

**Planning and Zoning Committee Meeting
March 9, 2018 @ 2:00pm**

In attendance were Town Manager Debbie Botchie, Town Code & Building Official Eric Evans, Town Solicitor Seth Thompson, GMB Representative Andrew Lyons Jr., and Town Clerk Matt Amerling. Committee Member Peter Michel was absent.

1. **CALL TO ORDER:** Town Manager Debbie Botchie called the meeting to order at 2:00 p.m.
2. **ROLL CALL:** Ms. Botchie stated all members are present except for Committee Member Peter Michel.
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES - December 11, 2017**
Code & Building Official Eric Evans motioned to adopt the meeting minutes from the December 11, 2017, Planning & Zoning Committee meeting. Ms. Botchie seconded the motion. Motion carried 2-0.

MOTION TO ENTER PUBLIC HEARING

Mr. Evans motioned to go into public hearing at 2:05 p.m. Ms. Botchie seconded the motion. Motion carried 2-0.

5. **NEW BUSINESS**
 - A. Public Hearing Notice - Debbie Botchie
 - B. Written Comments - Debbie Botchie

There were no submitted written comments.

- C. Discuss and possible vote on a revised final subdivision plat and final site plan submitted by George, Miles and Buhr, LLC on behalf of Beazer Homes, for Dove Landing which had previously been approved on December 12, 2017. The applicant is requesting to integrate a 40' Ocean Villa townhome product to allow for a more diverse mix.

Mr. Lawton Myrick, of George, Miles & Buhr, LLC (GMB), stated Beazer had asked GMB to incorporate some forty-foot (40') villas of the "ocean product," which GMB did. Mr. Myrick showed the original site plan from December 2017, which has mixed residential uses. Mr. Myrick stated GMB is required to have forty percent (40%) singles in a residential planned community (RPC), so that ratio is maintained in this plan, but the green reflects the introduction of the forty-foot (40') villas. Mr. Myrick stated Beazer and GMB feel the forty-footers were very

successful at Bishop's Landing, and they are hopeful they will be successful at Dove Landing as well. Mr. Ed Gold, of Beazer Homes, stated the density of three-sixteen (316) will remain identical, and Beazer was pretty far along on this plan when the suggestion was made to include the Ocean Villas. Mr. Gold stated the Beach Villas are twenty-eight feet (28') wide and the Ocean Villas are forty feet (40') wide, so it is identical to what is across the street at Bishop's Landing. Mr. Gold stated what was approved on December 12, 2017, only had two (2) of the three (3) products, so Beazer thinks this will be briskly received the way Bishop's Landing has [been received], and Beazer has this through multiple phases so this will go throughout the entire project.

Town Manager Debbie Botchie stated the P&Z Committee has a set of different site plans than what Beazer is displaying. Mr. Myrick stated he will address these changes on the site plan with Beazer. Ms. Botchie stated it is very important at this stage that if the P&Z Committee is going to discuss this and give a recommendation, the amenity changes/additions should be included on the application. Ms. Botchie asked what Beazer wanted to do in terms of rescheduling a meeting for the amenities or going forward without the amenities. Mr. Gold stated he would like to move forward with the introduction of the 40' villas. Town Solicitor Seth Thompson asked Mr. Gold if he wanted to limit the application to just the 40' villas. Mr. Gold stated yes.

Town Code & Building Official Eric Evans asked if P&Z will see this plan one more time with the change in amenities before the plan goes before Council. Mr. Gold and Ms. Botchie stated there is no change in the amenities. Mr. Thompson stated, in his mind, the amenities would have to be a separate application and that is the way Beazer wants to proceed. Ms. Botchie stated Beazer wants permission to do what was on the first plan. Mr. Evans stated he does not have a problem with the site and thinks Beazer and GMB don't have enough forty-footers in Dove Landing because those sell "like hotcakes" and Beazer may be back before P&Z. Mr. Evans stated he wants to remind the public the entrance in phase 2 which is going out on Route 17 may change. Mr. Evans stated the Town and Beazer still need to work out a location for where Beazer is going to place the mail kiosk.

Residents/Property Owner Comments and Questions

Mr. Bruce Sheppard, of Lucinda Drive, Ocean View, asked what kind of buffer will there be between Mr. Sheppard's property and Dove Landing. Mr. Myrick stated there will be a planted berm. Mr. Sheppard asked if the tax ditch will be cut off. Mr. Evans stated the Soil Conservation District (SCD) reviewed these plans in terms of water flow and the SCD has given its approval. Mr. Evans stated if the tax ditch were changed in any drastic way, the action would have had to gone to court to get approval to make said change.

Mr. Clifton Toomey, of Burbage Road, asked if the Town has any legal documentation approving the elimination of tax ditches affected by this project.

Ms. Botchie stated this topic is out of the Town's jurisdiction and it is the SCD and the Delaware Department of Natural Resources and Environmental Control (DNREC) which give the approval of such issues. Mr. Myrick stated there are certain tax ditches GMB and Beazer had to build small bridges over, but there were some agricultural ditches that Beazer was permitted to fill.

- D. Discuss and possible vote on a revised schematic development plan for the Master Planned Community known as Millville by the Sea which had been previously approved in July 2014. The plan was submitted by Millville Town Center, LLC. The applicant is requesting a location change for the Beebe South Coastal Campus, addition of a mixed-use Town Center District, and relocation of the water tower.

Mr. Al Ruble, of Millville by the Sea (MBTS), stated MBTS originally had Beebe coming to the northeast side of its property due to its location being in what was to be a large Town center planned back then, but with the economy change in 2008 and other things, the plans changed and Beebe is now relocating to a new location just a bit south west of the original area. Mr. Ruble stated the relocation helped the fact that there will be a heliport located on site and the noise would be in a more isolated area, as well as giving more space for the emergency center. Mr. Ruble stated MBTS has met with DelDOT, the County and Beebe, and they all seem to be on-board with the relocation.

Mr. Ruble stated to the south of Beebe, MBTS would also like to add an additional Town Center district, featuring more professional services in that district, such as doctors, dentists, etc. as well as more housing in the form of condos for employees considering to live very close to where they work; the original town center district approved in 2014 will be more geared toward retail services. Mr. Ruble stated the original Town center district was just over thirty-five (35) acres so MBTS is not asking to exceed the original 2006 approval was, but just asking consideration for the zoning change in order to add the second district.

Mr. Ruble stated MBTS is also requesting to relocate the Tidewater elevated water tower from its 2004 location in the southeast section of MBTS. Mr. Ruble stated everyone knew that since growth has occurred, the water pressure could be a problem, so there were studies done on the tank and its current location, and it was discovered that, in 2014, the tower was omitted by the developer and Tidewater was not aware of the omission. Mr. Ruble stated because of the water tower being taken away, MBTS is now going to be able to have the Town consider allowing MBTS to move the water tower to where the old project office is currently located, in a very heavily wooded area and help hide a lot of the tower from being seen. Mr. Ruble stated the tower is also needed to feed into Beebe's upcoming facility; and the tower wasn't just to serve MBTS, but also other areas in Sussex County around the tower.

Mr. Andrew Lyons Jr., of GMB, stated GMB has reviewed the plans, met with the developer and the Town, reviewed all of the items, and everything looked good.

Mr. Lyons stated all of the comments GMB had have been addressed by the developer. Mr. Ruble stated MBTS would love to add this connector road which will tie Summerwind Village with Sea Star Village, so drivers will be able to internally go north to south within the community without having to go out to the public streets. Mr. Ruble stated he also highlighted a sewer route to show how the sewer will come down to Roxana Road, and up to Beebe; and MBTS will bring a 16-inch water line from Substation Road down to the future site area, serving Beebe, and the 16-inch is critical because it will serve the looped area. Mr. Ruble stated within eight (8) to ten (10) years, Tidewater feels they'll get the tank in place.

Ms. Botchie stated she doesn't have anything to ask, and this has been going around for years now; and the Town is extremely excited that Beebe is coming to Town. Mr. Ruble stated another great aspect to the relocation of Beebe is the traffic impact will be greatly reduced. Mr. Evans stated he thinks everything is good.

Residents/Property Owner comments and Questions

Ms. Sally Griffin, of Huntington Street, asked if there will be any roundabouts on the connector road. Mr. Ruble stated no.

- E. Discuss and possible vote on a Conditional Use Application submitted by Davis, Bowen & Friedel, Inc., on behalf of Millville Residential, LLC for the Millville Town Center 3 Subdivision. The proposed subdivision is located on TMP#134-12.00-396.00 and zoned RPC. The applicant requests a conditional use for 24 townhomes on less than 10 acres; the existing parcel is 4.2892 acres.

Mr. Ring Lardner, of Davis, Bowen & Friedel, stated the site is located along Dukes Drive, maintained by DelDOT, with vacant land to the north and the park and Mr. Lord's property located to the south. Mr. Lardner stated the roads and overflow parking will be owned by condominium association, the water will be provided by Tidewater, and the sewer will tie into County. Mr. Lardner further stated there will be sidewalks along both sides of the road except along the flag portion where a sidewalk will only be located along the north side of the road. Mr. Lardner stated the open space will be 52% of the total site area. Mr. Lardner stated one GMB comment he feels should be addressed now is the requirement of 25% of active open space, which, for this project, would be 1.07 acres of land, and that amount of land would be detrimental to the viability of the project due to the unique shape of the lots. Mr. Lardner stated he and the owner feel with the Town park being adjacent to this project, it may be in our best interest to have both parties to offset that active amenity by providing some kind of donation to the Town and that donation can be discussed further amongst members of the staff.

Mr. Lardner further stated the second GMB comment is about the driveway and we've been asked to maintain said driveway, which he and the owner have no issue with, but his question is will the driveway have the only access to the park. Mr. Lyons stated that is not the park, the flagship lot is still owned by Mr. Bill

Lord, and the park is about fifty feet (50') from that.

Mr. Lyons stated GMB did review the site plan and this is less than ten (10) acres but it has already been zoned RPC. Mr. Lyons stated most of the comments have to do with the site plan itself. Mr. Evans stated the plan needs to show the size change of the parking spaces. Mr. Thompson stated, in terms of the 25%, because this will be a condominium, the land is technically not be subdivided, so Mr. Thompson's thought is the P&Z Committee may waive the percentage. Ms. Botchie asked if P&Z could do that at the preliminary review for the site plan. Mr. Thompson stated yes.

Residents/Property Owner comments and Questions

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

Mr. Evans motioned to close the public hearing at 2:52 p.m. Ms. Botchie seconded the motion. Motion carried 2-0.

6. Discuss and possible vote on Items 5C, D and E under New Business with recommendations regarding the Town Council's review of the plans submitted with or without additional comments.

Mr. Evans motioned to recommend to Town Council to approve the revised final subdivision plat and final site plan for Dove Landing to integrate the 40-foot ocean villas. Ms. Botchie seconded the motion. Motion carried 2-0.

Mr. Evans motioned to recommend to Town Council to approve the revised schematic development plan for Millville by the Sea, the location change for the Beebe South Coastal Campus, addition of a mixed-use Town Center District, and relocation of the water tower. Ms. Botchie seconded the motion. Motion carried 2-0.

Mr. Evans motioned to recommend to Town Council to approve the Conditional Use Application for 24 townhomes on less than 10 acres for the Millville Town Center 3 Subdivision. Ms. Botchie seconded the motion. Motion carried 2-0.

7. ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 2:56 p.m. Ms. Botchie seconded the motion. Motion carried 2-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk