

**Planning and Zoning Commission Meeting  
October 10, 2019 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioner Cathy Scheck; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling. P&Z Commissioners Glen Faden and Tim Roe 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 except Glen Faden and Tim Roe.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
  - A. September 26, 2019

P&Z Secretary Marshall Gevinson motioned to adopt the September 26, 2019, P&Z minutes. P&Z Commissioner Cathy Scheck seconded the motion. Motion carried 3-0.

5. **NEW BUSINESS**

- A. Review, discuss and vote on a possible recommendation to the Town Council, a Preliminary Subdivision Site Plan submitted by George, Miles & Buhr LLC (GMB) on behalf of Dove Barrington Development, for the addition of 85 lots (18 single family and 67 townhomes) as well as to enlarge the community pool and relocate the pickleball court from the pool area to the basketball court area, to the previously approved Final Site Plan for Bishop's Landing 2 (formerly Dove Landing), located on Tax Map Parcels #134-12.00-372.00, 372.01 & 373.00.

P&Z Commissioner Marshall Gevinson abstained from the vote and dais; and due to needing a quorum due to abstention and absent Commissioners, Town Manager Debbie Botchie stepped in as a recommending body for this item. Mr. Steve Marsh, of GMB, stated he's here tonight representing Beazer Homes, and he is here tonight seeking recommendation to Council for the addition of eighty-five (85) lots to the west of the previously approved Bishop's Landing 2 (formerly Dove Landing) subdivision. Mr. Marsh stated going back a ways to the original Dove Landing, which is now Bishop's Landing, it was previously approved on December 11, 2007; the original plan called for four-hundred-two (402) units total, which was a mix of one-hundred-forty-six (146) single family homes, one-hundred-forty-two (142) townhomes, and one-hundred-twenty (120) condo units. Mr. Marsh stated the Town granted two (2) extensions – February 2011 and January 2014 – and in October 2016, GMB submitted a revised plan, on behalf of Beazer, which called for a reduction of units from four-hundred-two (402) to three-hundred-sixteen (316), which is what stands right now in the Bishop's Landing plan, and the revised final site plan approval was granted July 10, 2018.

Mr. Marsh stated the eighty-five (85) lots tonight fall on approximately eighteen (18) acres and it is zoned residential planned community (RPC). Mr. Marsh stated in the original plan for Dove Landing, this land was going to be a Home Depot and a strip shopping center, but those go away as the Home Depot dropped interest, and will be substituted with the 85 units

proposed tonight, consisting of a mix of eighteen (18) single family homes, forty-seven (47) of the forty (40)-foot-wide Ocean Villa product, and twenty (20) of the twenty-eight (28)-foot-wide Beach Villa product. Mr. Marsh stated the overall housing product and feel will be consistent with the original Bishop's Landing 1. Mr. Marsh stated they are proposing a beach area and gazebo at one of the ponds.

Mr. Marsh stated because the developer is wanting to add 85 units, they looked at the size of the pool and pool deck at the clubhouse area; so to expand that – taking into account the fact there will be 85 more homes – they're looking at a proposed expansion of seven-thousand (7000) square feet, compared to what is currently approved. Mr. Marsh further stated due to said expansion, it will take the place of the location where the pickleball courts were originally proposed and approved, thus facilitating the relocation of the pickleball courts to where the basketball court is located on the currently approved site plan. Mr. Marsh stated if you look at the original Dove Landing plan, the 402 units were on approximately ninety-five (95) acres, and they will be adding the 85 units to the 316 approved now, so they'll be at four-hundred-one (401) units, which is one (1) less than what was on the approved plan, but over eighteen (18) more acres so the density is actually significantly less.

Mr. Marsh stated if they think of Bishop's Landing holistically, the area south of Burbage Road has four-hundred-thirty-three (433) units on one-hundred-thirty (130) acres – and it was originally approved for four-hundred-fifty-seven (457) units so there was twenty-four (24) less than what was approved. Mr. Marsh stated with the units in the area north of Burbage Road, it gives the developer a total gross density of three-point-four-three (3.43) units per acre and a rough net density of four-point-five (4.5) units per acre – with the right-of-way taken out – and that's all allowed under the Town RPC Code. Mr. Marsh stated the entire development is a combination of three-hundred-forty-seven (347) single family homes, two-hundred-seventeen (217) 40-foot-wide Ocean Villas, and two-hundred-seventy (270) 28-foot-wide Beach Villas; so it holistically meets the requirement for the single family home percentage in the RPC Code. Mr. Marsh stated they submitted this concept submittal back in November 2018; made their first preliminary site plan submittals in March 2019; GMB Representative Andrew Lyons Jr. asked for the preliminary subdivision site plan, giving the applicant comments in May 2019; the applicant made their response on June 12, 2019; Town Manager Debbie Botchie requested the applicant go to the Preliminary Land Use Service (PLUS), which they did in June 2019; the applicant received the PLUS comments in July 2019, and responded to PLUS in August 2019; the applicant had their DelDOT pre-application meeting over the summer; and are now going back to the other State agencies for approvals of the revisions.

Mr. Lyons stated he has reviewed the record plan which was submitted, which was before the PLUS comments, so the rendering is slightly different although it means all the requirements for the home location, the different types of homes, streets and layout for it. Mr. Lyons stated almost all of his comments have been addressed in updating the site table to make sure everything matches the requirements. Ms. Scheck stated she just wanted some information about the landscape screening for up around the basketball court area. Mr. Plocek stated he thinks it would be better if the applicant could take the screening further down. Mr. Marsh stated that is a great point and Beazer was discussing it as there will also be the pickleball courts there now. Mr. Marsh stated in the original public hearing, Beazer committed to the screening and Mr. Marsh thinks they can expand on the screening to make

it wider in the area.

Mr. Lyons asked how things will work with the mail kiosk now that there are more units being added to the west. Mr. Marsh stated the mail kiosk will have to be expanded. Town Manager Debbie Botchie stated the mail kiosk is currently built and Beazer will have to add 85 more boxes but she wanted to see if GMB had any thought on it yet. Mr. Marsh stated no, not until she just mentioned it, but GMB will be happy to submit it on the next plan for review. Ms. Botchie stated they will for the final site plan review by Council. Mr. Marsh stated yes, they will. Ms. Botchie asked if all the ponds will be aerated. Mr. Marsh stated yes.

Mr. Plocek asked, regarding the playgrounds, there is one by the community pool but how much playground equipment will be there? Mr. Plocek stated it looks like a small area for a tot lot. Mr. Marsh stated there won't be too much equipment for that area, but there's a bigger playground at the location south of Burbage Road. Mr. Marsh stated the one here will be a tiny tot lot and it will be fenced in so people can sit at the pool and watch their kids play. Mr. Plocek stated he's concerned with how far away the small tot lot is from the new lots being proposed tonight, and Mr. Plocek stated he thinks it would be good if, in the beach area or next to lot 588, there may be a tot lot added; because the applicant wouldn't want parents or grandparents having to walk their kids/grandkids that far to a playground. Mr. Marsh stated they will be happy to look into it.

Ms. Scheck motioned to recommend to Council for approval the Preliminary Subdivision Site Plan for the addition of 85 lots (18 single family and 67 townhomes) submitted by GMB on behalf of Dove Barrington Development, to the previously approved Final Site Plan for Bishop's Landing 2 (formerly Dove Landing). Ms. Botchie seconded the motion. Motion carried 3-0-1 abstention.

Ms. Scheck motioned to recommend to Council for approval the enlarging of the community pool and relocation of the pickleball court from the pool area to the basketball court area, to the previously approved Final Site Plan for Bishop's Landing 2 (formerly Dove Landing). Ms. Botchie seconded the motion. Motion carried 3-0-1 abstention. Mr. Gevinson rejoined the dais.

- B.** Review, discuss and vote on a possible recommendation to the Town Council, a Preliminary Subdivision Site Plan submitted by Civil Engineer Associates Inc. on behalf of Christopher at Millville LLC, for Village 8, located on Tax Map Parcels #134-15.00-117.00, 117.01, and 117.02, with 54 units, as part of Millville by the Sea.

P&Z Commissioner Cathy Scheck abstained from the vote and dais; and due to needing a quorum due to abstention and absent Commissioners, Town Manager Debbie Botchie stepped in as a recommending body for this item. Mr. Ron Sutton, of Civil Engineer Associates (CEA), stated they are requesting the recommendation for approval of a preliminary site plan for Village 8 – there is no official name as of yet – and they are proposing fifty-four (54) semi-detached single family dwelling units and there will be a maximum thirty-two (32)-foot-wide density. Mr. Sutton stated the required parking was one-hundred-thirty-five (135) spaces but the applicant is proposing one-hundred-thirty-six (136) spaces. Mr. Sutton stated they have about thirteen-point-six (13.6) acres of open space

through Village 8, and there's a large section of wetlands they're leaving as is, so there is no wetland impact. Mr. Sutton stated they have two (2) proposed connections: one (1) through Peninsula Village, and one (1) through Sea Star Village. Mr. Sutton stated Peninsula Village isn't one-hundred percent (100%) finalized yet and Sea Star is in the process of being constructed. Mr. Sutton stated both of the crossings will be culverts and they're in the process of getting permits from the Delaware Department of Natural Resources and Environmental Control (DNREC) and the Army Corps of Engineers "as we speak." Mr. Sutton stated utilities are currently running from Peninsula Village all the way through the main road up to an easement, right after the Delmarva easement; and the water and sewer shoots up to the Beebe site. Mr. Sutton further stated about fifty percent (50%) of the water and sewer utilities are already installed in this phase, and they're big utilities such as sixteen (16)-inch water and eighteen (18)-inch sewer. Mr. Sutton stated this plan meets the requirements of the master planned community (MPC) Code.

Mr. Lyons stated this has been looked at a couple of times by Mr. Lyons as part of this submittal and when the plans came for the utilities. Mr. Lyons stated the only comment he had on the plan as of tonight are with the landscaping, which will be addressed by final site plan review, but everything else meets Code requirements and Millville by the Sea (MBTS) design plans. Mr. Gevinson stated the applicant has a proposed mail kiosk area adjacent to a road but Mr. Gevinson does not see any pull-off for people to either have access to mail or for the delivery person to deliver the mail without blocking the road. Mr. Sutton stated he sees what Mr. Gevinson is referencing and it's something they can look at as they move forward to final; but Mr. Sutton put it in an area where they have enough room to maneuver so they should be able to pull back some to allow enough room for folks for delivery as well as for owner's mail pick-up. Mr. Plocek stated he would like the applicant to submit something to Town Council showing a space for the pick-up/drop-off and it needs to be handicapped approved. Ms. Bothie asked if it will covered like the one in Sea Star Village. Mr. Sutton stated yes, they would follow suit. Ms. Botchie stated she has looked all over the site plan and marked up some different places for the kiosk rather than put in front of people's homes but Ms. Botchie can't see any way around it other than one spot at the end of the cul-de-sac, but that would entail most people having to drive all the way through the development and most people want to stop and get their mail when first entering. Ms. Botchie stated this is no fault of the developer because the U.S. Postal Service said they had to have a mail kiosk, so the only place for Sea Star was right where the developer put it.

Ms. Botchie asked about the roads coming in – the Summerwind connector road and the other new road coming in – what is the status on those? Mr. Sutton stated he can't answer that because that's the MBTS developer and the Peninsula Village plans are very close to final approval. Ms. Botchie asked if Peninsula is close to final. Mr. Sutton the only thing outstanding is the DelDOT portion on Substation Road because DelDOT came back to them and told the developer they had to fix every single one of the cracks and it's probably gotten to the point where it's cheaper to tear out the whole road and redo it. Mr. Sutton stated they will have to take access through Sea Star Village and the connection is going to happen because all of the utilities are running through there. Ms. Botchie asked if the stormwater ponds will be aerated. Mr. Sutton stated yes. Mr. Plocek asked what the closest recreation will be to this section. Mr. Sutton stated there is the lifestyle center, which is further north, as well as another pool which was proposed at some point to come into Peninsula Village, so that will be the closest one. Mr. Plocek asked if there will be a playground at that

location. Mr. Sutton stated he is not one-hundred percent (100%) sure as to what they have proposed at the moment but he knows it's supposed to have a lap pool and it may have a tot lot attached to it.

Mr. Gevinson motioned to recommend to Council for approval of the Preliminary Subdivision Site Plan submitted by Civil Engineer Associates Inc., on behalf of Christopher at Millville LLC, for Village 8. Ms. Botchie seconded the motion. Motion carried 3-0-1 abstention. Ms. Scheck rejoined the dais.

## **6. CITIZENS PRIVILEGE**

Mr. Steve McCully, of Reservoir Road, asked the process regarding getting to speak and ask questions before a vote is taken. Mr. Plocek stated this is not a public hearing, which is when the public has the opportunity to speak and ask questions before a vote; and the P&Z meetings are not generally public hearings. Mr. Plocek stated the citizens privilege is about issues other than the two (2) items which were up for review tonight. Mr. Plocek stated the applicant still has to go before Town Council to get their final plan approved and that meeting will be a public hearing where the public will get the opportunity to ask questions and make comment before a vote on the item.

An audience member asked if the site plans shown this evening are available to the public for viewing. Town Clerk Matt Amerling stated yes, the information which was projected up on the screen this evening can be found on the Town website under the dropdown list "Town Projects." Mr. Amerling proceeded to show the audience how to get to the list and the plans, also noting the website is free and open to the public with no sign-up/log-in required. Ms. Botchie stated the physical copy of the plans is also on file at Town Hall so the public may also come in during business hours if they have any questions. Mr. Amerling stated the Town's meetings are, most times, also the same day every month, so the Council meetings are the second Tuesday of the month, the P&Z meetings are the second Thursday of the month; and, by FOIA, the Town has to post the meeting agendas one (1) week prior to the meeting – so the agenda for tonight's meeting went up one (1) week ago today on October 3, 2019. Mr. Amerling stated if anyone needs to know when meetings are they can stop by, call, email the Town and ask us, or if you visit the Town website, there is a listing on the front page with all the dates of the upcoming meetings, along with the start time, and if you click on the meeting, you will see the agenda link along with other information. Ms. Barbara McCully, of Reservoir Road, asked if tonight's agenda items will automatically go to the next Council meeting. Mr. Amerling stated it depends but not usually. Ms. Botchie stated no, when the applicant has to go to the final stage, the applicant has to have "every 't' crossed and 'i' dotted" and they have to have every State agency approval, as well as having final site plans completed and printed. Mr. Amerling stated also when there is a public hearing, the Town has to advertise in the newspaper fifteen (15) calendar days in advance, so that also adds to the time before a particular meeting. Mr. Plocek stated there are Council members and P&Z Commissioners who live in MBTS as well as Bishop's Landing, so feel free to talk to them prior to any of these meetings so if there is a big issue up, they may be aware.

Mr. McCully asked, regarding Village 8, the two (2) culvert placements in the tax ditch – because it's got Federal government engagement due to the tax ditch – would those file approvals for the design and placement of how that stream is going to be handled, beyond the control of Millville, will MBTS need those approvals before they get on the Town Council

agenda? Ms. Botchie stated yes. Mr. McCully asked if obtaining these approvals may take months. Ms. Botchie stated yes. Mr. Plocek stated nothing is final, however, until the plan is approved for the final by Town Council. Mr. Lyons stated speaking of the crossings and connections, there is the master plan, which has been approved, which has where those connections are located, and the master plan was approved quite a long time ago, but has been updated; so the applicant has to follow that master plan for any of the major roadways and connections within MBTS.

**7. ANNOUNCEMENT OF NEXT MEETING**

Mr. Plocek stated the next P&Z meeting will be on Thursday, November 14.

**8. ADJOURNMENT**

Mr. Plocek motioned to adjourn the meeting at 7:38 p.m. Ms. Scheck seconded the motion. Motion carried 3-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk