

**MINUTES OF THE MEETING  
OF THE CITY OF SEAFORD  
PLANNING AND ZONING COMMISSION**

7:00 p.m.

December 1, 2016

Chairman Wayne Sammons, called the meeting to order with the following Commission members in attendance: John Leverage, Thomas A. Temple, Jr, Matthew Shaffer, E. B. Peterson and new Commission members Elizabeth Jenkins and Stacie Spicer; Joshua Littleton, Building Official was also present.

Chairman Sammons welcomed Elizabeth Jenkins and Stacie Spicer. He explained the Commission is reviewing three applications tonight which are tied together, although they are reviewed separately and that we will approach one at a time and vote on each one separately. The Commission's recommendation will be presented to the City Council at their December 13, 2016 Regular Council meeting for their final determination. He turned the meeting over to Mr. Littleton.

Mr. Littleton provided an overview of the history of the project titled "Melanie's Ridge". The property is owned by Liborio Watergate, LLC. In August, the project received a sketch plan approval. Mr. Littleton introduced Mr. Ring Lardner civil engineer with Davis, Bowen and Friedel, who is here to answer your questions. The Commission will look at the three items - subdivision, rezoning and preliminary site plan. Prior to the current owners purchasing the property originally known as "Lawrence Crossing" the project went through the subdivision and preliminary site plan process; the proposed uses were a mixed use of townhomes and commercial. When Mr. Ramunno purchased the property, he redesigned and renamed it "Melanie's Ridge". What happened between the sketch plan approval in August is that Mr. Ramunno purchased a piece of land where the historical "Lawrence" house was located (and torn down several years ago). He proposes to combine this land with Melanie's Ridge". The purchase has allowed him to address a recommendation from DELDOT and PLUS to relocate the original entrance to "Melanie's Ridge" to align with Fallon Avenue which will clean it up; two intersections and City streets will be directly across from one another.

**Mr. Littleton addressed Case No. S-24-16: Liborio Watergate, LLC**, property owners of the undeveloped acreage on Bridgeville Hwy, to be known as "Melanie's Ridge" identified as Tax Map and Parcel 331-5.00- 11.00 and the undeveloped acreage on Bridgeville Hwy, which was formerly known as "Lawrence", Tax Map and Parcel 331-5.0-11.01 is seeking a subdivision. This is for a lot consolidation and property line reconfiguration. This will be two commercial lots - one in the same general location as shown on the sketch plan. By reconfiguring the property this will create a proposed City Right of Way (ROW) across from Fallon Ave and connect with Mearfield II, a subdivision already approved. The City will actually receive a deed for the ROW when the subdivision plan is recorded. A new lot will be created on the north side of the ROW. The smaller remaining land area will remain part of the larger parcel, the property line will zigzag across the ROW. Reallocation of 61.9± acres to create four parcels: the main parcel being 54.7± acres, Parcel #2 - 3.7± acres which is the main commercial site; Parcel #3 - 1.3± acres and Parcel #4 will eventually become the City's ROW, with a Tax ID number.

DELDOT is in process of reviewing the subdivision; the staff is recommending that any approval be contingent upon receipt of a "Letter of No Objection", that way it has been through the entire DELDOT process.

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Chairman Sammons asked for clarification of the land area. Mr. Littleton explained that "Lawrence" will be consumed by the original project. Mr. Leverage asked where is the City ROW; how did it come about? Mr. Littleton said the lot will be basically subdivided to the width of subdivision requirements for a street. On the recorded subdivision plan some type of wording such as "ROW to be dedicated to public use by the City of Seaford" will be shown. The ROW will connect to a Mearfield II street which is already approved but has yet to be built. The streets in Mearfield II are slated to become City ROWs. We will have City street connectivity from Bridgeville Hwy through Mearfield II to Herring Run Road. The entrance on Herring Run Road into Mearfield II is not built yet. Mearfield II Phase I is close to pulling a site work permit; we are waiting for final bonding for streets and utilities. Mearfield II Phase I will be built along Herring Run Road, eventually after Phase II & III are built the streets will connect. The connectivity may take 10-20 years, the developments move at their own pace. Chairman Sammons asked about the original entrance that was approved in August. Mr. Littleton pointed out it was further to the south than Fallon Avenue. One of the comments from State Planning was that they like to have intersections aligned. Even if this is approved, they still have requirements for design and utilities that still have to be worked out. This is the reason why we see the order of presentation, if the subdivision isn't approved there is no reason to move forward with a project.

Chairman Sammons called for public comment.

Mr. Dan Cannon, 411 Nylon Blvd, read the agenda item for the Subdivision case. He felt it was very confusing as the agenda didn't state that four parcels were being created from the two parcels being combined. Chairman Sammons explained the public hearing is where we bring everything up for discussion.

Mr. Bill Hurley, representing Trinity Logistics, asked if this was going to DELDOT for a traffic study. Chairman Sammons said they will work through the first two agenda items. Right now, we'll be voting on the piece of property Mr. Ramunno purchased to combine with the original lands.

Mr. Littleton commented even if the subdivision is approved, the lots will meet the required area bulk regulations for the districts. The ROW doesn't have to meet the same requirements of a stand-alone lot.

Chairman Sammons addressing Mr. Cannon said the vote will be on the subdivision, not a vote on the wording; the Commission's recommendation will be sent to Council. It is up to Council if they should seek Counsel's advice (City Solicitor Fuqua) on the wording. Planning and Zoning only makes a recommendation to Council; they have no authority to change the wording. They can't shoot anything down for wording or interpretation. We encourage you to attend the December 13, 2016 Council meeting where you can bring it up to them. Chairman Sammons asked that the motion include advice on how Council should move forward on the wording issue.

There being no further discussion, Chairman Sammons called for the Findings of Facts. Mr. Littleton read:

**Agenda item #1**

**Findings of Facts:**

- Melanie's Ridge
- Property Owners: Liborio Watergate, LLC
- Subdivision Case #S-24-16
- Property is located on Bridgeville Highway

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- Property Line reconfiguration due to additional lands being added to project.
- Reallocating 61.9 +/- acre lands to create:

Parcel 1:	54.7 +/- acres
Parcel 2:	3.8 +/- acres
Parcel 3:	1.7 +/- acres
Parcel 4 (Future City ROW):	1.7 +/- acres
- These parcels will comply with the area and bulk requirements of the zoning districts.
- Staff recommends approval be conditioned upon receipt of DELDOT Letter of "No Objection to Record"

Planning and Zoning to make a recommendation to Council.  
Chairman Sammons called for a motion on Case #S-24-16.

Mr. Peterson made the motion to recommend approval of the subdivision to realign the property lines as shown on the site plan to create one parcel as presented based on the receipt of the DELDOT "Letter of No Objection."

**ROLL CALL VOTE:**

Thomas A. Temple, Jr. stated he approved based on the Findings of Facts;  
John Leverage stated he approved based on the Findings of Facts;  
E. B. (Rick) Peterson stated he approved based on the Findings of Facts;  
Matthew Shaffer stated he approved based on the Findings of Facts;  
Stacie Spicer stated she approved based on the Findings of Facts; and,  
Elizabeth Jenkins stated she approved based on the Findings of Facts.

Chairman Sammons stated the Commission voted unanimously in favor of the motion.

Mr. Littleton presented **Case No. R-25-16:** Liborio Watergate, LLC property owners of Tax Map and Parcel(s) 331-5.00-11.00 & 11.01, undeveloped lands on Bridgeville Hwy, is seeking a rezoning to adjust the R-3 High Density Residential District and the C-2 Highway Commercial District to match the new parcels. Mr. Littleton explained the rezoning is an adjustment of the zoning lines. The zoning is not changing, the developer is trying to clean up the site plan. Originally, the plan showed C-2 across the front along Bridgeville Hwy. Now, the zoning lines will follow the property lines. The C-2 parcels will be on Bridgeville Hwy and the R-3 will be the remainder of the lands. The change will require modification of Seaford's Land Use Comprehensive Plan. The revised Comprehensive Plan was reviewed by the Office of State Planning along with some other minor modification and they offered no major comments. We are awaiting the final approval from PLUS.

Chairman Sammons called for questions from the Commission.

Mr. Shaffer asked what PLUS stood for. Mr. Lardner responded Preliminary Land Use Service. Mr. Littleton explained it's made up of numerous State agencies- State Fire Marshal, Office of Planning, DELDOT, DNREC, etc. They look at the projects early on and the agencies provide their comments/recommendations based on criteria established.

Mr. Peterson said the difference between C-2 and R-3 is what you can place on a piece of property. Why would you want to do what they are asking to do? Mr. Littleton explained, this was years ago, when Lawrence Crossing was approved the commercial zoning crossed an open space it was not a separate lot. The zoning line didn't follow the property line. Mr. Shaffer asked if Lawrence was always commercial? Mr. Littleton said as long as he's been at the City.

Chairman Sammons called for public comment. There being none, he asked for the Findings of Facts.

Mr. Littleton presented:

**Agenda item #2**

**Findings of Facts:**

- Melanie's Ridge
- Property Owners: Liborio Watergate, LLC
- Rezoning Case #R-25-16
- Property is located on Bridgeville Highway
- Adjust the zoning lines to follow the proposed lot configuration.
  - R-3 High Density Residential
  - C-2 Highway Commercial
- These parcels will comply with the area and bulk requirements of the zoning districts.
- This change in the zoning lines will result in a modification of the City's Comprehensive Land Use Plan.
  - Revised plan was reviewed by the Office of State Planning on 11/16/16
  - No Major Comments.
  - Awaiting final approval letter from PLUS.
- Staff recommends approval be conditioned upon receipt of approval Letter from the PLUS Committee.

Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion on Case #R-25-16. Mr. Peterson made a motion to recommend approval of the rezoning based on the receipt of an approval Letters from PLUS. Mr. Leverage seconded the motion.

**ROLL CALL VOTE:**

Thomas A. Temple, Jr. stated he approved based on the Findings of Facts;  
John Leverage stated he approved based on the Findings of Facts;  
E. B. (Rick) Peterson stated he approved based on the Findings of Facts;  
Matthew Shaffer stated he approved based on the Findings of Facts;  
Stacie Spicer stated she approved based on the Findings of Facts; and,  
Elizabeth Jenkins stated she approved based on the Findings of Facts.

Chairman Sammons stated the Commission voted unanimously in favor of the motion.

Mr. Littleton then presented the preliminary site plan for Melanie's Ridge. It was approved for a sketch plan in August of this year. It is a mixture of C-2 Highway Commercial and R-3 High Density Residential. The lands are partially in a Well Head Protection Zone, in relation to the North Ross pumping station at the Utility Building. The site has to be designed around it. Parcel #2 along the front and is proposed as 10,000 square feet of commercial building with seventy-six (76) parking spaces designated. The proposed Parcel #3 is commercial with no proposed use at this time. The plan will be back before the Commission as the final site plan. A lot of design work and review needs to be done. The residential land will include two hundred eighty-eight (288) apartments which are planned with six hundred and sixty-two (662±) plus/minus parking spaces. There are eight (8) units per building. The density is less than allowed by the zoning. The site is well below the maximum density permitted. There is a mixture of private and City maintained streets. The major change from

the sketch plan, is that the City ROW/entrance will align with the Fallon Ave intersection. The design for this is still to be done. The project is under review by DeIDOT for new drive aisles, turn lanes, the design will be deferred to DeIDOT for their intersection requirements. There are connector roads between Bridgeville Hwy and Herring Run Road, running between Mearfield II and Melanie's Ridge. The commercial piece will have its own entrance on the City ROW.

A clubhouse, pool, playground and dumpster enclosures scattered throughout the site are shown in the design. Storage facilities for each unit are required by Code, and the City is working with the engineer to work this out. R-3 requires 5'x5'x6' storage units for multi-family dwellings. Some developers comply in different ways. The developer is proposing separate units in cluster facilities near mail boxes. The staff is recommending something attached to the buildings. As examples, Riverplace Apartments has a storage area by the entrance door to each unit; Greenside Manor has a separate building in the maintenance wing that has caged chain link storage inside.

Mr. Leverage asked how many buildings are part of the design. Mr. Lardner replied thirty six (36) with eight (8) apartments per building; two story buildings.

Utility improvements include the extension of water, sanitary sewer, and electric. The preliminary design for water/sewer has been submitted. Typically, the City doesn't maintain the water and sewer lines when they are private property. The water/sewer mains will be built in the entrance to Melanie's Ridge and the City's responsibility for maintenance will stop at the private street. The engineers are still working on the design for utilities for the City's engineer review. Every building will have a fire suppression system. A private storm water management system will collect water from the City's streets. Several detention areas will be on site; the storm water will be collected in ponds and discharged to the Herring Run Branch.

Several proposed street names are reserved for City Council approval. Wheatfield Road and Lawrence Crossing were previously approved; new names include Melanie's Ridge, which is the main thoroughfare, Sophia Drive, Tina's Way, and Susan's Way. Sussex County has reserved them for Seaford; most are private but still need a name for 911 addressing.

The project will require approvals from the normal State agencies: Office of the State Fire Marshal for site; Sussex Conservation for storm water management; DNREC for sanitary sewer expansion, Office of Drinking Water for municipal water expansion, and DeIDOT for the entrance. This is a site plan review. When the building plans come in the Code Department reviews them to make sure they meet all the requirements.

Mr. Lardner discussed the traffic impact study. Ten intersections were studied which resulted in the improvements required on Bridgeville Hwy. Currently there is a right turn lane and bypass lane going north. South bound is a one shared through/left turn lane. A reconfiguration will take place with a left turn lane, one through lane and one right turn lane heading north. Heading south, a left turn lane, one through lane, and a right turn lane is recommended. A sidewalk will be installed on Bridgeville Hwy; the developer is willing to extend it to the final limits to the driveway of the adjacent parcel. The review and approvals from DeIDOT are moving forward. Mr. Leverage asked if there was any discussion on installing a stop light. Mr. Lardner replied DeIDOT is not requiring a light; none is being considered. Mr. Littleton added in the future other development could trigger a light. Mr. Peterson asked if a new substation would be needed. Mr. Littleton said not that he is aware of; a circuit loop is being built but work stopped because they may reconfigure the loop. It is slated to go up through Herring Run Professional Park and Mears Campus. Mr. Lardner said it should have been

accounted for in the original design. Mr. Shaffer asked if Bridgeville Hwy will be widened? Mr. Lardner said not to four lanes, there will be a center turn lane and two through lanes. Mr. Littleton referring back to the electric situation, stated impact fees will be paid as the building permits are pulled, which will help cover the cost of future construction/maintenance to water/sewer/electric. The developer pays for the electric design.

Chairman Sammons felt the interconnectivity was a good idea. What types of roads will be in Mearfield II? Mr. Littleton explained they'll be the same as Governor's Grant and Mearfield I, same design with the rolled curb, typical side street roads. Chairman Sammons asked if we were encouraging traffic to jump through Mearfield II? Mr. Littleton said the interconnection is intended to get the local traffic off the main roads.

Ms. Spicer asked for clarification on the Well Head Protection and wetlands. Mr. Littleton explained the Well Head Protection ordinance states a vacant piece of land can be developed up to 35% total area with impervious surface, buildings and roads, before you have to design around it. Only the land that falls within the designated area has to meet the requirements. The wetlands are Herring Run Branch- tax ditch, flood plain- you have to stay out of the wetlands. Mr. Lardner said after 2003 DNREC did a study that looked at a 5-year discharge rate. Mearfield I was approved prior to the Well Head Protection Ordinance being adopted, but new development has to comply with the Ordinance.

Mr. Hurley asked about the traffic survey. He said that he had met with DeIDOT four or five months ago about a future project for Trinity Logistics. Mr. Hurley had questions about the traffic count. Mr. Lardner said he knows DELDOT counted Bridgeville Hwy, but he doesn't know about Fallon Ave. He went on to explain the basics of the traffic study. Chairman Sammons asked if the traffic study was available. Mr. Lardner noted Mr. Littleton has a copy.

Mr. Rex Mears came forward. Mr. Mears owns one hundred (100) lots in Mearfield I. His question concerned green space – with the number of apartment buildings, storage buildings...how much green space will there be when the project is done? Mr. Lardner explained/pointed out the green spaces on the drawing – green space around the woods/wetlands/between the buildings; green space is approximately 50%. Open space includes the area down to the woods and stream. Mr. Littleton added seven hundred (700) units are allowed by Code. Mr. Lardner stated Mr. Ramunno didn't want to overbuild the site. Chairman Sammons commented that at some point all the properties will be tied in. Mr. Mears said another concern is four (4) or five (5) story buildings against the single-family homes in Mearfield I. Mr. Littleton explained the height limit in R-3 is three stories. Mr. Lardner said they are working on walking trails and other buffers. The apartment buildings are only two (2) story. Mr. Littleton said a buffer is required between Mearfield I (R-2) and Melanie's Ridge (R-3). A buffer won't be required between Mearfield II townhomes (R-3). A buffer between the commercial and residential is also required. Mr. Lardner noted the site plan and landscape plan is reviewed by the City staff, along with the utility plan. The project drawings will be about three (300) hundred pages when completed.

Chairman Sammons called for questions. There being none, he asked Mr. Littleton to present the Findings of Facts.

Mr. Littleton presented:

**Findings of Facts:**

**Agenda item #3 - Preliminary Site Plan Review**

**Melanie's Ridge**

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- C-2 Highway Commercial
- R-3 High Density Residential
- Lands are partially within the Wellhead Protection Zone.
- Parcel 2 Commercial Land along Bridgeville Hwy would include a +/-10,000 sf commercial use building, with 76 parking spaces.
- Parcel 3 Commercial Land does not include any proposed use at this time.
- Residential land will include a 288 unit apartment complex, with +/- 662 parking spaces.
- Mixture of Private & City maintained streets,
- Clubhouse, Playground & Swimming pool, dumpster enclosures.
- Storage Facilities for the residents.
- Utility Improvements include:
- Extension of Municipal Water, Sanitary Sewer & Electric Systems.
- Private Storm water Management System installation throughout, with outfall to Herring Run Branch.
- Proposed Street names throughout Complex which have been reserved by Sussex County:
- Melanie's Ridge, Wheatfields Road, Sophia Drive, Tina's Way, Susan's Way, Lawrence Crossing
- State agency approvals will be required from:
  - State Fire Marshal
  - Sussex Conservation District
  - DNREC - Sanitary Sewer System expansion
  - Office of Drinking Water - Municipal Water system expansion
  - DeIDOT - Entrance
- The project will comply with the area and bulk requirements of both districts.
- Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion on the project. Mr. Peterson made a motion to recommend approval of the preliminary site plan. Mr. Shaffer seconded the motion.

**ROLL CALL VOTE:**

Thomas A. Temple, Jr. stated he approved based on the Findings of Facts;  
John Leverage stated he approved based on the Findings of Facts;  
E. B. (Rick) Peterson stated he approved based on the Findings of Facts;  
Matthew Shaffer stated he approved based on the Findings of Facts;  
Stacie Spicer stated she approved based on the Findings of Facts; and,  
Elizabeth Jenkins stated she approved based on the Findings of Facts.

Chairman Sammons stated the Commission voted unanimously in favor of the motion.

Chairman Sammons called for a motion to adjourn the meeting, Mr. Temple so moved; Mr. Peterson seconded the motion. Motion was unanimous to adjourn.

Chairman Sammons adjourned the meeting at 8:15 p.m.

By:   
Wayne Sammons  
Chairman Planning and Zoning Commission

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