

**Planning and Zoning Commission Meeting  
August 8, 2019 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, Glen Faden, Tim Roe; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling.

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. July 11, 2019

P&Z Commissioner Glen Faden motioned to adopt the July 11, 2019, P&Z minutes with one clerical change. P&Z Secretary Marshall Gevinson seconded the motion. Motion carried 5-0.

5. **NEW BUSINESS**

- A. Review, discuss and vote on a possible recommendation to the Town Council, a revision to the Millville by the Sea (MBTS) Master Plan Subdivision Site Plan; zoned Master Planned Community (MPC), submitted by Civil Engineering Associates LLC on behalf of Millville Town Center LLC, to change 29.68 acres (19.42 AC, 6.40 AC, with 3.86 AC easement) from Town Center Commercial B to mixed-use, located at Tax Map Parcel 134-15.00-93.01.

P&Z Commissioners Timothy Roe and Cathy Scheck recused themselves from the dais. Mr. Al Ruble, of Millville by the Sea (MBTS), stated the area south of Beebe Medical's site, which was originally the town center commercial area, MBTS would like to have it qualified as mixed-use, which would be for the 29.68 acres total. P&Z Chairman Pat Plocek asked if there's any mixed-use in the area of Route 17 right now. Mr. Ruble stated not that he's aware of. Mr. Ruble stated when MBTS was originally planned in 2004, it was always planned as a master planned community (MPC), which would basically be a community where you'd have a live, work, shop and play capability. Mr. Ruble stated the area south of Beebe being a mixed-use makes sense because it has potential for specially unique uses MBTS couldn't totally fulfill with the mixed-use commercial, which was more or less for retail; but this mixed-use would not be for retail. Mr. Plocek asked if this is where the potential assisted living facility and apartment complex would be located. Mr. Ruble stated yes.

Mr. Andrew Lyons Jr., of GMB, stated he and P&Z have seen this plan recently (at the May 9, 2019 P&Z meeting), and this application is a change to that plan as the one originally recommended (at the May 2019 meeting) was never taken to Council. Mr. Lyons stated a lot of the change is on the mixed-use and this is a MPC so all uses approved by Town Code are allowed in the MPC. Mr. Lyons stated the master plan showed residential in most places and when the property was sold, the use there does not fit with a town center, which is a downtown type of setting with all the buildings right along the streets and there are issues with the Fire Marshal which would come with just a town center district. Mr. Lyons stated,

in this instance, a mixed-use – allowed by Code – and the master plan is a better fit for the planning. Mr. Plocek asked as a mixed-use, he knows there were some concerns with the widths of walkways or sidewalks, so will this allow for the reduction of it? Town Manager Debbie Botchie stated yes, this came out in the Schell Brothers concept plan meeting (May 23, 2019), and it's when Mr. Lyons gave the information that if it's a commercial town center, the sidewalks have to be about twenty (20) feet wide or so and it doesn't make sense, so it needs to be mixed-use. Mr. Lyons stated the other major issue was the Fire Marshal and there is a minimum and maximum setback; and the Fire Marshal requires a setback for the other proposed assisted living building to be larger than the maximum setback in a town center district. Mr. Ruble stated the other thing with the original intent of the town center was having the wider sidewalks was great because you want to encourage people with wide walkways in front of the stores to give them more of a streetscape, but that's not applicable in this area with this use. Mr. Lyons stated he has reviewed the updated three (3) sheets and everything is good.

Mr. Gevinson motioned to recommend to Council for approval the revision to the Millville by the Sea (MBTS) Master Plan Subdivision Site Plan to change 29.68 acres (19.42 AC, 6.40 AC, with 3.86 AC easement) from Town Center Commercial B to mixed-use, located at Tax Map Parcel 134-15.00-93.01. Mr. Faden seconded the motion. Motion carried 3-0-2 abstentions.

Mr. Plocek stated the last time Mr. Ruble was here (May 9, 2019), there were some issues brought up about the Code and if MBTS stayed the other way, there would have to be a revision. Mr. Plocek asked Mr. Ruble if he could send Mr. Plocek a copy of what Mr. Ruble was talking about at that point in time. Ms. Botchie stated she thinks that was Mr. Greg Tobias from the May 23 meeting, not Mr. Ruble. Mr. Plocek stated yes. Mr. Ruble stated Mr. Tobias would be best to answer that for Mr. Plocek, but Mr. Ruble can talk to Mr. Tobias and remind him. Mr. Ruble stated the big plus for MBTS on this was to originally have the town center next to Beebe, but there were a lot of concerns with that concept, such as homeowners having a heliport so close to houses, etc. Mr. Ruble when Ms. Frawn Morgan of LDC was able to work with Beebe to get over here, MBTS felt the whole area on the other side of Route 17 might be the best place to put this kind of density and use from Beebe on down, rather than trying to have it in the core area. Mr. Ruble stated the retail is still being encouraged in the area shown, but Mr. Ruble thinks this is a really good location for Beebe and this. Mr. Ruble stated he's just about three-quarters way to Beebe with sewer and water, and roadwork will be started in the area about August 15, 2019; so, hopefully, by the end of this year, there's a good chance Beebe is substantially completed and ready to open. Mr. Plocek stated he would like Beebe and MBTS to consider a connector road between Beebe and the assisted living facility. Mr. Ruble stated he thinks that will most likely happen no matter what, and it's kind of in the talks right now. Mr. Ruble stated it's important for the assisted living to be next to Beebe because they will complement each other, so the interconnectivity is pretty much a given. Mr. Gevinson stated Schell Brothers – at their May 23 meeting – were saying they were going to ask about purchasing some land alongside Beebe so they could “twist” the assisted living building a different direction. Mr. Ruble showed P&Z where the assisted living facility would be located as well as the apartment complex. Mr. Ruble stated the power line is basically a “pain we're all living with” but, in this particular case, we're able to park underneath it and create recreation underneath it; so the power line limits what they can do building-wise. Mr. Lyons stated Mr.

Gevinson's question is more for Mr. Tobias. Mr. Roe and Ms. Scheck rejoined the dais.

**6. CITIZENS PRIVILEGE**

Ms. Valerie Faden, of 24 Beach Plum Drive, stated she doesn't know all the differences between the town center and the mixed-use and she understands the builders have a vested interest in keeping the costs low, but Ms. Faden thought having a larger sidewalk would be better for an assisted living facility where people have walkers and wheelchairs, and maybe it would make more sense for that area. Ms. Botchie stated they were talking about the commercial end of the mixed-use – such as the apartment complex not having twenty (20)-foot sidewalks. Ms. Faden stated her understanding is P&Z is talking about a parcel which has two (2) things on it: the apartment complex and the assisted living facility. Ms. Faden asked if they are talking about all of the sidewalks in the one (1) parcel. Ms. Botchie stated no, they are talking about one (1) which is commercial and one (1) which is residential, as under the mixed-use. Ms. Faden stated maybe Mr. Lyons could help illuminate this. Mr. Lyons stated in the town center all sidewalks have to be twelve (12) feet, so, in the residential area, all sidewalks would have to be twelve (12) feet, and that's one issue, but the major issue is with the Fire Marshal. Mr. Lyons stated the Fire Marshal has the maximum setback for the buildings from any road. Mr. Lyons stated because of the size of the building, there is certain clear space which the Fire Marshal requires for the town center and the apartments; and it doesn't fit with the town center because with a town center, all buildings are supposed to be along the road, so not only is there no minimum setback, but there's a maximum setback and it conflicts with the Fire Marshal Code, so because it's not a town center design area or use, it doesn't make sense to keep the town center designation in that area. Ms. Faden asked if moving from town center to mixed-use will be diminishing businesses that could go there or does it expand the types of businesses. Mr. Lyons stated all businesses can still go there but this is basically allowing for the institutional areas to go there for the assisted living; the assisted living would not fit in a town center district that size.

**7. ANNOUNCEMENT OF NEXT MEETING**

Mr. Plocek stated the next P&Z meeting will be on Thursday, September 12.

**8. ADJOURNMENT**

Mr. Gevinson motioned to adjourn the meeting at 7:14 p.m. Mr. Roe seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk