

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

7:00 p.m.

September 10, 2020

Chairman, Wayne Sammons, called the meeting to order with the following Commission members in attendance: Scott Pickinpaugh, Al Temple, Rick Peterson, Matthew Shaffer and Stacie Spicer. Building Official, Mike Bailey and City Manager, Charles Anderson, were also present. Chairman Sammons closed the regular meeting of Planning and Zoning at 7:01 p.m. and opened the Public Hearing. He then turned the meeting over to the Building Official, Mike Bailey.

Mr. Bailey then presented New Business Item #1, Proposed revisions to Division 3; High Density Residential District, Section 15-26 Area and bulk regulations to change the permitted dwelling units per acre, setbacks, site coverage, habitable floor area, exterior materials, safety improvements and site amenities.

City Manager, Charles Anderson, came forward to explain the proposed revisions. Mr. Anderson stated that the following changes recommended in regards to dwelling units, setbacks, site coverage and habitable floor area, are as follows:

Site Area: Current One Acre Minimum – Proposed 4 Acre Minimum
Dwelling Units per Acre: Current 14 – Proposed 10
Dwelling Units per Building: Current 18 – Proposed 12
Building Setback Line: Current 25ft – Proposed 50ft
Site Coverage: Proposed paved area shall not exceed 15% of the site area
Side Yard Lines: Current 20ft – Proposed 50ft
Building Separation: Proposed minimum distance from the side of any garden apartment or from the side of any end unit of a townhouse group on the site shall be 25ft
Rear Yards: Current 20ft – Proposed 50ft
Habitable floor area: Current 450 sq.ft. Minimum for less than 2 bedrooms – Proposed 1,000 sq.ft. Minimum
Current 600 sq.ft. Minimum for more than 2 bedrooms – Proposed 1,200 sq.ft. Minimum

Mr. Anderson stated the revisions will also make changes to exterior materials, safety improvements and site amenities to include the following:

Exterior Materials – Proposed All exterior walls must be finished with the following: (a) architectural masonry units (excluding concrete block and cinder block); (b) natural stone; (c) pre-cast concrete with approval by the City; (d) brick; (e) stucco; (f) glass materials; (g) steel; (h) aluminum or their equivalent.

Site Amenities: Proposed every development must include;

- A community center for use by the residents with a minimum square footage of 1,200 sq. ft.
- A fenced play area and neighborhood park area with play equipment for the use of the residents a minimum of three acres in area.
- Walking trails and site fixtures, benches, trashcans and other features.

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Safety and Security: Proposed - Community-wide camera system serving all common and parking areas of the site is required.

- Fencing of the entire site perimeter is required.

Chairman Sammons solicited any questions and/ or comments from the Commission members.

Mr. Peterson asked if once the information is presented to Council and they suggest making any changes would the proposed revisions come back through Planning and Zoning commission to discuss the changes.

Mr. Anderson stated he would suggest that any minor variations not come back to the Planning and Zoning commission.

Mr. Peterson also asked who would have access to the security camera/ system that would be put on site. Would it just be accessible internally through that specific community/ development?

Mr. Anderson stated that it would be maintained and accessed through the community in which it were in place but also the Police Department would request permission to scan the camera system into the Police Departments network, allowing the Police Department access to view those cameras. The only access to those would be through the Police Department's Call Center.

Mr. Peterson asked what types of fencing would be required.

Mr. Anderson stated that the current fencing requirements, include fencing such as vinyl privacy fencing, wood fencing, etc. and/or shrubbery buffers can be used and specifications for those are in the City's Code; all of which would remain the same and the option of fencing or shrubs is generally left up to the developer to choose.

With no further questions or comments from the commission members; Chairman Sammons asked for any questions from the Public.

Charlotte Wayne, property owner of 315 Plantation Drive, asked if the previously approved apartments to be developed on the adjoining property to Governor's Grant, would be bound by these new regulations or no because they have already had their final approval; how does this effect other projected developments.

Mr. Anderson stated that, that was correct. That project has already had its final approval and there for is "grandfathered" in to prior regulations because of that. However, once the change is approved and takes effect, any further projects and/or developments for R-3 projects, will need to meet these adjusted requirements.

Charlotte Wilson, property owner of 629 Rosemary Drive, asked who would be responsible for paying for the installation and maintenance of the security cameras and who would have access; would the camera footage be accessed from someone's home.

Mr. Anderson stated that the developer/ community and or HOA of that community would be responsible for the installation and maintenance of the security camera system. The camera footage would be accessed through the Police Department's Call Center, once given permission by the property owner.

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Dawn Evans, property owner of 601 Rosemary Drive, asked if the City would be hiring more Police officers; she is concerned with the lack of Police presence in her area and given the discussed project she fears that may cause more issues, having more residents and no Police presence.

Mr. Anderson stated that the City is budgeted in FY21 to have 29 officers, however the department is not at that amount currently.

Mrs. Evans also asked about the drainage issues that the Belle Ayre Development seems to have.

Mr. Anderson stated that he understands the drainage issues in the development are a real problem, however, most of those issues come from the fact that the development has not been finished and does not have completed infrastructure. Once the second phase of that development is built out, it should help improve the grading and drainage issues.

Mr. Bailey then presented New Business Item #2, Belle Ayre Investments LLC., located at Danfield Dr., Bristol Dr., Chatham Dr., Trere St and Banbury St. Tax Map and Parcel #531-10.00-407.00-464.00; Zoned R-1 Low Density Residential are requesting to rezone 51 single family lots from R1 Low Density residential to R3 High Density residential to accommodate the proposed building of 132 townhomes.

Mr. Bailey stated that the referenced property is a field with no streets or infrastructure on site currently. The rezoning would comply with the City's comprehensive plan.

Chairman Sammons solicited any questions and/ or comments from the commission members;

Mr. Peterson reiterated that the zoning request would meet the current Code regulations.

Mr. Bailey stated yes. The developer will have to resurvey the property and combine the lots, but would meet the current code.

Mr. Sammons asked if there are any plans for Governor's Grant and Belle Ayre development to be connected.

Mr. Bailey stated yes, there is one street that will connect the two developments; Chatham Drive.

Mr. Sammons asked when Chatham Drive would be built out to connect the two developments.

Mr. Bailey stated that once the proposed townhomes are built, the developer would pave the street to the Chatham Drive that is in the Governor's Grant portion of that street.

Mrs. Spicer voiced her opinion, that the development of 132 townhomes is a substantially larger increase than that of 51 single family homes.

Mr. Sammons solicited any questions or comments from the public;

Prior to the meeting, the City received an email from Charlotte Wayne, property owner of 315 Plantation Drive; please see the attached email.

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Jerry Dorsey, property owner of 134 Belle Ayre Drive, wanted to clarify the areas in which the previously approved 77 townhomes were to be built and then discussed the 132 townhomes are proposed to be built; that was verified via the site plan presented.

Charlotte Wayne, 315 Plantation Drive, stated that she had many concerns with the resident increase and the increase in cars and/or foot traffic that would come from the development of not only the 132 townhomes being presented at tonight's meeting, but also the pre-approved 77 townhomes and pre-approved apartment units; all of which would have access to Governor's Grant and would cause issues for the residents in that development to access their development to and from Atlanta Road.

City Manager, Charles Anderson, came forward to clarify some information. He stated that Mrs. Wayne was accurate in a few of her statements, but that he wanted to clarify; when both Belle Ayre and Governor's Grant were presented to be developed and were both annexed in to the City, they both were annexed with two zones, R-1 and R-3. This would accommodate both single family homes and multifamily homes. This is pertinent to know, because when both developments came through the approval process they were required to have approvals from the State Fire Marshal, DelDot, Conservation District, etc. Therefore, to receive an approval from DelDot they would have had to submit the information for entrances, exits, roadways, etc. for that capacity of dwelling units proposed. With the City's phasing policy, developers are required to put in the stub roads which later get finished with the completion of each phase of the development. However, he did understand Mrs. Wayne's concern in the traffic increase until those roads are finished with each phase.

Steven Mayer, property owner of 8 Chesapeake Drive, wanted to clarify that Chatham Drive, would be developed through the wooded lot, as shown on the site plan, and connect the two developments. He also had concerns with the access for Fire trucks/ ambulance, etc.

Mr. Sammons stated that the two developments would not be connected until the proposed apartments proposed to be built on the adjacent area between Governor's Grant and Belle Ayre are completed. As far as the concerns with Fire vehicle access, the project would need approval from the State Fire Marshal's office, which would make sure there are sufficient access for fire vehicles, ambulances, etc.

Cynthia Cummings, property owner of 25 Crossgate Drive, stated that she as well had concerns in regards to the access for fire trucks, etc. because they currently use Crossgate Drive to access the Belle Ayre development as well as the lack of Police presence in that area.

Gary Shepard, property owner of 404 Plantation Drive, voiced his concerns in regards to the increase of traffic; stating that both Belle Ayre and Governor's Grant, already have a lot of small children and the increase in traffic is a great concern in safety for them.

Tim Smith, property owner of 755 Atlanta Road, would like to request that the commission consider not increasing the density of the presented property any further, due to the already overwhelming amount of traffic on Atlanta Road and the already discussed safety issues.

Carl Granquist, property owner of 401 Plantation Drive, stated that many children use the entrance of Governor's Grant to access the school bus; the increase in traffic would be a concern for their safety.

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Mr. Sammons wanted to reiterate for the public that the City cannot legally stop developers from building houses, apartments, etc. that meet the City's zoning requirements. However, given the first discussed agenda item, the City is trying to be proactive and decrease the numbers in units, increase lot size requirements, include site amenities, etc. for the development of multifamily dwellings to help with the issues that we are hearing from concerned residents tonight.

Janice Foster, property owner of 321 Plantation Drive, stated that if the members of the commission took a poll, she believes not one member of the Belle Ayre and/or Governor's Grant community, would approve of the rezoning from R-1 to R-3.

Mr. Bailey then presented New Business Item #3, Belle Ayre Investments LLC., Belle Ayre Investments LLC., located at Danfield Dr., Bristol Dr., Chatham Dr., Trere St and Banbury St. Tax Map and Parcel #531-10.00-407.00-464.00; Zoned R-3 High Density Residential, are requesting a sketch plan review for 51 lots to be redeveloped into 132 townhomes.

Mr. Bailey stated that the site will include the development of 132 townhomes with water and sewer to be extended into the property. Storm Water management will be onsite and will require approvals from the State Fire Marshal, Sussex Conservation, DelDot and the City's Engineer for stormwater. The buildings will include six to seven units per building, they do meet the City's current regulations and will look similar to the existing townhomes in Belle Ayre.

Joseph Caladro, developer of the proposed Belle Ayre townhomes being presented, came forward to present information on the development and answer questions the commission and/ or public may have.

Mr. Caladro stated that the proposed town homes are an extension of the already approved 77 townhomes that have been submitted for permitting. All buildings will have 6-8 units and each unit will be 3 bedroom, 2 bath and architecturally will look similar to the existing townhome buildings.

Chairman Sammons solicited any questions and/or comments from the commission members;

Mr. Sammons asked what the reasoning is behind changing from the originally proposed 51 single family homes to 132 townhomes.

Mr. Caladro stated that the current owner has sold the current single family home lots over the last several years, however there has not been many sold and doesn't seem to have a high demand for them in that area. As developers, they are confident that the townhomes will be more economically feasible for them given market conditions.

Thomas McLaughlin, property owner of 815 Magnolia Drive, asked if the townhomes would be government subsidized.

Mr. Caladro stated they are not government subsidized, they will be market rate rentals.

Mrs. Spicer asked how the developer arose to 132 townhome units from 51 single family lots.

Mr. Caladro stated that it is the extension of the 77 townhomes that were pre-approved and taking the design of those townhomes and using what will be effective for that lot size, as well as the economic aspect, ex: building material, cost of land, etc.

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Mr. Sammons stated that he too had concerns on the increase of traffic that would affect the residents of Woodside Manor.

Mr. Caladro stated that they would be open to the idea of not connecting there development to Governor's Grant, if that was plausible and granted through the City and DelDot, etc., in hopes that it would alleviate some concerns for traffic.

Chairman Sammons solicited any question and/or comments from the public;

Charlotte Wilson, 629 Rosemary Drive, stated that she had concerns on the fact that the townhomes will be rentals and also the HOA has trouble with the current residents that are renters. Will the residents of these townhomes be required to abide by the bylaws?

Mr. Caladro stated that they will not be included in the current HOA.

