

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

7:00 p.m.

January 5, 2017

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

Chairman Sammons stated there are two agenda items tonight; one is a returning item. He then turned the meeting over to Mr. Littleton.

Mr. Littleton stated that the Commission is seeing again Case # S-24-16, the review of the subdivision for Melanie's Ridge. Mr. Littleton noted Mr. Ring Lardner, DBF, was present to answer any questions.

Mr. Littleton reminded the Commission they saw the subdivision request from Liborio Watergate, LLC at the December 2016 meeting. Due to the addition of land to the original project on Bridgeville Highway and the consolidation of the lots and the subdivision of the overall lot into several parcels, the correct information was not included in the original public notice. Thus, when the subdivision was presented to the City Council they voted to table their decision until Planning and Zoning re-considered the subdivision. City Council will review it with the revised recommendation made tonight by the Commission.

Mr. Littleton ran through the details. This is a lot consolidation - Tax Map and Parcel #331-5.00-11.01 is being added to the lot identified as Map and Parcel #331-5.00-11.00; these parcels are then being reconfigured into four parcels.

Parcel 1 - 54.17± acres;

Parcel 2 - 3.7± acres;

Parcel 3- 1.6 ± acres; and

Parcel 4 - 1.6 ± acres which will eventually become the City's ROW.

DeIDOT review is in process; staff recommends the approval be based upon the condition of receipt of the letter of "No Objection to Record".

Chairman Sammons called for comments from the Commission.

Mr. Peterson questioned that the letter hasn't been received yet? Mr. Littleton said no, the staff will hold the subdivision until the letter is received.

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

Findings of Facts:

- Melanie's Ridge
- Property Owners: Liborio Watergate, LLC
- Subdivision Case #S-24-16
- Tax Map & Parcel 331-5.00-11.00 & 11.01

- Property is located on Bridgeville Highway
- 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 : 3.7 +/- acres
 - Parcel 3: 1.6 +/- acres
 - Parcel 4 1.6 +/- acres (future City ROW)
- These parcels will comply with the area and bulk requirements of the zoning districts.
- Staff recommends approval be conditioned upon receipt of DeIDOT Letter of “No Objection to Record”
- Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion. Mr. Peterson motioned to recommend approval of the subdivision, as presented, to create four parcels based on the Findings of Facts; the approval is based upon the condition of receipt of the letter of “No Objection to Record” from DeIDOT. Mr. Temple seconded the motion.

ROLL CALL VOTE:

- Mrs. Spicer voted in favor based on the Findings of Facts;
- Mr. Shaffer voted in favor based on the Findings of Facts;
- Mr. Peterson voted in favor based on the Findings of Facts;
- Mr. Leverage voted in favor based on the Findings of Facts;
- Mr. Temple voted in favor based on the Findings of Facts;
- Mrs. Jenkins voted in favor based on the Findings of Facts; and
- Mr. Grasset voted in favor based on the Findings of Facts.

Chairman Sammons noted the Commission will send a favorable recommendation to Council.

Mr. Littleton presented the request from the **Church of the Living God**, 628 N. Phillips Street, for a preliminary site plan review. Mr. Michael Cotton, engineer for the project was present to answer questions. The property is identified as Tax Map and Parcel 531-13.05 177 & 178. It is zoned R-1 Single Family Residential. On May 6, 2015, the Board of Adjustment granted the property owners a special exception to establish a Church at this location. In July 2015, a sketch plan was presented to the Commission and Council.

Mr. Littleton described the preliminary site plan design. Privacy fencing will be installed on the west and south property lines. The south portion on the property will be utilized for the parking lot. It may be reconfigured slightly. Storm water will be handled on site. A pond is shown but it may be replaced with an underground storm water retention system. The residential character of the building will remain the same, except for a handicap accessible ramp on the front. Eighteen parking spaces are shown but at this point it may be change when the storm water management design is finalized. Mr. Leverage asked if the number of parking spaces was just on site, not counting the on-street parking? Mr. Littleton explained only the off-street parking is considered, anyone can park on the street. The Board of Adjustment only required twelve parking spaces. Mr. Littleton noted a small identification sign will be placed in the front; a trash container enclosure will be placed on the Grey Street side of the property.

Mr. Littleton explained the Well Head Protection Zone puts limits on the storm water design. The City is asking that the one-hundred-year storm be retained on site. Concerns of flooding were expressed during the sketch plan review/approval. GMB will review the storm water management plan for compliance with regulations. Agency approvals will be required from Sussex Conservation District and Office of the State Fire Marshal. They are not upgrading the water or sewer systems so approvals aren't required from DHSS or DNREC.

Mr. Littleton returned to the discussion on the storm water issue. The storm water systems on Willey and Phillips Street are tied together. The City invested in upgrades in the system upstream. That's why we are asking for the one-hundred-year storm to be retained on site.

Mr. Peterson asked for information of the ABC's ruling on the liquor license for Ewing's business. Mr. Littleton explained the ABC said a church in close proximity is not the only factor in issuing a liquor license. The Church also stated they aren't in opposition to the liquor license being issued.

Chairman Sammons asked if the Board grants a special exception, are there parameters? If they outgrow the space will they lose the special exception with the growth? Mr. Littleton said if the Church outgrows the space and they end up overcrowding the space, then we will have to talk with the Church. The building has an occupancy number established by the Building Code. They couldn't cram two hundred people in the building. Chairman Sammons said he is concerned with the parking in the area affecting the neighbors. Mr. Littleton said the Church stated if they grow they will move to a more suitable location. Chairman Sammons asked if based on the lot size are they maxed out for growth. Mr. Littleton responded the Well Head Protection Zone limits them. The design has to meet code. The square footage of the hard surface works against the 35% impervious surface allowed. The maximum impervious surface can exceed the 35% if the storm water management plan includes a climatic water budget.

A brief discussion occurred regarding the number of people permitted in the building. Mr. Littleton stated the building has a physical limit of about sixty (60) people. Chairman Sammons felt Council should consider an amendment to the code about allowing the use to change. Mr. Littleton explained if the Church moves, anything other than another church has to return to the Board of Adjustment for approval. It can be returned to its original use as a house, however. Chairman Sammons said he felt the City needs to stop creating pockets of special things. A discussion occurred regarding the history of how the project unfolded from a single family home rehab to a proposal for converting the building to a church.

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

FINDINGS OF FACT:

- PRELIMINARY SITE PLAN REVIEW
- Church of the Living God
- 628 N. Phillips Street
- Tax Map and Parcel : 531-13.05 177 & 178
- R-1 Single Family Residential District
- Board of Adjustment granted a special exception to the owners on May 6, 2015 to use the property as a Church.
- Project received a Sketch Site Plan approval in July 2015.
- Privacy Fencing will be installed along the west and south sides of the property

Minutes of the Meeting of the
City of Seaford Planning and Zoning Commission
January 5, 2017

4

- Existing shed to be removed
- Existing building will be converted to use as a place of worship.
- Exterior residential character of the building will remain.
- Accessible ramp and stairs will be installed at front of building.
- A total of 18 off street parking spaces are provided – 16 parking spaces; 1 handicap accessible and 1 for employee
- Small identification sign to be installed
- Located in Well Head Protection Zone
- On-site storm water management system to contain the 100 year storm on site.
- Trash enclosure with screening to be provided
- Project requires approval from:
 - Sussex Conservation District
 - Office of the State Fire Marshal
 - City's Engineer for Stormwater Management review
- Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion. Mr. Peterson motioned to recommend approval of the preliminary site plan for the Church of the Living God, as presented. Mr. Temple seconded the motion.

ROLL CALL VOTE:

- Mrs. Spicer voted in favor based on the Findings of Facts;
- Mr. Shaffer voted in favor based on the Findings of Facts;
- Mr. Peterson voted in favor based on the Findings of Facts;
- Mr. Leverage voted in favor based on the Findings of Facts;
- Mr. Temple voted in favor based on the Findings of Facts;
- Mrs. Jenkins voted in favor based on the Findings of Facts; and
- Mr. Grassett voted in favor based on the Findings of Facts.

Chairman Sammons called for a motion to adjourn. Mr. Temple so moved; Mr. Leverage seconded the motion. All present voted in favor.

Chairman Sammons adjourned the meeting at 7:32 p.m.

By: _____
Wayne Sammons
Chairman, Planning and Zoning Commission