

**Planning and Zoning Commission Meeting
January 9, 2020 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck and Glen Faden; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling. P&Z Commissioner Tim Roe was 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 for P&Z Commissioner Tim Roe.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
 - A. November 20, 2019

P&Z Commissioner Cathy Scheck motioned to adopt the November 20, 2019, P&Z minutes. P&Z Commissioner Glen Faden seconded the motion. Motion carried 4-0.

5. **NEW BUSINESS**

- A. Review, discuss and vote on a possible recommendation to the Town Council, a preliminary site plan submitted by Ocean Atlantic Companies, LLC, located on the Northwest Side of Roxana Road; Tax Map Parcel #134-15.00-93.01; 32.750+/- acres; zoned Master Planned Community, to construct a 216-apartment unit complex. *Synopsis:* The applicant came before the Planning and Zoning Commission on May 23, 2019, to have the commission review a concept plan, before submitting the preliminary site plan, to get feedback, comments, and recommendations.

Mr. Ring Lardner, of Davis, Bowen & Friedel, stated tonight's presentation is for a waiver of parking requirements from two (2) spaces per unit to one-point-seven-three (1.73) spaces per unit for the apartment complex as well as a favorable recommendation for preliminary site plan recordation. Mr. Lardner stated this project is a part of the Millville by the Sea (MBTS) master plan, it is located adjacent to the currently-under-construction Beebe South Coastal Campus, and is zoned as a master planned community (MPC) mixed-use overlay. Mr. Lardner stated the project will consist of nine (9) twenty-four (24)-unit buildings, three (3) stories in height, which puts it at about forty-two (42) feet in height, putting it at a total of two-hundred-sixteen (216) apartments. Mr. Lardner stated each building will consist of six (6) one (1)-bedroom units, twelve (12) two (2)-bedroom units, and six (6) three (3)-bedroom units, which gives a total of fifty-four (54) one (1)-bedroom units, fifty-four (54) three (3)-bedroom units, and one-hundred-eight (108) two (2)-bedroom units. Mr. Lardner stated there is a stormwater pond in the middle of the nine (9) buildings which will discharge the existing tax ditch to the west of the property. Mr. Lardner further stated they are proposing one (1) single entrance off Route 17/Roxana Road which will serve both the proposed project and the future senior living facility, which will be a separate application. Mr. Lardner stated there is two-thousand-six-hundred plus or minus (2,600+/-)-square-foot clubhouse and pool with a tot lot and, on the southern boundary, a dog park, as well as a natural walking path through the existing area, with no wetlands or woodlands being

disturbed. Mr. Lardner stated sewer and water will tie into the Beebe stub.

Mr. Lardner stated they did receive the December 20, 2019, comments from GMB representative Andrew Lyons Jr., and have addressed all comments except for two (2). Mr. Lardner stated the first comment not addressed was updating table one in that they misunderstood the comment; and instead of adding a new line under Village 8, they replaced Village 8's information with this project. Mr. Lardner stated the table will be fixed before submitting for final site plan approval; however, this doesn't change any of the numbers or lines, but just allows the Town to track the project as it continues to be developed. Mr. Lyons stated it's all the information from this project under Village 8 and when you add in information from Village 8, everything is still in compliance. Mr. Lardner stated the second comment which was not addressed was parking because they were waiting to hear from P&Z tonight on the applicant's proposal before going to Mayor and Council for review. Mr. Lardner stated the Town Code requires two (2) parking spaces per unit and the applicant feels the parking requirement is too high for a project of this size. Mr. Lardner stated the Code does allow Town Council to determine the appropriate number of parking spaces and the applicant will be submitting a formal request to be placed on the agenda when this goes to final. Mr. Lardner stated, with regards to their parking rationale, they've used the same parking rationale from Sussex County, which has a three (3)-tier parking system. Mr. Lardner stated the first tier is the first fifty (50) units are required at two (2) spaces per unit; the second tier is from the fifty-first (51st) unit to the two-hundredth (200th) unit and you're allowed a fifteen percent (15%) parking reduction, so if the one-hundred-fifty (150) units provide three-hundred (300) spaces, with the 15% reduction, it would be about two-hundred-sixty (260) or two-hundred-seventy (270) spaces; and any units over two-hundred (200) would receive a twenty percent (20%) parking reduction. Mr. Lardner stated you have to park the first fifty (50) per Code, then you park the next one-hundred-fifty (150) at a fifteen percent (15%) reduction, which is how County does the reduction. Mr. Lardner stated with this project, there would be a fifty-one (51)-space reduction using the County standard Mr. Lardner just reviewed. Mr. Lyons stated the Town's standard is two (2) parking spaces per unit, so it would be fifty-eight (58)-space reduction by the Town standard the applicant is requesting, which gets them down to about eighty-six-point-five percent (86.5%) of the Town requirement for parking. Mr. Lardner stated most apartment complexes have about a ninety percent (90%) occupancy rate due to employment times during the day/night, vacancies, etc. Mr. Lardner further stated this is his fourth multi-family complex this past year, and the industry practice is to provide about one-point-five (1.5) spaces per unit directly in front of the building. Mr. Lardner stated if he was to provide parking in front of the building, they'd provide about thirty-six (36) spaces in front. Mr. Lardner stated each one of these buildings has that one-point-five (1.5) spaces in front of them, and there are other spaces around for overflow parking for visitors, delivery people, etc. Mr. Lardner stated the total complex provides about one-point-six-eight (1.68) spaces per unit; and Mr. Lardner has a client of owners which have about five-thousand (5000) units within Delaware and Florida, they just did a parking count of what their facilities have, and the numbers came in at one-point-five (1.5) and one-point-six-eight (1.68) spaces for those facilities. Mr. Lardner stated in this case, they're proposing three-hundred-seventy-four (374) parking spaces in lieu of four-hundred-thirty-two (432) spaces, making it the fifty-eight (58)-space reduction, which is a fourteen percent (14%) reduction from the total amount and equals one-point-seven-three (1.73) spaces per unit. Mr. Lardner stated parking

is important to apartments but you can have too much, which will affect run-off and space, and the applicant is trying to reduce the risk by trying to find the right number, and there can be too little, but, given all the other complexes Mr. Lardner has dealt with this past year, the one-point-seven-three (1.73) spaces per unit is the right amount of spaces for an apartment complex of this size.

Mr. Lyons stated the applicant has addressed all comments in his letter except for the two (2) previously mentioned. Mr. Lyons stated he has looked into the parking, and researched some other codes in other municipalities where they have parking such as one-point-three-three (1.33) spaces per bedroom, one-point-six-six (1.66) per two (2) bedrooms, and two (2) per three (3) bedrooms. Mr. Lyons stated looking at the last one the applicant did in Millsboro, on Route 24, which looks similar to this project, it was approved with slightly more parking than what was approved in Sussex County. Mr. Lardner stated that project in Millsboro is four (4) stories, but this one in Millville will only be three (3) stories. Mr. Lyons stated in that area, the parking in some of the planning has a lot of things in the area; and right now, there's not a lot of things in the area to be walkable, and that's one of the most popular concerns. Mr. Lyons stated there is also concern with too much parking space and impervious surface, so it is something for Council to review. Mr. Lyons stated, in his opinion, he usually starts with a ten percent (10%) reduction. Town Manager Debbie Botchie asked if, during the concept plan review, the applicant said they would have a bus stop for here or will it be at Beebe? Mr. Lardner stated the bus stop will be at the Beebe site. Mr. Al Ruble, of MBTS, stated there is already going to be a bus stop at Beebe, but, after talking with DelDOT, it will also be required for the applicant to have a bus stop down where there are any future apartment buildings and/or assisted living facility, so there will be two (2) bus stops. Mr. Lardner stated it will all be submitted for the DelDOT plan.

P&Z Secretary Marshall Gevinson stated, regarding the May 23, 2019, concept plan review, "Mr. Schell stated they are willing to have a condition with approval of this application to make room for a bus stop along Route 17 as a place for DART to stop," and these plans tonight don't show that space. Mr. Ruble stated the bus stop wouldn't be on the preliminary plans, but rather on the DelDOT plans because the stop would be within the DelDOT right-of-way (ROW). Mr. Lardner stated the stop will be shown on the final site plan once the applicant determines the final location with DelDOT and DART, because they have the final decision on where the location will be. Mr. Gevinson stated as far as the number of cars parked, the applicant is making the assumption the parking spaces won't be totally full and everybody won't have two (2) cars and need to have them parked there. Mr. Gevinson stated if you have people in the apartment and they have guests who come over, and if the applicant reduces the parking, what happens when guests run out of space? Mr. Lardner stated there is plenty of parking there and it's been extensively studied that two (2) spaces per unit is too much parking. Mr. Lyons stated this is like commercial buildings in that when commercial buildings come to a certain size, the Town can allow a reduction of parking. Mr. Lyons stated when you have multiple businesses within a unit, such as with the Giant Food shopping center parking lot, you wouldn't max out each one of those stores; so, it's trying to find that right number. Mr. Lyons stated the reason he's saying the ten percent (10%) rather than fifteen percent (15%) is because there's not a lot here which is walkable at all. Mr. Faden stated his concern is he doesn't think there is a lot of rental space in Millville and this is going to be a large complex, and Mr. Faden thinks it will fill up and most apartments can

be rented due to the hospital and assisted living coming in, as well as other businesses coming in. Mr. Lardner stated Beebe workers can have long days such as twenty-five percent (25%) of its staff working the night shift, so those spaces may be vacant during that time frame, and it's where there will be extra spaces available for guests and so on. Mr. Greg Tobias, of Ocean Atlantic Companies, stated with rentals, you'd love to keep those units full one-hundred percent (100%) of the time but it's statistically impossible because you constantly have people moving in and moving out, so there's a lag in time for units being occupied. Mr. Tobias stated the vacancy is industry-wide and a complex is usually five percent (5%) to eight percent (8%) vacant at any time. Mr. Tobias stated the parking spaces are not assigned so any visitor or resident can park where parking is available, just like you'd see at a shopping center. Mr. Faden stated he understands but he thinks there's not a lot of rental space in the area and this will draw a lot of people. Mr. Lardner stated they are fine with the ten percent (10%) reduction, which is a forty-three (43)-space reduction, and it would put the total parking spaces at just under four-hundred (400).

Ms. Scheck stated she would be more comfortable with a ten percent (10%) reduction because she feels this particular project will be different than the average complex in Sussex County, and she thinks the applicant will see more need for two (2)-car units than with others because there is no accessibility to walk. Ms. Scheck stated she is curious of what the percentages are for the applicant's Lewes project, Beach Plum Dunes. Mr. Lardner stated Beach Plum Dunes uses the same principle as Sussex County described earlier. Mr. Lardner stated another thing is they're not close to the impervious area allowed on the site, so if, for instance, ten percent (10%) is found to be too much, the applicant always has the ability to come back and add the additional parking spaces if needed. Mr. Lardner stated there is plenty of room but the applicant doesn't think it's going to be needed. Ms. Scheck stated the ten percent (10%) reduction is more reasonable than the fourteen percent (14%). Mr. Lardner stated they are OK with ten percent (10%). P&Z Chairman Pat Plocek stated he also feels the ten percent (10%) would be more acceptable and he thinks there are areas where the applicant could add parking in the satellite areas with porous pavement which would help with runoff. Mr. Plocek stated he thinks the applicant should consider the age group – most of which will consist of the elderly – and there should be some rest areas for people along the trail systems, so they will have a place to sit for a while. Mr. Plocek stated he noticed the trail system is on one (1) side of the complex and not in the assisted living side, so he's not sure if a trail system will be added there at a later date but it should tie in with this trail, as well as with a trail by Beebe, so some employees could walk or bike to work. Mr. Lardner stated it will be connected. Mr. Plocek stated there is also no sign of landscaping along the back side of the buildings. Mr. Tobias stated the back sides of the exterior buildings are up against the woods so there is no need for landscaping there, and the other buildings back up to ponds so it's already scenic. Mr. Plocek asked about the entrance and exit to the complex. Mr. Lardner stated they still have to go through that with DeIDOT. Mr. Plocek stated one other thing which would help this complex is by putting in units which are livable for the handicapped, such as for paraplegics. Mr. Lardner stated each building is required to have one percent (1%) or two percent (2%) to be Americans with Disabilities Act (ADA) compliant. Mr. Plocek stated this goes slightly beyond ADA as he knows they take it to a certain point, but if the applicant could look into this when designing the overall apartment complex – such as readjusted cabinets, countertops, etc. – it would go a long way to provide that kind of facility, even if it's a small percentage.

Mr. Gevinson motioned to recommend to Council for approval the preliminary site plan submitted by Ocean Atlantic Companies, LLC, located on 32.750+/- acres of the Northwest Side of Roxana Road; Tax Map Parcel #134-15.00-93.01; zoned Master Planned Community (MPC), to construct a 216-apartment unit complex, with a reduction of ten percent (10%) in parking. Mr. Faden seconded the motion. Motion carried 4-0.

Mr. Faden asked if the adding of stop signs on plans will be done through DelDOT's set of plans. Mr. Lardner stated stop signs are on the DelDOT plan and will show on the final, but site plans generally don't have stop signs on them because the plans deal more with building location, setbacks, etc. Mr. Faden stated he noticed three (3) dumpsters on this plan and was thinking it may not be enough. Mr. Lardner stated the number is adjustable. Mr. Gevinson asked if the applicant talked with DelDOT about possibly putting street light at the entrance to the apartment complex. Ms. Botchie stated it's a roundabout which will be located further down at Powell Farm Road. Mr. Ruble stated the roundabout will be going in to take care of the traffic calming. Mr. Ruble stated, as far as connectivity between this complex and Beebe, MBTS completed the DelDOT shared use path and it's stopped at the property line, so when Ocean Atlantic would go forward with their project and road improvements, DelDOT will have them continue that shared use path right past their complex, which will give the interconnectivity to walk between all the projects. Mr. Gevinson asked about the talk concerning changing the direction of the assisted living facility. Mr. Lardner stated it has to remain running east to west because of the pie shape of the lot and land available. Mr. Faden asked for an update about getting the additional acreage from Beebe for the assisted living facility. Mr. Tobias stated it's going slower than he expected and right now, there's no agreement.

6. CITIZENS PRIVILEGE

Mr. Dennis Hartline, of Blue Heron Drive, asked about the change in design mentioned at the May 23, 2019, meeting, and wondered if there have been any changes from the Fire Marshal. Mr. Plocek stated they did discuss it and the feeling is the applicant has to go in front of the Fire Marshal with these plans and any concerns the Fire Marshal has on the setbacks will be addressed by him at that point in time. Mr. Plocek stated the Town is waiting to hear back from the Fire Marshal on what the recommendations are and the plans they're reviewing are still preliminary plans, so the applicant still has to go through the long process of going to DelDOT, the Fire Marshal's office and hopefully those concerns will be taken up at that time; but, if not, they can bring it back up. Mr. Lyons stated the master plan has changed so the design standards for the Town Center District do not have to apply here. Mr. Hartline asked what are the steps to go through before this preliminary plan comes back to Council for approval? Ms. Botchie stated the applicant will be coming back to Council for a public hearing but it will be some time because they're now in high gear with engineering, having to go to different agencies for approvals. Ms. Botchie stated things could change from what we're looking at right now. Mr. Lyons stated if it changes too drastically, the applicant would have to come back before P&Z.

Mr. Plocek stated he wants to stress concerns about the attendance by P&Z members for the meetings and these meetings have been set, so it is expected for P&Z members to be at these meetings. Mr. Plocek stated he'd also like to see as many P&Z members as possible take the training which is being offered by the Town up in the Dover area.

7. **ANNOUNCEMENT OF NEXT MEETING**

Mr. Plocek stated the next P&Z meeting will be on Thursday, February 13, 2020.

8. **ADJOURNMENT**

Mr. Gevinson motioned to adjourn the meeting at 7:38 p.m. Mr. Faden seconded the motion.
Motion carried 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk