

**Planning and Zoning Commission Meeting  
July 11, 2019 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, Glen Faden, Tim Roe; GMB Representative Andrew Lyons, Jr.; Town Code & Building Official Eric Evans, and Town Code & Building Administrator Robin Caporaletti. Town Manager Debbie Botchie and Town Clerk Matt Amerling were absent.

1. **CALL TO ORDER**: P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL**: Mr. Plocek stated all were present.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
  - A. June 13, 2019

P&Z Commissioner Cathy Scheck motioned to adopt the June 13, 2019, P&Z minutes. P&Z Secretary Marshall Gevinson seconded the motion. Motion carried 5-0.

5. **NEW BUSINESS**

- A. Review, discuss and possible vote on recommendation to the Town Council a Preliminary Site Plan Application submitted by Beacon Engineering LLC on behalf of Krypton Kommercial LLC and McAllister & Son Builders Inc., for the proposed Millville Square. The proposed business is located on Tax Map Parcels #134-12.00-350.00 and 134-12.00-351.00, zoned C1 – Commercial, with a planned entrance on Atlantic Avenue.

Mr. Brad Absher, of True North Land Surveying, stated Beacon Engineering could not be here tonight but Mr. Absher is one of the developers and he's known True North Land Surveying has been in the area for twelve (12) years now. Mr. Absher stated he is here to present Millville Square, which consists of two (2) old abandoned properties, one of which was formerly known as Uncle Sugar's Moving Company and the other a little residential house. Mr. Absher stated what they are proposing is a little under twenty-six-thousand (26,000) square feet of retail space comprised of three (3) buildings, thirteen (13) units which are a little under two-thousand (2,000) square feet each. Mr. Absher stated they have gone "through the gauntlet" of DelDOT and the Department of Natural Resources and Environmental Control (DNREC), almost being through those two agencies now, and had some minor changes – one being the right turn lane which DelDOT is requiring the applicant to put in, as well as the location of the stormwater pond. Mr. Absher stated the applicant has proposed a small seating area outside by the pond, sort of similar to the likes of what the Bethany Boathouse has. Mr. Absher stated he is local, his family actually lived in Bishop's Landing for a while, and lives on property contiguous to Millville's border, so he loves the area. Mr. Absher stated when he first bought the property, they were going to just fix up the house and move into it, but he had a feeling something better could be done with the parcel. Mr. Absher stated there are thirteen (13) retail/office spaces, and they don't have any idea yet as to the specifics regarding rent. Mr. Absher further stated they would like to keep the renters as local businesses, as well as a possible local restaurant or small deli. Mr. Absher stated the overall goal is to have some place for all the locals to go and

have a place to congregate. Mr. Absher stated, regarding the back of the property, they have designated a lot of outdoor sitting area, eating area, a family area, and they're proposing to do about ten-thousand (10,000) square feet of artificial turf for a place the kids can go and play.

Mr. Andrew Lyons Jr., of GMB, stated he has reviewed the applicant's site plan and the first four (4) comments in his June 13, 2019, letter are applicable but the last three (3) were for the applicant's information on stormwater management as the applicant had some items not agreeing from one (1) sheet to the other, which is typical at this stage of the process. Mr. Lyons stated the first comment would be the parking, and Mr. Lyons went through the parking calculations the applicant did and we have a shopping center parking calculation, so Mr. Lyons did it with that calculation of up to sixty-eight (68) parking spaces. Mr. Lyons stated in the applicant's calculations, the applicant was missing the one (1) space per employee, so there would be more than what is shown, and there'd be at least twelve (12) spaces for twelve (12) employees; so the sixty-eight (68) spaces is what should really be on the plan. Mr. Lyons stated the parking is also located between the buildings, which, according the Town's development standards, no parking can be located in the front of the buildings, and we do have that condition in most places in Town – if not all – and those spaces are between so technically the spaces aren't in the front of the business. P&Z Chairman Pat Plocek asked if an applicant can request a waiver to have parking spaces in the front or on the side. Mr. Lyons stated yes, the applicant can request a waiver from Town Council. Mr. Lyons stated the planting area in comment three (3) and four (4), the applicant is showing the planting area in-between the parking and Route 26, but the applicant simply didn't label it as such; and this is the preliminary, but they'll need to just label what everything is even though they've showed the space for it on the plan. Mr. Lyons stated most of the required information is there, and the applicant has addressed all of the comments Mr. Lyons had.

P&Z Secretary Marshall Gevinson asked the applicant to identify on the plan where the applicant will be "cutting the elevation." Mr. Absher showed the front elevations to P&Z. P&Z Commissioner Cathy Scheck stated she thinks the comments are minor and easily adjustable. P&Z Commissioner Timothy Roe stated he is under the impression all the businesses in the Millville Square will be permitted uses and are there any businesses which may apply that have an outside dining area? Mr. Absher stated there will be an outside eating area and there is a chance one of the units could have such a business because there is room for it. Mr. Lyons stated the individual business would have to come to Town Hall to apply for that business and adhere to Code. Mr. Roe stated his concern is with the tractor trailers which need to come onto the property to make any deliveries and where they will park. Mr. Absher stated there are 12x48 loading spaces located on the plan which are just for that use, and most deliveries come either early in the morning or late at night. P&Z Commissioner Glen Faden stated he would request any exterior lighting be directed downward and away from Route 26. Mr. Plocek stated he noticed the lighting was shown on this plan but would second Mr. Faden's request so the neighbors next to the property wouldn't be affected. Mr. Plocek stated he would also suggest the applicant look into lighting which, after the businesses close, would reduce down to only the security lights. Mr. Gevinson asked about the noise from restaurants and whether it would affect those living nearby. Mr. Absher stated there currently are no restaurants on this plan and that is a separate issue for when the individual business comes in to get its license and whether they

fall within a permitted use. Mr. Absher stated the neighbors currently consist of Beacon Church, which is not always there; the new part of Bishop's Landing and their stormwater management pond is located closest so there are no houses in the direct area. Town Code & Building Official Eric Evans stated restaurants with outdoor dining – if they choose to have outdoor dining – will have to come back to Town for a conditional use because it is not permitted for a restaurant housed in a permanent building.

