



TOWN OF MILLVILLE
Planning and Zoning Commission (P&Z) Minutes
November 18, 2021 @ 7:00pm

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**. **Present:** P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioner Glen Faden; Commissioner Tim Roe; Commissioner Cathy Scheck; Town Manager Debbie Botchie; Code & Building Official Eric Evans; Administrative Assistant Jennifer Ireland; Wendy Mardini, Town Clerk; GMB Representative Andrew Lyons, Jr.

2. **APPROVAL OF P&Z MINUTES - October 7, 2021**
Revised to correct wording on page 3, paragraph 8 from “pump” to “pond.”
Motion by Commissioner Roe to accept the minutes, seconded by Commissioner Gevinson. Motion carried unanimously 5-0.

3. **Citizens Privilege:** None

4. **NEW BUSINESS:**

A. Review, discuss and possible vote on a recommendation to Town Council a revision to the Millville by the Sea (MBTS) Master Plan and Development Performance Standards, submitted by Civil Engineering Associates Inc. on behalf of Ardent Companies LLC.

Synopsis: The applicant wishes to remove the concept plan submission requirement for each village from the MBTS Development Performance Standards.

Commissioners Cathy Scheck and Tim Roe abstained as they are residents of Millville by the Sea.

Mr. Jeff Clark from Land Tech Land Planning, LLC. stated he was here to review and discuss the proposed revision of MBTS Master Plan Development Performance Standards. He stated the proposed revision is to remove the concept plan submission from the subdivision review process in the Development Performance Standards. Mr. Clark pointed out in the Millville Code, Subdivision Section 125-12, that for major subdivisions, the conceptual plan review is optional. He said the same Code section points out that one purpose of the concept plan step is to review a development proposal prior to substantial commitment of time and expense on the part of the applicant and preparing the site plan. Mr. Clark stated he was here representing Ardent Companies who owns the undeveloped land in the MBTS community. They are

fully aware that this proposed change in the Performance Standards may in fact create the need for additional time and significant engineering expense if a preliminary site review by the Millville Planning & Zoning Commission would require significant amendment. This proposed change would combine the plan review requirements, the concept plan, and the preliminary plan review, resulting in a far more detailed look at any specific Village within MBTS. He pointed out that the purpose of this proposed revision is potentially to allow individual MBTS Village subdivisions to be reviewed and approved in a timelier fashion. Mr. Clark stated currently the MBTS Master Plan contains at least 11 Villages that have not yet been applied for including East Villages 3, 4, 5 and 6 and West Villages A2, A3, B, C1, C2, E and F. Mr. Clark wanted to stress that this proposed amendment puts the burden on the applicant to have a complete preliminary site plan submission for presentation to both the Planning & Zoning Commission and the public. He went on to say the current Development Performance Standards do allow an optional design review prior to the preliminary plan submission, at the request of developer, to be attended by the Code and Building Administrator, the Town Manager, and a member of this Planning Commission. If this Performance Standard amendment is approved, it is very likely that the design review meeting will become a necessary step in this process.

Mr. Andrew Lyons of GMB advised that he reviewed the request. He stated it is his opinion that the developer has gone through almost concept at this stage already for development; therefore, removing this does not create a hardship and the Master Plan has already been approved by the Council. The Commission has already seen the Master Amenity Plan that shows all the different Villages. Mr. Lyon's only comment on the concept plan is maybe some of the language in concept that is being struck out, be added back into a different section regarding the design review meeting.

Commissioner Plocek pointed out that it was confusing since some of the changes have already been made and that he would like a clean copy with the changes included since they were already approved.

Open to the Public

Citizen: Tim Roe, 30035 Center Point Rd., Millville, DE 19967. His concern was that some board members will be eliminated from participating in the concept plan because they may have to abstain.

Commissioner Gevinson made the motion recommending the applicant move forward to present for final approval the removal of the Concept Plan Submission requirement for each Village from the MBTS Development Performance Standards with the recommendation to add language regarding the design review meeting and a clean copy presented. Commissioner Faden seconded the motion. The motion carried unanimously 3-0-2.

B. Review and discuss a concept subdivision site plan submitted by Land Tech Land Planning, LLC, on behalf of ASF MBTS, LLC for the proposed Millville by the Sea (MBTS) West Village A-1. The 26.11 acres proposed subdivision consisting of

64 lots is located at Tax Map Parcel #134-15.00-91.01, is zoned Master Plan Community (MPC).

Synopsis: The applicant wishes to discuss the concept site plan for the project with the Commission before submitting the preliminary site plan to get feedback, comments, and recommendations.

Mr. Jeff Clark stated Village A-1 is the first MBTS Village to be applied for on the west side of Roxana Road and Powell Farm Road. Mr. Clark advised this village would house the West Villages Community Recreation Facility. The concept plan illustrates a swimming pool and clubhouse, bathhouse facility with tennis and pickleball courts, full basketball court, all overlooking a large stormwater pond. He further states that this amenity is served with an abundance of perpendicular parking on two interior private village streets. Parking will serve both the community amenity area as needed, as well as overflow guest parking for Village A-1. Mr. Clark advised that when the plan is brought back to the next preliminary meeting, the documentation for the pool will be included along with any fitness center proposed to confirm that it is properly sized for the community. Mr. Clark pointed out that this phase is buffered from Powell Farm Road with an elevated earth berm planted with appropriate vegetation to screen the new development and the preliminary site plan will present a specific plant list. The A-1 Village mail kiosk is centrally located in the Village pocket park with on street parking for residents and their guests. Mr. Clark advises this Village meets the Development Performance Standards setback and lot size requirements for the 59 single-family lots and 5 townhouses. He said the required parking for Village A-1 is 192 spaces which are illustrated on this plan. The gross density for Village A-1 is 2.45 units per acre, that density is 2.7, and the open space here is 13.56 acres that represents a 53% of the gross site area.

Mr. Andrew Lyons of GBM advised he has reviewed the plans for concept and started the review for preliminary. He stated most of the comments in his letter will be directed for preliminary and are minimal at this point. He stated the landscaping plan should be coordinated with the DelDOT improvements, and parking for the pocket park should be ADA compliant.

Commissioner Roe asked what the timeline was regarding the road improvement. Mr. Clark responded by saying that the rotary is triggered by a number of factors and other developers that are contributing to this construction. The traffic engineer has that information and will be available once approved.

No vote on this matter.

C. Review, discuss, and possible vote on a recommendation to Town Council a preliminary site plan submitted by Land Tech Land Planning, LLC, on behalf of MTK Real Estate, LLC (Banks Wine and Spirits), for the expansion of the existing parking lot and the addition of a 2,400 square foot storage building; Located at 38014 Town Center DR; Tax Map Parcel #134-12.00-410.00 and 134-12.00-411.01; Zoned C-2-Town Commercial District.

Synopsis: On March 11, 2021, the applicant presented the concept plan for this project to the P&Z Commission. The Commission asked about run-off for the new paved area, and the applicant stated that concern would be addressed at preliminary.

Mr. Clark of Land Tech Land Planning, LLC presented on behalf of Banks Wine and Spirits. Also present was the project civil engineer from Becker Morgan Group, represented by Ryan Musacchio. Mr. Clark stated this application is for an expansion of the existing parking lot, and the addition of a 2,400 square foot storage building. Mr. Clark referred to a landscape plan that illustrates how the existing buffer between the pond to the south and the new parking lot will be untouched, as well as the existing plantings along the boundary that is shared between the Banks retail store and the Millville Fire Company. The visual planting between the pond and the Banks property is on the adjoining pond slope and will not be disturbed at all. He stated that most of the new decorative plantings on this plan are along Town Center Drive and there are some street trees that are proposed in the center of the new parking lot. Mr. Clark referred to the plan prepared by the project land surveyor to combine the two existing Banks tax parcels into a single 1.63-acre parcel as requested by the Town. He pointed out the details of the new parking lot, proposed architecture for the 2,400 square foot storage building, the building elevations and wall section. Mr. Clark stated this is essentially the same plan that was previously presented at the conceptual site plan meeting except for some issues that were raised by the Town Engineer that have been repaired and amended. The existing store is in the northwest corner and the new storage facility is designed for delivery to the south of the buildings. That building is also equipped with an overhang for weather protection and has two tall overhead doors. The north end of the storage building has a single, tall, overhead door for transporting stock into the retail store from the from the storage building. Mr. Clark pointed out where the keg cooler and new parking lot with a new truck delivery entrance will be located and will be shared both between delivery trucks and retail customers. Mr. Clark then addressed parking. Code required one space per 300 square feet of retail sales area. That Code also requires one parking space per employee. There are 12 employees on site at any given time, which results in the need for 34 parking spaces to meet Code. This plan illustrates 53 parking spaces. There are three handicap spaces required by the ADA code which are provided. The new parking lot will be paved with asphalt paving. There will be a fully enclosed dumpster. The ice machine will remain and moved a few feet over to an island.

Mr. Brian Musacchio of Becker Morgan Group stated the parking lot and building addition were both reviewed by SCD and DNREC and the comments have been satisfied. He advised the stormwater approach for quality management is met through a “fee in lieu” offset in accordance with DNREC regulation Section 13.2. DNREC has approved and accepted the stormwater management plan. He stated the analysis completed complies with Delaware Stormwater and Sediment Regulation section 5.3.3.4.

Mr. Andrew Lyons commented on his review of the preliminary plan requirements. All requirements have been met as a legal non-conforming site. All concerns in his review letter have been met.

Commissioner Glen Faden voiced a concern regarding installation of a privacy fencing on the southern end of the parking lot to shield headlight glare. He was hoping that it would be a consideration on behalf of the people in the units across the pond.

Commissioner Pat Plocek mentioned the relocation of the shed was not on the landscape plans. He also mentioned putting light poles at the entrance areas and suggesting the connection of sidewalks from Banks to the Town Center property. He recommended possibly contacting the owner of that property as it would be nice for the public to have a connected walkway there. Mr. Lyons agreed in concept but said that it is on a private easement that is owned by another entity, and it would be wholly on that other entity to agree. Mr. Clark recommended a letter be written to the other property owner from the Town asking for cooperation to join the sidewalks.

Commissioner Scheck made the motion recommending the applicant move forward with a final site plan, including the addition of a six-foot vinyl fence on the southside of the property, for the Town Council's approval. Commissioner Gevinson seconded the motion. The motion carried unanimously 5-0.

There was a brief discussion initiated by Mr. Jeff Clark as to where exactly the Council wanted the fence to be. It was pointed out by Commissioner Plocek. Mr. Lyons also suggested that the fence not be installed on the corner or enclosed for safety concerns.

5. **CITIZENS PRIVILEGE** - none

6. **ANNOUNCEMENT OF NEXT MEETING**

Commissioner Plocek stated the next P&Z meeting was scheduled for December 9, 2021, at 7:00 p.m.

7. **ADJOURNMENT**

Commissioner Gevinson motioned to adjourn the meeting at 7:46 p.m. Commissioner Faden seconded the motion. The motion carried unanimously 5-0.

Respectfully submitted,

Wendy Mardini
Town Clerk