

**Planning and Zoning Committee Meeting
January 4, 2017 @ 7:00pm**

In attendance were Town Manager Debbie Botchie, Town Code & Building Administrator Eric Evans, AECOM Representative Kyle Gulbranson, Committee Member Susan Brewer, and Town Executive Assistant Matt Amerling.

1. **CALL TO ORDER:** Town Manager Debbie Botchie called the meeting to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES – NOVEMBER 22, 2016**

Code & Building Administrator Eric Evans motioned to approve the November 22, 2016, Planning & Zoning (P&Z) meeting minutes. Committee Member Susan Brewer seconded the motion. Motion carried 4-0.

4. **NEW BUSINESS:**

A. Discuss and possible recommendation to Town Council on a submittal by George, Miles, and Buhr, LLC (GMB), on behalf of Beazer Homes, a revised conceptual site plan for Bishop's Landing – Phase 5. Synopsis: The applicant is requesting a revision to the previously approved final site plan for Phase 5 of Bishop's Landing, which consisted of 53 units of 28' wide townhomes, also referred to as Beach Villas. The applicant is requesting to change to 27 units that are 28' wide and 18 units that are 40' wide for a total of 45 units. This would be a reduction of 8 units. The overall design and street layout remains the same.

Mr. Steve Marsh, of GMB, representing Beazer Homes, stated Phase 5 was approved as part of the overall master plan back in 2011 or 2012, and the phase did have fifty-three (53) of twenty-eight-foot (28') townhouses and all GMB and Beazer are asking to do is a product change so there is a mix of the twenty-eight-foot (28') townhouses and the forty-foot (40') townhouses, for a reduction of eight (8) units, which puts the total number for the project at four-hundred-thirty-three (433). Mr. Marsh stated the original master plan had a little amenity area with a sand volleyball court down in the southeast corner of the phase, and Beazer would like to change the volleyball court to a community garden because it would be a better use of the space and be better for the overall community. Ms. Botchie stated this is a concept plan review and changing the volleyball court was one of the Town's items for discussion because the individuals moving into Bishop's Landing are mostly retired and Ms. Botchie thinks there should be an amenity there which better serves the majority. Mr. Marsh stated the garden will not be in the exact same layout as the volleyball court because Beazer would like to make it a bit narrower and longer so it's not as close to the rear lot lines, but the garden would be a bunch of raised beds. AECOM representative Kyle Gulbranson stated he thinks a garden is a much better use. Ms. Botchie asked if a community garden is placed there, regarding the street network, at the end of Gray's Neck Court, is there any way to have some off-street parking in that area? Mr. Marsh stated he spoke with Beazer representative Steve Brodbeck about this earlier today and they talked about maybe adding parallel parking spots but they are not on the plan yet, as well as the possibility of placing a clamshell parking area to the northwest of the site so it looks less invasive and GMB and Beazer are willing to add parking. Mr. Brodbeck stated GMB and Beazer can show the parking on the final plan, and Bishop's Landing resident

Pete Michel is here tonight and he is on the Bishop's Landing homeowners association (HOA). Mr. Pete Michel, of Bishop's Landing, stated he has polled a little over one-hundred (100) residents of Bishop's Landing and they all want to get rid of the volleyball court, and the community garden would be great for the residents. Mr. Brodbeck stated Beazer would like to see a board member of the community manage the area. Ms. Botchie asked if there would be something like a potting shed out there. Mr. Brodbeck stated Beazer could provide the shed but it would have to be managed by a community member. Ms. Botchie asked if Beazer will work it out during the preliminary plan stage. Mr. Marsh stated it is his understanding of the Town Code that tonight's review of plans may be considered a preliminary, and he was hoping the Town could do so, especially since there aren't many changes to this plan; but Mr. Marsh would be happy to submit an amenity change for review prior to finalizing the plan. Mr. Gulbranson stated typically there is the process of going from concept to preliminary to final review, and Mr. Gulbranson agrees this doesn't have a major change and the street network isn't changing. Ms. Botchie stated she needs to review the Code to check on the procedure in the residential planned community (RPC) code.

Mr. Evans stated the dimensions on the black and white sheet plans are throwing him off because the numbers are wrong. Mr. Marsh stated he must have grabbed the wrong one but he will take care of correcting those numbers. Mr. Evans stated he would like to see the crosswalks go more at a ninety-degree (90°) angle. Mr. Marsh stated that is fine, and GMB can jog the sidewalk and wrap it around. Mr. Evans stated his other question is regarding the multi-modal path along Substation Road and Burbage Road. Mr. Marsh stated he knows GMB and Beazer had committed to having some kind of open space area because there was talk about an opportunity for people to rest – such as providing some benches or a pergola. Mr. Marsh stated he will have to look into whether there was money put into escrow for that or what the case is with whether the entrance was going to go away or the path be extended. Mr. Gulbranson stated it looks like there is a multi-modal path along Substation Road and up to the intersection on the approved plans, but it doesn't continue along Burbage Road, on the north side. Mr. Marsh stated he remembers talking to Jim Osbourne about that a while ago (and he's now in Dover), but Mr. Marsh will have to review his notes. Mr. Gulbranson stated it seems odd the path doesn't continue. Mr. Evans stated the path is in front of Coventry and it makes sense to take it all the way out to Burbage Road, and Mr. Evans doesn't know how DeIDOT does a crosswalk there at the end of Burbage Road, but with the aspect of that, Millville by the Sea (MBTS) has a path going along Substation Road, and DeIDOT is going to be putting it along Burbage Road, from Substation Road to Route 17, so there will be a multi-modal path there and it makes sense the Town keep the interconnectivity so people can stay out of the road and on the path. Mr. Marsh stated he knows there is a right-of-way for it and he thought DeIDOT was going to do it, but Mr. Marsh has to look at the agreement. Mr. Brodbeck stated it was part of the agreement to set the area aside for DeIDOT for potential future development, but it wasn't a requirement of the development because Beazer funded a lot of the acquisition around there as well as the roadwork. Mr. Marsh stated what he's hearing is DeIDOT wanted to do it but Beazer paid for a bunch of other stuff so DeIDOT was saying to make sure the area is there and DeIDOT will do it. Mr. Brodbeck stated yes, Beazer had to provide right-of-way, so that's a DeIDOT issue. Mr. Evans stated he would like to contact DeIDOT and make sure they

put in the path because if Beazer is not going to finish putting it in, then DeIDOT will have to complete it. Mr. Marsh stated he'd be happy to pull all the details and agreements out. Mr. Evans stated he was going to question the dumpsters, but he's thinking Bishop's Landing will need those dumpsters. Mr. Marsh stated yes, the dumpster issue goes back four (4) or five (5) years ago, and GMB has worked on Bayside for a long time, and one of the biggest complaints is there not being enough dumpsters. Ms. Brewer asked if the dumpster will be in a fenced-in area. Mr. Marsh stated yes, the dumpsters will be in an enclosure.

Ms. Botchie stated regarding the additional open space Beazer has, what is the plan for that area to the south of the phase. Mr. Marsh stated the open space will be decorative. Mr. Brodbeck stated the open space will be a common grass area with an open sodded area for plantings but there won't be any hardscapes. Mr. Gulbranson stated what he thinks is confusing people is the signage located to the northwest, where the multi-modal path will go. Mr. Brodbeck stated the signage was previously approved and is just a temporary sign. Mr. Evans agreed. Mr. Marsh stated yes, the sign would be temporary for advertisement, and is not an entrance sign or monument sign. Mr. Gulbranson asked if the amenities would be located in that northwest corner. Mr. Marsh stated yes, the amenities will be wedged into that area so as to engage the multi-modal path and have a rest area.

Mr. Evans asked, because of the interconnectivity in Coventry being almost complete, how can the Town direct or divert the construction traffic so it won't go through Coventry so much? Mr. Evans stated he would like GMB and Beazer to maybe put in a temporary construction entrance a bit to the east of the intersection of Substation Road and Burbage Road so the intersection doesn't get too busy or backed up. Mr. Marsh stated he will look at it and see what can be done. Mr. Brodbeck stated he understands Mr. Evans' reason for where to place the entrance – and Mr. Brodbeck prefers that location – but Beazer can't commit to saying they can definitely place the temporary entrance there because it is ultimately a DeIDOT decision. Ms. Brewer asked if there will be a privacy fence around the garden area. Mr. Marsh stated GMB and Beazer were not planning on it as there will just be raised beds and the garden will not be as close to the backyards as shown on the plans. Mr. Brodbeck stated the HOA documents don't allow fences in Bishop's Landing, but only on the multi-use product. Ms. Brewer asked if the garden would have plots available to the homeowners or will it be owned and taken care of by the HOA. Mr. Brodbeck stated the property will be owned and managed by the HOA, so the HOA will allocate the lots out on a first-come, first-serve basis, and, hopefully, if Beazer gets all of its approvals, the garden can start being grown by spring of this year. Ms. Brewer asked what kind of material will be used for the raised beds. Mr. Brodbeck stated typically pressure-treated materials such as lumber are used.