Mr. Plocek stated he noticed the landscape area when you first come in has been paved over and it would be nice to know what the distance is in the entrance opening. Mr. Plocek stated the applicant is showing a proposed bus stop at the end of the property, which means the bus would be stopping in traffic, causing more traffic; so it might be better to relocate the bus stop to the right-hand turn lane area where the bus stops to pick up pedestrians. Mr. Absher stated the location is a DeIDOT requirement but he should be able to have the option to move it. Mr. Evans stated he doesn't think DeIDOT will permit the applicant to put it in a turn lane. Mr. Plocek stated he would appreciate it if the applicant would ask DeIDOT to permit the relocation. Mr. Plocek stated the seating area – the 30x30 and 30x75 units – there really is no access shown and it looks like the sidewalk on the 30x75 runs into a fence across the sidewalk at that point, so Mr. Plocek was wondering how people get to the area. Mr. Absher stated that is not a fence but just a designation to show the location. Mr. Plocek stated people could use the sidewalk but how would they get to the 30x30? Mr. Absher stated this would be out of that one (1) unit. Mr. Plocek stated he thinks it would be good to designate on the plans the entrance which is not for the general public, so people know what it's there for. Mr. Plocek stated he does have concern with the dumpster pad and he knows it would hold two (2) dumpsters but you have thirteen (13) units and Mr. Plocek thinks the applicant will need more than two (2) dumpsters for so many units. Mr. Absher stated they have forty (40) feet between the two (2) buildings so that's a viable option to increase that number. Mr. Plocek stated for the applicant to make sure they have enough capacity for thirteen (13) units, especially with a restaurant going in, which would need a lot of capacity for its trash. Mr. Gevinson stated the reminder if trash piles up over the top of the dumpster or is laid beside the dumpster, the Town will send out fines.

Ms. Valerie Faden, of Beach Plum Drive, stated she would be interested in knowing if there were any environmentally-friendly aspects such as pervious pavement to accept rainwater, or solar, or any other energy-efficient materials to build this project. Mr. Absher stated the buildings will be as energy-efficient as possible and they don't have any plans of installing solar panels. Ms. Faden asked about the plantings and trees, and if the only green space on this plan is the few trees along the front of the property. Mr. Absher stated all along the front will be landscaped as well as the islands, and there is landscaping in the back. Mr. Lyons stated the applicant meets all the requirements for green space.

Mr. Plocek asked if the roadway may be porous with passage underneath. Mr. Absher stated no, they have the option to do the stormwater management pond which is required. Mr. Roe asked if the area is big enough to have the right amount of dumpsters. Mr. Absher stated they have the space – and the engineer put the dumpster pad on the plan – but they have a 40x65 area which will be screened on both sides for a dumpster area. Mr. Plocek asked if a vehicle could only back up straight to the dumpsters for dumping. Mr. Absher stated a vehicle could come in angles so the dumpsters could be angled a certain way if necessary. Mr. Evans stated it is up to the owner of the property how many days per week trash needs

to be emptied. P&Z Commissioner Glen Faden asked the applicant to have at least one (1) dumpster be for recyclable material and be designated as such. Mr. Absher stated yes. Mr. Evans stated remember to have a fountain or an aerator in the pond to keep the algae down, and try to figure out the architectural for the four building because it may look different and no one wants people to say what is shown now isn't what was shown earlier. Mr. Evans stated when the applicant goes to SCD, the buildings are correctly identified; but it's a nice plan. Mr. Absher stated they plan on putting the money out there so this place looks immaculate and there's little to no trash, and it will be landscaped.

Mr. Faden asked if the parking has been resolved. Mr. Lyons stated no, but there is enough room on the site, so Mr. Lyons is not concerned the applicant will come back and say they can't get the parking. Mr. Faden asked if the layout for the parking is not according to Town Code. Mr. Lyons stated no, there should be three (3) more parking spaces. Mr. Faden asked if the parking has to be behind the buildings. Mr. Plocek stated the applicant has to get a waiver from Council to allow for the parking the way it's laid out now. Mr. Evans stated the parking can be a condition as part of the P&Z recommendation to Council.

Ms. Scheck motioned to recommend to Council for approval the preliminary site plan application submitted by Beacon Engineering LLC on behalf of Krypton Kommercial LLC and McAllister & Son Builders Inc., for the proposed Millville Square with the conditions of lighting, dumpsters, and the waiver of parking as presented. Mr. Gevinson seconded the motion. Motion carried 5-0.

**6. CITIZENS PRIVILEGE**

There were no comments.

**7. ANNOUNCEMENT OF NEXT MEETING**

Mr. Plocek stated the next P&Z meeting will be on Thursday, August 8.

**8. ADJOURNMENT**

Mr. Gevinson motioned to adjourn the meeting at 7:32 p.m. Mr. Roe seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk