

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
October 23, 2018 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Council Member Ronald Belinko, Town Solicitor Seth Thompson, Town Manager Debbie Botchie, Town Clerk Matt Amerling, and GMB Representative Andrew Lyons Jr. Treasurer Susan Brewer and Secretary Peter Michel were absent.

1. CALL TO ORDER

Mayor Gordon called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Gordon led the pledge of allegiance.

3. ROLL CALL

All Council members are present except for Treasurer Susan Brewer and Secretary Peter Michel.

4. NEW BUSINESS

- A.** Discuss and review Draft Ordinance 19-07. *Synopsis:* Ordinance 19-07 will amend the Town Code at Chapter 155, entitled “Zoning,” at 155-13 C-1, entitled “Town Center Commercial District,” 155-18, entitled “Principal Use,” and 155-79, entitled “Definitions and word usage,” and at Chapter 125, entitled “Subdivision of Land,” at 125-4, entitled “Compliance Required.”

Town Manager Debbie Botchie stated this ordinance has been something she and Town Code & Building Official Eric Evans have been discussing in previous years, as well as with GMB engineer Andrew Lyons and Town Solicitor Seth Thompson, because the Town’s current Code states a property owner may only have one (1) principle use and one (1) building on any lot in any district. Town Solicitor Seth Thompson stated the only exception is the large-scale shopping centers. Ms. Botchie stated this ordinance focuses on the C-1 Town Center Commercial District, and back in 2009, when the Town did its Comprehensive Plan, it was agreed upon – with the Office of State Planning as well – to rezone all the Residential homes along Route 26 to a C-1, but they could be a Residential use. Ms. Botchie further stated this amendment does not change any uses already permitted in the C-1 Town Center Commercial District. Ms. Botchie stated this amendment will allow administration to work closely with property owners and investors who wish to bring a small-scale town center/shopping and business instead of a strip mall on Route 26, which has always been the Town’s vision. Ms. Botchie stated the main point to this zoning is, on page eight (8), 155-18 Principal use, there is currently only one (1) principal use and one (1) building on any lot in any district except apartment or townhouse developments, and shopping centers. Ms. Botchie stated the Town is asking in the definition of this that shopping centers need to be removed from this section as a shopping center has multiple principal uses and are allowed in the C2 Town Commercial District. Ms. Botchie stated the Town currently has lots that have more than one principal use as well as more than one building that are pre-existing. Ms. Botchie further stated, in

conjunction with amending number one (#1), the Town could allow a small scale facility, town center, in which a lot could have multiple buildings and more than one use: professional services, retail, and personal services on one (1) lot that will have one (1) entrance, one (1) parking lot, one (1) sign, and the facility will be walkable. Ms. Botchie stated these facilities must also follow the Design Standards that was approved by Council in 2011 and the first business to utilize the standards was Dollar General, who was not allowed to construct their normal metal building, hence, the brick façade and awnings, as well as Bay to Beach Builders and Sea Studio. Ms. Botchie showcased photos on a slide show from a book written by Edward McMahon with the Office of State Planning, entitled *Better Models for Development in Delaware*. Ms. Botchie asked if people would have a chance to shop in a strip mall shopping center or in a town center, which would encourage multiple uses, shared parking and walking between the stores. Ms. Botchie stated the town center concept has been the Town's plan since it doesn't have a downtown area like Berlin (MD), but there are several parcels along Route 26 which could be small-scale town centers. Ms. Botchie stated also with the small-scale facilities, there would be a limiting of curb cuts and consolidation of entrances along Route 26, which would cut back on traffic back-ups and chances of accidents. Ms. Botchie stated parking would be on the interior of the parcel, there would be landscaping, sidewalks to pull into the facility, and multiple uses of businesses. Ms. Botchie stated this would not be for big "box stores" such as Giant Food, Wal-Mart, Target, etc., which are a C-2 zoning designation. Ms. Botchie stated with this ordinance being proposed, a property owner would have to have a minimum of two (2) acres and a maximum of four (4) acres to develop under the C-1 zoning.

Mr. Thompson stated when he thinks of the Town Center concept around here, he thinks of Route 9, where the vineyards are close to Five Points near Lewes, with apartments above the businesses. Ms. Botchie stated yes, and such a thing is allowed in the Town's Code. Ms. Botchie stated the Town also has in its Design Standards the parking being in the back of the business rather than in the front, as well as having trees planted in the parking lot, and have more landscaping. Ms. Botchie stated the Town would rather have parking to the side or in the rear, which is in the Design Standards. Mayor Gordon asked, in reference to the photos in the slide show, if the Town is looking to have parking on Route 26. Ms. Botchie stated no, there would be no parking along Route 26.

