



## TOWN OF MILLVILLE

### Planning & Zoning (P&Z) Commission Meeting Minutes June 13, 2024 @ 7:00 p.m.

1. **Call Meeting to Order:** Chairman Michael Burgo called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. **Present:** Commissioners Pat Plocek; Marshall Gevinson; Tim Roe; Town Manager Eileen Scerra; GMB Representative Andrew Lyons, Jr.; Facilities and Building Administrator James Simpson and Town Clerk Wendy Mardini. Commissioner Cathy Scheck was absent.
  
2. **Approval of Meeting Minutes**
  - A. May 9, 2024, Planning & Zoning Meeting Minutes  
***A motion by Mr. Burgo to accept the minutes of May 9, 2024, was made. The motion was seconded by Mr. Gevinson. Motion carried 4-0-1. Mr. Plocek abstained.***
  
3. **Citizens Privilege:** Kim Rich, 31259 Rockwood Road, Millville, DE 19967. Ms. Rich wanted to know if there was going to be a public hearing about a particular proposal or should she wait for a public meeting. Mr. Thompson explained to Ms. Rich that there will be a public hearing at the council level, that Planning and Zoning reviews the proposal as a preliminary matter and that it will go forward to a Town Council meeting if approved. He explained that she was free to comment but that it was more important to do so at the Council meeting when the ultimate decision maker is going to hear those comments and then decide for herself.

Mark Schlossberg, 31269 Rockwood Road, Millville, DE 19967. Mr. Schlossberg wanted to know if the surrounding property owners will be notified of any meetings in the future. Mr. Burgo said that no hard copy notifications will be mailed out, they will have to monitor the website and Coastal Point.

Allan Anderson, 31279 Rockwood Road, Millville, DE 19967. Mr. Anderson had a concern about the tax ditch that has been shown on the plans on the Hocker property, stating that he feels this would have to be addressed before any development was to start. Mr. Burgo stated that the Board had no knowledge of that issue at the moment.

Steve Hess, 31275 Rockwood Road, Millville, DE 19967. Mr. Hess was concerned about how the process from Planning and Zoning to Town Council works. He questioned that if there were concerns about the proposed project that abuts to Bishops Landing, when would the public be able to speak about those concerns. Mr. Thompson explained the process to Mr. Hess regarding how Planning and Zoning makes recommendations to the Town Council and then it is basically up to them as to how the plan proceeds. As far as public input is concerned, that will be at the Town Council level.

#### 4. New Business

***A. Review and discuss a preliminary site plan submitted by Davis, Bowen & Friedel, Inc. on behalf of MA Housing, LLC, and Gerald W. Hocker, Jr. for a proposed Residential Planned Community consisting of 38 Duplex, 32 Town houses and 71 single family homes. The proposed site is located on Tax Map 134-12.00-370.00 and zoned Residential Planned Community located at 32071 Roxana Road, Millville, DE 19967.***

Mr. Zach Crouch of Davis, Bowen & Friedel presented on behalf of MA Housing, LLC and Gerald Hocker, Jr. Mr. Crouch went through a timeline for this project.

In September of 2022, they submitted three concepts that went through the Planning Commission, and there were three different options. From the comments that they received from the Planning Commission, they resubmitted back in October of 2023 and addressed those comments, going from a condo regime to basically a fee simple for both the duplexes and single families. He explained that during that process between October 2023 to December 2023 they worked with the town engineer, looking at the roads, sidewalks, and site plan in general. Then they submitted their revisions in March of 2024. Mr. Crouch said that in working with the Town, there were a couple of revisions, such as reducing some of the lots from 141 to 139 units, addressed parking, sidewalks on both sides, and widening of the streets.

Mr. Crouch went on to explain that they now have 73 single families, 34 duplexes, and 32 townhouses for a total of 139 units. He spoke of buffers on all sides of the project, including the relocation of the tax ditch. Mr. Crouch stated that he spoke to DNREC who advised that they have the right to relocate it, however, the goal is to eliminate the tax ditch and have all storm water management within the project. He stated that this will benefit both parties.

He further stated that public utilities will include both sewer, water and of course fire protection, street trees will be provided throughout the site as shown on the plan which is also part of the preliminary site plan, and they have increased the streets to

25' wide. They also added some additional parking spots, which was a request throughout the project because of the need for additional parking. There will be a mailbox kiosk which is required by federal law. He added that there will be a clubhouse, pool, gazebo, walking trails around the pond, which there again was a comment that was able to play the commission around booth just there again for more active open space along with a tot lot that would be part of the amenity package.

He also said that they have met with DelDOT regarding some improvements that would be required as far as the protective left and right lanes into the project.

Mr. Andrew Lyons gave his comments. He stated that this property is a Residential Planned Community so the minimum requirements for housing types, lot requirements, maximum height requirements shall be set forth by the Council during the review process. They will have the same requirements as Bishops Landing North wherein there is 20' front and rear setbacks, 7' side, and 20' between townhomes. His other comment was regarding signage and that was addressed on the new plans. He confirmed that these plans are in line with all surrounding properties.

Commissioner Gevinson confirmed that there will be two dumpsters on the property as well as garbage pick-up. Mr. Crouch confirmed that the dumpsters are really for the townhomes and the garbage pick-up is for individual lots and duplexes.

Mr. Gevinson also questioned Mr. Crouch about the 144 parking spaces and the 3 handicapped spaces. Mr. Crouch assured Mr. Gevinson that the property will be ADA compliant and whatever is needed, they will put in.

Commissioner Roe questioned Mr. Crouch regarding the 73 overflow parking spaces. He requested Mr. Crouch to point out where there were 73 spaces, since he can only see 63 spaces, asking him to give an accurate number of spaces and the location of same. Mr. Crouch proceeded to point out where the spaces will be located, and Mr. Roe insisted on a specific number. *(A discussion was held amongst the parties attempting to provide an answer for Mr. Roe).*

Mr. Lyons explained that overflow parking is also for part of the townhomes, so they have the required parking in Residential Planned Community zone of two parking spaces per unit as a whole, and then .5 per unit is overflow. Mr. Roe stated that he was looking at the location of the parking and it appears that the parking at the dog park will be used as overflow parking. He was unsure what he was looking at on the plans as to where the clubhouse or pool was located and where the parking would be for that. Mr. Preston Schell commented that the clubhouse would be a fitness center, a community room, bathrooms for the pool and sometimes a property manager's office. Mr. Roe wanted that specifically marked on the plans to Council. Mr. Schell

said that the majority of parking for the duplex units and single-family homes are in their garages and their driveways. Mr. Roe commented that he is from a Master Planned Community, and it is always a concern about summer parking, not wanting people to have to park an 1/8th of a mile away from the home they are visiting. Mr. Crouch acknowledged that one of the comments that were brought up to them by the Planning Commission previously was to put additional parking throughout the project not just in one section. Mr. Roe acknowledged that he was the one who made that suggestion.

Commissioner Plocek recommends the walking trail extend out to Rt. 17 so there would be access to a future sidewalk to both sides of the entrance.

Chairman Burgo questioned about a fence being installed around the playground since there is parking around it. Mr. Schell said that they space at least 40 feet from any parking and in all the communities they have built since 1997, they have never had an issue with a toddler running from the playground towards the street. Mr. Burgo also asked about the lighting coming off of Rt. 17 at the entrance. Mr. Crouch said that it will be lit and will extend throughout the development. Mr. Burgo also asked about landscaping and Mr. Schell advised that there will be planned buffer. He also said that if the residents of Bishop's Landing North would like them to install an 8' white vinyl fence, they will do so along with the plantings.

Mr. Roe wanted to know if the tax ditch was a designated tax ditch, and Mr. Crouch advised that it was. Mr. Roe wanted to know the name of the tax ditch and requested that Mr. Crouch find out the name.

**Chairman Burgo made a motion to vote on sending the preliminary approval to Council. Mr. Plocek seconded the motion. Mr. Roe wanted to make sure that all comments made at this meeting will be forwarded to Council via minutes. Motion carried 5-0.**

***B. Review and discuss a preliminary site plan submitted by Rauch Engineering, LLC on behalf of ARB Realty Holdings, LLC for a proposed car wash and parking lot. The proposed site is located on Tax Map 134-12.00-404.00 and 134-12.00-405.00 and zoned C-1 located at 35518 Atlantic Avenue, Millville, DE 19967.***

Mr. Brian Fitzgerald and Mr. Jeremy Lewis of Rauch, Inc. presented on behalf of ARB Realty Holdings, LLC. Mr. Fitzgerald explained that the car wash is located on Atlantic Avenue and is 1,000 sq. ft. He explained that mainly what they are trying to do with the access to is to keep traffic flow from crossing paths as it enters the site. He said water and sewer will be brought in from Atlantic Avenue. Stormwater Management will be managed via a submerged ground leveling that will then discharge to a dry

retention pond, and then ultimately to the tax ditch that is to the south end of the site. That tax ditch originally had a width of 80 feet and is going through the process right now being amended to a 40-foot tax ditch. He explained that they are proposing some parking in the front of the building, and this is mainly due to the stormwater hardships. They tried to put parking to the rear but there was an issue with having a retaining wall contain that dry retention pond, so they had to put that as a natural grade backup to the parking lot and push those additional parking spaces to the front. Mr. Fitzgerald asked permission to approve parking at the front of this project. Regarding landscaping, he said that they will meet all the zoning code and ordinances that are required for any buffers and a monument sign will be located east of the entrance. A dumpster enclosure will be located on the east side of the property, and it will be enclosed in a veneer that will match the building exterior.

Mr. Andrew Lyons of GMB Engineering said that this is similar to a plan seen before the Gander Carwash came before the Planning and Zoning in April of 2023 for its conditional use. Mr. Lyons said that the major change was the location of the DeIDOT entrance which moved things on site, but it is still very similar to the original layout. The front parking has been recommended and approved by Council numerous other times in the last few years, so there should not be a problem. He also submitted that items #2, 3, 5, 6, 7, 8, 9 and 10 have been addressed completely and #4 deals with parking in the front. In the original plan they had some parking in the front yard setback that has been removed and everything has been moved out of a setback. Item #11 deals with design standards, addressing landscaping and architectural standards on Rt. 26.

Mr. Burgo wanted to know if there were any renderings of the outside of the building, but there were none digitally on hand and encouraged them to have it on hand when they go before Council.

Mr. Gevinson wanted clarification as to how the water is recycled, Mr. Fitzgerald explained same. Mr. Plocek suggested that they check the size of their sign before bringing their plan to the Town Council in addition to bringing a rendering of the sign at the time of the hearing. Mr. Burgo inquired about the landscaping along Rt. 26. Mr. Fitzgerald pointed out what plants will be used. Mr. Burgo wanted to make sure that renderings with landscaping and lighting setup for the property is captured when taking the preliminary plan to the Town Council.

**Chairman Burgo made a motion to forward the preliminary plan to Town Council with comments. Mr. Gevinson seconded the motion. Motion carried 5-0.**

Chairman Burgo wanted to thank Mr. Plocek on behalf of the Commission for all his time and energy as the Chair of the Commission over the last few years and that

everyone learned a lot from him, and they were happy he was staying with the Commission.

Mr. Plocek wanted to point out that there are more locations that do not have a trail for people to run or walk on and they have to go out on the street and then go back on the trail again. He is therefore requesting a line item in the budget for development and acquisition right away for a trail. Mr. Thompson said that there is a sidewalk provision in the town charter that discusses the fact that the Council can make the determination if a particular property needs to install the sidewalk.

**Adjournment: Next meeting is scheduled for July 11, 2024. Mr. Burgo closed the meeting at 8:03 p.m.**

Respectfully submitted,

Wendy Mardini  
Town Clerk