr. Gulbranson stated page 9 starts with #4, architectural projections, and basically this states certain architectural projections give projection to a setback area from the structure, and Mr. Gulbranson, in regard to #4-A, had a concern there would be no livable space incorporated because of those architectural details. Mr. Linett and Mr. Ellison agreed Miller & Smith are fine with the Town's addition of no livable space, by adding after the word "structure": "upon which no livable space can encroach" at the end of the sentence. Mr. Gulbranson stated, regarding #4-B, the four-foot setback be corrected to match the Town's code, which is a 5-foot encroachment. Mr. Ellison stated the change to five feet is fine, as well as adding a "C" subsection to include chimneys (comment "TM14"). Mr. Gulbranson stated for comment "ds15," his concern was if the committee did not increase the setbacks then that was too much. Mr. Linett asked if the language will say "5 feet into the rear setback." Mr. Gulbranson stated yes. Mr. Evans stated the Town's current Code says the front porch can encroach 5 feet, but open porches will not be able to encroach 4 feet. Mr. Evans asked if the Town should just stay consistent with the Code. Mr. Gulbranson stated yes, just make it all 5 feet. Mr. Linett stated he thought it was 7 feet. Mr. Evans stated the side yard setbacks are 7 feet, but Mr. Evans is talking about front and rear and he thinks they should both be five feet. Mr. Ellison stated Miller & Smith agree the setbacks should align with Town Code, so 5 feet is good.

Mr. Gulbranson stated #5 talks about location of open space, and the standard states every lot in the community or every unit shall have an area of open space an acre or larger, which will be “a green, pocket parks, things of that nature,” a quarter of an acre within 1,500 feet of every single family detached lot; and basically it is taking a measurement from the lot itself, the lot line. Mr. Thompson asked how it should be measured. Mr. Ellison stated he would like the sentence to end with “... measured from the center of the lot to the center of the open space.” The P&Z Commission agreed with that addition. Mr. Linett asked the question stated in comment “TM17”: What is the definition of court? Mr. Linett read Miller & Smith’s response: “Court is a fancy term for a small parking lot.” Mr. Linett stated he does not think P&Z have to worry about this comment.

Mr. Gulbranson stated, regarding comment “ds18,” the Town’s current Code states a single bay garage is not counted as a single parking space because these garages typically become storage spaces. Mr. Evans stated it is listed in the DPS that the double bay garages count as a single parking space, so what would a single bay garage be considered as no parking space? Mr. Gulbranson stated yes, a single would not count as a parking space. Mr. Nathan Scott asked if a comment should be added to #6 stating “a double bay garage will count as one parking space and a single bay garage will count as zero (0) parking space.” Mr. Linett stated yes.

Mr. Linett stated the last comment on page 9 (“RL19”) has to do with not renting out the garage suite area and Mr. Linett asked Mr. Ellison if Miller & Smith would include that standard in the homeowners association (HOA) declaration. Mr. Ellison stated Miller & Smith can do that and he thinks the better enforcement of such a standard will be through the Town Code because the Code requires the dwelling unit be 1200 square feet minimum, and in order to get a rental license, one has to at least have a 1200-square foot unit. Mr. Linett stated he thinks people are renting these units out and they are going to look over the HOA code before the Town Code. Mr. Ellison stated he has no problem adding this standard into the HOA declaration.

Mr. Gulbranson stated for single family attached homes on page 10, the setbacks are a 10-foot minimum front yard setback to face of front-loaded attached garage, and a 10-foot minimum setback to face of side-loaded attached garage. Mr. Linett stated with most of the comments on this page, P&Z can go back to what was stated on page 8 where examples would be provided with the setbacks being 5 or 20 feet, with the setback in comment “TM20” being set at 20 feet. Mr. Gulbranson stated in this instance, under #3-E, there is a 15-foot side yard setback and this has to do with looking at townhouses or some type of multiple unit structure, so the side yard setback is a little greater. Mr. Gulbranson asked Mr. Ellison if he was fine with the changes to “TM20” and the rest. Mr. Ellison stated yes. Mr. Linett stated comment “TM21” is the same as comment “TM9” – regarding deleting the red font – and comment “SLT22” is the same as comment “TM11” – regarding adding the phrase “... off of the principal structure” at the end of the sentence (#3-G). Mr. Gulbranson stated with comment “TM23,” the comment is the same – “be consistent with the current Town Code,” making the 4 feet change to 5 feet, and comment “TM24” is the same as comment “TM14” – having to do with adding another code requirement subsection for chimneys. Mr.

Ellison stated he was fine with these changes. Mr. Gulbranson stated comment “ds25” in #6 is the same as “ds18” – regarding a single bay garage not counting as a parking space.

Mr. Gulbranson stated under “Multi-family” dwellings, comment “TM26” is just about a review on the definition and there are no edits to review, and Mr. Ellison stated comment “ds27” – regarding a 30 foot separation for townhouses – would be incorporated. Mr. Linett asked if anyone had checked with the fire marshal in regards to comment “TM28.” Mr. Ellison stated Miller & Smith is in agreement with the Town but the fire marshal and fire/building codes will always trump the Code when it comes to required distance between buildings. Mr. Gulbranson stated the concern was the distance between buildings, the Town would like it to be 30 feet, and would like to edit the sentence in #3-C to “The minimum distance between adjacent buildings will be 30 feet.” Mr. Gulbranson stated, in regards to comment “TM29,” the Town needs a sketch for condominium decks, and Mr. Ellison replied the wording would be changed from “Decks” to “*Ground level patios and balconies* may encroach a distance of 5 feet into the rear yard setback” (emphasis added). Mr. Gulbranson stated that change would be fine.

Mr. Linett stated, for comment “TM30,” the Town would like the maximum building height to be changed from 54 feet to 52 feet, and Mr. Ellison is fine with said change. Mr. Linett stated, in regards to comments “TM31” and “ds32,” under item #5-A, the Town would like the footage to change to 5 feet. Mr. Ellison stated he had a discussion with Gary Snyder, the architect Miller & Smith used for the lifestyle center in MBTS, and Mr. Snyder said it would be great to have the flexibility to size a stoop to the building to fit in with the building architecturally. Mr. Ellison further stated the point Mr. Snyder made to him was, because the market here in Delaware will all have elevators in the product, and there will be more of a lobby and a wider entrance, there will need to be a porch, patio or something that comes out a little further. Mr. Ellison stated Miller & Smith would like a little more encroachment to allow Miller & Smith to “work a little bit better with the architectural design.” Mr. Ellison stated Miller & Smith could probably live with the 5 feet the Town wants, but Miller & Smith thought they could have a little more room to work their potential. Mr. Gulbranson stated his thoughts are Miller & Smith are only going to conceivably have a small area of green space in front of the structure, coming right up to the sidewalk. Mr. Evans stated about two feet off the sidewalk. Mr. Linett asked if the Town could make it so it states not to encroach “up to” as opposed to a definitive “8 feet.” Mr. Evans stated saying “up to” is the same as giving Miller & Smith “8 feet.” Ms. Wingate asked if the Town would be legally safe if they say “5 feet is the standard, however, the scenario can be reviewed case by case” for when the design comes in? Mr. Gulbranson stated to keep in mind the front building setback is still 10 feet and P&Z is simply talking about encroachment of a porch or stoop, which would – for a condominium-type building – be probably the lobby area, which is going to encroach closer to the street; it is not an individual porch like on a single family home. Mr. Ellison stated Miller & Smith were thinking in the context of a front porch because they are trying to get something larger and have the “walkability, the social aspects of it,” and there would be one bigger porch needed to serve the multiple units. Mr. Gulbranson stated he does not know of any other townhouses where that concept has been done. Mr. Ellison stated he does not know of any examples either but this is simply a concept which Miller & Smith can easily envision. Mr. Gulbranson stated he

is trying to think of a condominium-type building and he is thinking of the condo buildings at Bayside but the separated porches have more than two feet encroachment; and the condominium buildings are all in line with the front yard setback. Mr. Evans stated the Town should try to stay as consistent as possible when it comes to what can and cannot encroach or by how much; and if the Town keeps it at 5 feet, Mr. Evans knows they are “shorting” Miller & Smith 3 feet but the more the footage changes, the more likely Mr. Evans is to make a mistake in terms of which building has which setback. Mr. Evans further stated consistency will make the process much easier. Mr. Gulbranson stated, conceivably, the Town is looking at a building 52 feet tall, the front setback is 10 feet, and now it is encroaching out 8 feet towards the street. Mr. Gulbranson stated the façade will be right in front, and is that the kind of character the neighborhood is looking for? Mr. Evans stated he is thinking there will be four (4) buildings around the giant cupola and there really is no lot in the center – the backyards will be the backyards – and that is the way he envisioned the multi-family in that aspect. Mr. Evans further stated he does not envision a 52-foot tall building right on the road because that would be massive. Mr. Gulbranson stated the design is very urban. **Mr. Ellison stated Miller & Smith can agree to the 5-foot setback for #5-A.**

**Mr. Linett stated comments “TM33” and “RL34” for #5-B are both fine, with examples of cupolas such as the one on the MBTS lifestyle center, chimneys, and possibly dormers; and the Town approval process addressing the word “harmonious.” Mr. Linett stated, regarding comment “TM35,” the comment would be referred to Mr. Thompson because of the comment having to do with the language. Mr. Thompson stated the word “shall” is a word to mean obligation, whereas the word “will” is a word to mean promise. Mr. Linett stated in #5-C, the word “will” be replaced with “shall” and Mr. Ellison agreed to the change. Mr. Linett stated comment “TM36” – of adding to #5-C “not to exceed a maximum building height of 52 feet” – is agreed upon by the Town and Miller & Smith. Mr. Gulbranson stated, in regard to comments “SLT37” and “ds38,” Miller & Smith’s parking space per unit of listing one (1) space per unit is a bit odd because the Town’s standard it has always followed has been two (2) parking spaces per unit and Mr. Gulbranson wonders why that standard is not continuing to be followed. Mr. Evans stated Miller & Smith have proposed what they have in the DPS because Miller & Smith think it more accurately reflects the ownership and use of the unit. Mr. Ellison further stated if there is a one-bedroom, which quite a few have, then there would be one car, a two-bedroom would have two spaces and a three-bedroom would have three spaces. Mr. Nathan Scott stated he thinks Gary Snyder drafted this section and there would not be three spaces provided for a three-bedroom unit. Mr. Scott asked Mr. Gulbranson why Mr. Gulbranson would provide two parking spaces per a one-bedroom unit. Mr. Gulbranson stated because this is a resort area and there tends to be greater parking requirements due to more visitors. **Mr. Ellison stated Miller & Smith are fine with providing two (2) parking spaces per dwelling unit. Mr. Linett stated #7 would be changed to “Parking will be provided at a ratio of 2 spaces per dwelling unit” (emphasis added). Mr. Ellison stated that change is fine.****

**Mr. Thompson stated, for under “Town Center District” on page 12, and comment “TM39,” he likes the Town is going to define what its unit of measure is so, whether it is the FAR (Floor to Area Ratio) or acreage, then everyone knows what the rules are at that point. Mr. Gulbranson stated FAR can get fairly complicated but it will yield the same requirement, and**



acreage is probably the best way to go. Mr. Scott stated he agreed because if FAR was chosen the unit of measure would have to be slightly changed, whereas acreage would not. Mr. Gulbranson and Mr. Linett agreed to leave the language the way it is.

Mr. Gulbranson stated, in regards to page 13 and comments “ds40” and “RL41,” he thinks P&Z has addressed the acreage, and it is going to be 10 acres for a commercial center. Mr. Koozer stated he thinks 10 acres is adequate. Mr. Evans stated he considers the 10 acres a minimum and if a developer came back and wanted 20 acres, it could be done. Mr. Linett stated, for comment “SLT42,” in #3-D, the word “Zoning” should be changed to “Council” and Mr. Ellison agreed. Mr. Linett asked, for comment “RL43,” if the zero-foot setback for Urban Street in Millville Town Center is correct. Mr. Gulbranson stated yes. Mr. Gulbranson stated, regarding comment “TM44,” he had reviewed it and it was fine. Mr. Gulbranson stated, regarding comments “ds45” and “TM46,” he was mostly concerned with the height. Mr. Linett asked if 60 feet was the maximum height. Mr. Evans stated if everyone references back to page 11, #4, the paragraph states “Any building height that exceeds 42 feet will require a waiver from Millville Town Council per Chapter 155-12 ...,” so there is the height maximum for commercial buildings. Mr. Linett stated #5-C will have 60 feet changed to 42 feet in the commercial district. Mr. Gulbranson stated residential buildings will have a maximum of 52 feet. Mr. Gulbranson asked if the standard will apply to mix-use. Mr. Ellison stated Miller & Smith and P&Z should “cross that bridge when they come to it” because mix-use buildings are extremely difficult to get through due to fire marshals not liking the mixing of residential and commercial. **Mr. Linett stated, regarding comments “RL47” and “TM48,” are to be accepted as written.**

Mr. Linett motioned to recommend to Town Council to accept the revision to the accepted Schematic Master Plan and the accompanying Development Performance Standards (DPS) with the following modifications to the DPS:

1. **All red font in the DPS document is accepted, except for the rear-loaded garage comments on pages 8 (Section A, #3-D) and 10 (Section B, #3-D); and**
2. **Any changes accepted by the applicant, Millville Town Center LLC, in its provided attachment, in the middle column named “Applicant Action/Request,” be accepted, unless in said attachment, in the final column labeled “Comments/Notes,” there is additional modification(s) made by the Town’s Planning & Zoning Commission.**

Ms. Wingate seconded the motion. Motion passed 3-0.

#### **6. PROPERTY OWNER/AUDIENCE COMMENTS:**

Ms. Sally Griffin, of Huntington Street, stated she wanted to suggest on page MP-08 of the Schematic Master Plan the potential pedestrian bicycle network show what is existing in Sand Dollar Village so people viewing the map can see how these networks connect. Mr. Ellison stated Miller & Smith can make that addition.

Mr. Linett motioned for page MP-08 of the Schematic Master Plan to show the existing bicycle and pedestrian pathways. Ms. Wingate seconded the motion. Motion passed 3-0.

Mr. Walter Bartus, of Huntington Street, stated in the DPS, in table one (1), it shows the number of lots in Sand Dollar Village Phase 1, and someone accidentally carried over the total lot from the numbering system of 197 and it should actually be 195. Mr. Evans asked if this would hurt Miller & Smith's figures when it comes to the density. Mr. Bartus stated it may affect it, he does not know from this one page. Mr. Evans stated it would decrease the overall density. Mr. Linett stated to Mr. Ellison to double-check those numbers and if there were any major changes, P&Z could address it at a future meeting. Mr. Ellison stated Miller & Smith would review it. Mr. DuCott rejoined the dais.

**7. ADJOURNMENT:**

Mr. Linett stated the next P&Z meeting would be on January 12, 2015. Ms. Wingate motioned to adjourn the meeting at 9:21 p.m. Mr. Linett seconded the motion. Motion passed 4-0.

Respectfully submitted and transcribed  
by Matt Amerling, Executive Assistant