Mr. Evans showed two (2) side-by-side drawings of a section of land along Route 26 containing four (4) different parcels and how they would look if a business went onto each parcel; the other drawing was of the four (4) parcels merged together into one (1) parcel but with the proposed small-scale shopping center. Mr. Evans stated if the four (4) parcels – each of which are zoned C-1, can have a commercial business, and have a ten-thousand (10,000)-square-foot building – move forward with a different business as currently allowed in the Code, each parcel can have its own entrance/exit-way, meaning there are four (4) entranceways within close proximity to each other, within three-hundred-forty-eight (348) linear feet, and that causes traffic back-up. Mr. Evans stated there would also be four (4) different business signs within close proximity of each other so there would be sign pollution within that strip of land. Mr. Evans stated there would also be a hazardous flow of traffic from patrons driving from one end of the parcels to the next and coming back the other way to hit up stores in a particular order; and trying to turn left onto Route 26 in the summer is difficult enough. Mr. Evans stated, with the proposed small-scale shopping center, there's

one entrance/exit-way but with the multiple stores – which each building can be at most ten-thousand (10,000)-square-feet – and it will be a “one-stop” shopping and/or professional office destination. Mr. Evans stated with Beebe coming to the area, this concept would also be beneficial to the various doctor’s offices needing to be in the area, as well as gift shops, restaurants, etc. Mr. Evans stated this small-scale concept would also only have one (1) business sign rather than four (4) signs. Mr. Evans further stated, regarding the 10,000-square-foot buildings, there will most likely be about five (5) to six (6) stores per building – with each store being about twelve-hundred (1,200) to two-thousand (2,000)-square-feet – and the cost will be cut from developing the property due to being under the requirement for needing sprinklers per the Fire Marshal, and the money saved could go more into building the façade. Mr. Evans stated the builder will still have to meet the buffer requirement and stormwater management.

Mayor Gordon asked if there is a way Council could limit the amount of stores in each building as well as limit the type of store. Mr. Evans stated in land use, if a use is permitted within the C-1 District, the use would be permitted. Mayor Gordon asked if the building could rise up three (3) stories. Mr. Evans stated yes, but the 3-story building will take up and go over the required square-footage and a C-1 District-zoned building can only have 10,000-square-feet. Mr. Evans stated also if there is an awning out front, the awning counts as being a part of the building and will take up some of the permitted square-footage. GMB Representative Andrew Lyons stated with the four different parcels, because of the Code, Millville doesn’t have a downtown area like Berlin or Lewes where the stores are right next to each other; so the Town has stormwater issues and has to follow the Sussex Conservation District (SCD) Code. Mr. Lyons stated because of the SCD, if the parcels remained the four separate parcels – and stormwater on small lots in this area is extremely difficult – there would have to be four individual stormwater treatment systems, whereas with the small-scale shopping area, there would only need to be one, which would be more cost-efficient and easier to maintain. Mr. Thompson asked Mayor Gordon if he was worried there would be too many stores in one building. Mayor Gordon stated yes, but also his concern is Council can’t dictate whether what kind of store will go into the buildings. Mr. Thompson stated there could be a limit put on size of rented space so the landlord “isn’t renting out broom closets.” Mayor Gordon stated his concern is there will be “another Dollar General” where some businesses decide to put a good amount of their product outside of the store and Mayor Gordon is worried there will be many stores like that in one building. Mr. Evans stated there won’t necessarily be the same type of stores in one building. Mayor Gordon further stated he does like the small-scale shopping center concept and knows this area is becoming more and more of a busy, year-round Town. Mayor Gordon stated he doesn’t want to see any accidents happening when someone’s trying to make a left-hand turn out of the smaller individual lots. Mr. Evans stated as the Town grows, DelDOT will be reviewing all of the entrances in relation to that aspect.

Mr. Thompson stated the notion of the small-scale shopping center is more small-business friendly so it would make more sense to have a multiple-use building. Ms. Botchie stated the Town is not saying people will want to do just one building with multiple uses, although it could still happen; but on page two (2), this ordinance would allow still buildings to be attached which is a strip mall. Ms. Botchie asked Council if that is something they still consider having. Mr. Lyons stated it depends because the buildings could be attached by an

awning or breezeway. Ms. Botchie stated she and Mr. Evans did speak with a potential buyer and explained the connection via breezeway, which they liked. Mr. Lyons stated the buyers would also still have to meet the Route 26-Route 17 Design Standards, and this ordinance gets rid of a lot of the non-conforming uses. Mr. Lyons stated Millville Town Peddler already currently has multiple uses, the Shoppes of Millville has multiple uses, the area where the book store and Bonkey's are has multiple uses, as well as Taco Taco and the salon and spa. Mr. Lyons stated Lord's Landscaping has Susan Weidman, Delaware Provisions South and others so it's a multiple use also, so this ordinance helps clean up some of the pre-existing non-conforming uses and allow them to change their property if need be for other things if the property owner decides to tear down and rebuild (because they are currently grandfathered in). Mr. Lyons stated, as the Code exists now, if, either an existing property owner tears down their grandfathered multiple-use building(s) or a new property owner comes in and wants to put up a new building, the new buildings would not be permitted to be a multi-use; but with this amendment, multi-use would be permitted.

Mr. Thompson stated it seems like a lot of businesses nowadays are looking for smaller spaces to rent out rather than rent out an entire too-big building; and in terms of two businesses competing with each other, this kind of multi-use would appeal to doctor's offices where you may have an ear, nose and throat doctor, in the same building with a family practitioner, a chiropractor and an oncologist, so it appeals to many. Ms. Botchie stated the growth is coming and there will be uses that property owners will come to the Town with to get approved and the uses will necessitate a conditional use, and that is where Council has leverage to approve or deny. Ms. Botchie stated there are several businesses from Bethany Beach that would like to relocate to Millville if an amendment such as this is approved. Council Member Ronald Belinko stated he went to the Giant Food shopping center and got his dry cleaning done, did some grocery shopping and went to Banks Wine & Spirits all in a close proximity and it's very convenient for him and residents, which is what residents are looking for. Ms. Botchie stated it is a shame the sidewalks (along Rt. 26) stop at Windmill Drive but at least the Town has them there, and the Code says the Town requires sidewalks. Mr. Lyons stated yes, but a lot of the decision on the existing properties there is made by DelDOT and the drainage, meaning the Town and DelDOT will have to look at the drainage on those sites on the corridor without sidewalks to see how it can be done; and the developer will have to deal with it and it will be a DelDOT issue. Mr. Lyons stated if the developer has sidewalks put in, they will have to take the DelDOT drainage which goes into swales or shoots off and do something with it. Mr. Evans stated there are a few parcels along Rt. 26 where the right-of-ways and distance between a home and the curb gets tight, and Mr. Evans thinks DelDOT was not going to infringe too much on those areas. Mr. Evans stated what is now being discussed is if a property owner tears down their building(s) such as Vickie York for instance, then the Town can say the new building(s) will have to have a front setback of thirty (30) feet as opposed to the grandfathered five (5) feet it may currently be, and sidewalks can be taken into account when reconstructing.

Mr. Thompson stated the first amendment to the ordinance would be the permitted use of small-scale shopping centers, and if there is anything not listed in the permitted uses, an applicant can ask for via a conditional use, unless it's a specifically prohibited use. Mr. Thompson stated this small-scale shopping center would have to fit within the given dimensions proposed. Mr. Thompson stated Ms. Botchie asked to clean up the sidewalk sales

language on page three (3), with the current Code stating there cannot be more than two (2) sidewalk sales per calendar year and not exceed two (2) days in length of time. Ms. Botchie stated Giant Food, Dollar General, and Weis have stuff outside of their stores “24/7” (twenty-four (24) hours, seven (7) days a week) and technically that is a sidewalk sale. Mr. Evans stated Patti’s Hallmark also has merchandise pulled out onto the sidewalk on many days but it’s only in front of her store. Mr. Thompson asked if the Town should add language such as “... during regular business hours.” Mayor Gordon stated it would help with stores leaving stuff out overnight. Mr. Thompson stated he left “property with improvements” in the language because you don’t want someone showing up on an empty parcel lot and selling stuff there as a sidewalk sale. Mr. Evans stated Giant Food leaves their stuff such as pumpkins, outdoor furniture outside all night. Town Clerk Matt Amerling stated Weis sells Christmas trees outside and is the Town going to make Weis pull their many Christmas trees inside every night? Mr. Thompson stated there could be language such as “during regular business hours unless it’s secured.” Mayor Gordon stated as Council moves forward, it would be better to “nip it in the bud” now than it is to have a group of stores with them putting stuff out which blocks pedestrian traffic. Mr. Evans stated maybe the Town should look at language which points out permitting it as long as it doesn’t obstruct or impede pedestrian traffic. Ms. Botchie stated she would do more research on this issue. Deputy Mayor Steve Maneri agreed the Town should get the correct language in place to make sure these issues are addressed and any sidewalk sales won’t impede pedestrians. Mr. Lyons stated if one looks at the Codes of some cities’ or towns’ where there are decent-sized downtown areas, one will see the sidewalks are about eight (8) feet wide so as to make room for walkable sidewalk sales. Mr. Maneri stated yes, but if the sidewalks are wider it will take away from their square-footage of their building, so if the property owner wants to do that, it’s something they’ll have to take into account. Mr. Maneri stated he just wants to do this right and he thinks Mr. Amerling brought up a great point about the Christmas trees; it’s something that needs to be taken into consideration.

Mr. Thompson stated on page eight (8), there is the definition of small-scale shopping facility, and the uses in such a facility would have to be permitted uses within the C-1 District so there is no loophole to get some prohibited use in to such facilities. Mr. Thompson stated the last thing done in 125-4, which is the subdivision chapter, is taking out the language which is related to one business per lot. Mr. Thompson stated he thinks this ordinance would be beneficial to smaller businesses. Ms. Botchie stated with the growth coming of more residents and property owners, if this is passed it could add jobs for those coming. Mr. Dave Moeller, of Coventry, stated under the current Code, the individual properties would be slower to individually develop, but if Council does pass this ordinance, developing would happen more rapidly. Mr. Moeller stated he agrees with what Mr. Evans is saying and Mr. Moeller thinks if there is a mixed use with different stores, there will be a synergy. Mr. Moeller stated he knows traffic through Rt. 26 will probably increase, but maybe in the future there could be a traffic light installed around the area of the mixed-use lot. Mr. Moeller stated in Mr. Evans’ example of four buildings on one lot, Mr. Moeller would like to see four (4) big businesses take over each building, such as an Applebee’s, an Ace Hardware, a CVS, and maybe a movie theater; but, overall, Mr. Moeller thinks it’s a great idea. Mr. Amerling stated such a scenario as Mr. Moeller’s could happen, it is a possibility. Mr. Evans stated yes, but it is less expensive to the multi-use building than the single use. Mr. Evans further stated with four different developers and builders, square

footage for particular business uses can also become an issue of being too big. Ms. Botchie stated most people the Town has met with are looking at putting three (3) to four (4) units on the lot. Mr. Moeller asked if there is something to prevent an applicant from going bigger than 10,000 square feet. Ms. Botchie stated yes, anything bigger is only allowed on C-2 zoned property, which most of the property along Rt. 26 is not. Mr. Thompson stated the 10,000 square feet is also the limit as referenced in this new ordinance. Ms. Botchie stated people can apply to do a zoning change from C-1 to C-2 but it is not in line with the Town's Comprehensive Plan, and some who have applied for a change to C-2 have been denied. Mr. Maneri asked if someone comes in and, under this ordinance, says they want three buildings on the lot, but only put up two buildings right away, leaving a pad site, can the Town make the owner put up the third building or say the pad can only be there for so many years? Mr. Evans stated as the site plan comes in and it's reviewed, there will be an identification of "future build," and it could be done as constructing two buildings now and one later; however, items such as parking, soil conservation, and stormwater change depending on the size of the actual constructed buildings, and when the owner would want to come in to build the third building, he/she would have to submit an entirely new site plan to accommodate the third building's size, use and aspects such as parking, soil conservation and stormwater management. Mr. Evans stated when a plan comes in, Council will know if a future build is planned but the owner will have to submit everything up front as if that third building is getting constructed right away. Mr. Lyons stated if such a situation arises, the owner can't just leave the pad as blank space, and the Town can require it so if a pad site is not immediately getting developed, the owner must temporarily do something such as putting in pavers and making a little pedestrian area or something of that nature. Mr. Maneri stated he doesn't want to see some pad site indefinitely sitting around empty.

Ms. Botchie asked how Council would like to proceed. Mr. Maneri stated he would like to see some more information regarding the sidewalks and review it at another Town Council workshop. Mayor Gordon stated he agrees.

5. CITIZENS' PRIVILEGE

There were no comments.

6. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL SPECIAL MTG. WITH THE COMPREHENSIVE PLAN COMMITTEE, OCTOBER 30, 2018, AND THE TOWN COUNCIL MEETING, NOVEMBER 13, 2018.

7. ADJOURNMENT

Mayor Gordon motioned to adjourn at 8:06 p.m. Mr. Belinko seconded the motion. Motion carried 3-0.

Respectfully submitted,
Matt Amerling, Town Clerk