Mr. George Kovalich, of Coventry, asked, regarding the street network, if there is a plan for any permanent access to phase 5 off Burbage Road or Substation Road. Mr. Evans stated the permanent access will be either off White Clay Drive or Blue Heron Drive. Ms. Botchie stated no, there will be no direct access via Burbage Road or Substation Road. Mr. Nick Fotias, of Coventry, stated the homes in Coventry were sold as a private community. Ms. Botchie stated there are no private communities in Millville. Mr. Fotias stated the private community was the

impression he got, and now the only access to this new phase, which has frontage on both Substation Road and Burbage Road, is going to be through Coventry. Mr. Evans stated no, the access will also be through Brandywine Drive. Mr. Fotias asked if there will be through traffic coming through Coventry. Mr. Evans stated yes, the same way Coventry residents can get through Bishop's Landing. Mr. Fotias stated Bishop's is an entirely different community and he doesn't understand why the two communities are connected. Ms. Botchie stated there are several residents in here tonight that were here when Bishop's Landing came in for their revision and Ms. Botchie has had one-on-one conversations with some residents in attendance tonight, and it was said that DelDOT – not the Town or the developer – took the entrance off Substation Road. Mr. Gulbranson stated, initially, Coventry was a phase of Bishop's Landing. Ms. Botchie stated yes, and the builders decided to do a stand-alone with Coventry; but the connectivity still has to be there and that is the way it was approved. Mr. Gulbranson stated the State of Delaware wants connectivity with communities in municipalities. Mr. Fotias stated the traffic is one of Coventry residents' concerns because Coventry is nearing completion and residents are looking forward to a time in the near future when they can get a final surface on Coventry's roadways, so Coventry residents don't want construction traffic coming through the development. Mr. Evans stated he understands Mr. Fotias's concern and that is why Mr. Evans asked for Beazer to put in a construction traffic entrance off either Burbage Road or Substation Road if Beazer can get approval from DelDOT. Ms. Botchie stated if anyone in the audience would like to discuss issues regarding Coventry they are more than welcome to approach the Town about placing the matter on the agenda for a future Council meeting or coming into Town Hall and discussing the matter with the administration, but P&Z is only discussing what is on tonight's agenda concerning phase 5 of Bishop's Landing. Mr. Tom Paspalis, of Coventry, asked how many dumpsters would be in phase 5. Mr. Marsh stated there would be two (2) dumpsters. Mr. Paspalis asked GMB if they thought two (2) dumpsters for fifty-three (53) homes would be sufficient. Mr. Brodbeck stated the dumpsters are just for renters and for when there is a holiday which gathers up extra trash, but every homeowner has their own trash service and trash bins.

Mr. Dennis Hartline, of Blue Heron Drive, asked if DelDOT says no to the construction entrance, when will the public hear of what is to be done? Ms. Botchie stated that topic would be discussed at preliminary review. Mr. Hartline asked if there is any idea how long it would take DelDOT to approve or disapprove the construction entrance. Mr. Marsh stated his guess it would take about one (1) month. Mr. Karl Beers, of Coventry, asked if Brandywine Drive ties in to the northern most roads of Blue Heron Drive and White Clay. Mr. Evans stated yes. Mr. Beers asked, regarding the multi-modal path, will it be continuous up to Substation Road. Mr. Evans stated his thought process is that the multi-modal path needs to be put in, so if DelDOT puts it in, great, but if they don't, then Mr. Evans will suggest Beazer needs to put it in because there would then be the interconnectivity; but GMB and Beazer need to go back and check their paperwork to see what DelDOT required of Beazer.

Ms. Botchie stated GMB and Beazer can go to preliminary with the P&Z Committee and then to Council, at a public hearing, with the final site plan. Mr. Evans motioned to accept the plan as conceptual with changes as recommended by P&Z tonight to go to a preliminary site plan. Ms.

Brewer seconded the motion. Motion carried 4-0.

5. PROPERTY OWNERS COMMENTS:

Mr. Karl Beers, of Coventry, asked how the residents can keep updated on Town matters. Ms. Botchie stated residents can check up on the Town's website, Facebook page, or come directly to Town Hall during business hours and talk with Town staff.

A Coventry resident asked if there is any way residents can have any input with DeIDOT's decision to make the construction traffic access or is it already done. Mr. Evans stated he doesn't know whether residents can contact DeIDOT or not. Ms. Botchie stated to let the GMB and Beazer representatives do their due diligence and see what happens.

Mr. Wayne Reinhart, of Coventry, asked the window of time is to complete phase 5 of Bishop's Landing. Ms. Botchie stated it is all dependent on how the market is and how much and how quickly the units sell, but right now, Bishop's Landing is, in Ms. Botchie's opinion, doing extremely well. Mr. Reinhart asked if DeIDOT has done a traffic flow study in the area to determine the amount of traffic going through Coventry. Ms. Botchie stated she believes DeIDOT did all of its due diligence initially in 2005 or 2006, before the developer came to the Town, and when Coventry was a part of Barrington Park under Bishop's Landing. Ms. Botchie suggested Coventry residents speak with Bob Harris or Mark Zurensick.

6. ADJOURNMENT:

Mr. Evans motioned to adjourn the meeting at 7:44 p.m. Ms. Brewer seconded the motion. Motion carried 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Executive Assistant