Dawn Evans, property owner of 601 Rosemary Drive, stated that her family bought their townhome because they thought the area was family friendly neighborhood; had she wanted to live where there were multiple rentals, she would have moved to an apartment complex. She fears that it will not only cause in increase in traffic but also safety in her neighborhood where there is already a lack of police presence and now the rentals would not have any stipulations or HOA, supervision, etc.

Charlotte Wayne, property owner of 315 Plantation Drive, asked why the residents were not informed that these townhomes would be rental units.

Mr. Anderson stated that the zoning ordinance that the City has regulates, zoning, setbacks, etc., it does not regulate ownership of property. The City cannot control the ownership of any property; we as a City legally cannot say we would allow one type of ownership and not the other. What is being discussed tonight, is the use of a piece of land and is it an appropriate use, not who will reside on the property; everyone has equal housing rights. This developer has shown us a plan in which they would like to develop, however that plan may not be built, and he also has the right to build up to the maximum density for that zoning.

Mrs. Wayne also asked why the City would want the multifamily homes; the first goal listed in the City's Comprehensive Plan is to increase the number of single family homes.

Chairman Sammons stated that no one has said that this is what the City wants. The City does not go out and ask for these developers to come and build multi-family homes, etc. The developers come to the City with a proposal, like what is presented tonight, and it is our job to discuss the information and what is legally allowed to be developed.

Gene Crockett, property owner of 411 Plantation drive, asked if the developer ever sold the units, could they then become government subsidized.

Mr. Anderson stated, that the City cannot regulate how a property is financed, who finances them, etc. Once you regulate finances for who is financing what, you can then get involved into housing discrimination.

George Kneer, property owner of 121 William Ross Lane, stated that the discussion of rentals is what is scaring the residents. Governor's Grant at one time had 3 rentals and they had multiple issues with one house in particular; with rentals you don't know who will be living there, etc.

Janice Foster, 321 Plantation Drive, asked if Seaford is in need of that many multifamily homes; could there be another area that they could be built.

Mr. Sammons stated that the City did not seek out the developer to build these townhomes on the discussed property. The legality of it, is that if a developer applies to have a property rezoned, we must follow that process whether it is something that the City is in need of or not.

Charlotte Wilson, property owner of 629 Rosemary Drive, asked what amenities would be provided for the new townhomes.

Mr. Caladro stated that as presented there are no current amenities included; however, the current owner of the property who we will be purchasing from also owns the adjoining lots, which we are in discussion of purchasing to house a clubhouse and a pool to serve the community.

Mr. Sammons asked if the proposed amenities as just discussed were developed, are they going to be available to the current residents of Belle Ayre or will it just service the new additions that you are planning on developing.

Mr. Caladro stated that he hadn't given it much thought, however, after hearing the concerns and comments of those residing there currently, if it is important to them, we can make those amenities available to them.

He also stated that if they were to join the current HOA that is in place, they would become the majority of the HOA and potentially lose some ability to make decisions, etc.

James Logan, property owner 324 Plantation Drive, stated that there are currently two ponds in the neighborhood, but he does not see enough water pond area for the run off for the proposed development.

Mr. Caladro, stated that this is a concept plan, but moving forward they will have to work with the Conservation District to meet all of their requirements for stormwater management.

Commission member, Rick Peterson, stated that as a member of the Planning and Zoning for many years, the commission members are obligated to legally process the request of the applicant and to answer the question if the project is legal in aspects of zoning, density, etc., not if it is a liked project, a wanted project, etc. We as a commission make a recommendation to City Council who then makes the final decision.

With no additional questions or comments, Chairman Wayne Sammons closed the Public Hearing portion of the meeting at 8:26 p.m. and reopened the regular meeting of Planning and Zoning.

Building Official, Mike Bailey then presented finding of facts.

Agenda item #1

Findings of Facts:

- Proposed Amendments to R-3 High Density Residential Zoning.

- Site Area: Current One Acre Minimum – Proposed 4 Acre Minimum
- Dwelling Units per Acre: Current 14 – Proposed 10
- Dwelling Units Per Building: Current 18 – Proposed 12
- Building Setback Line: Current 25ft – Proposed 50ft
- Site Coverage: Proposed paved area shall not exceed 15% of the site area
- Side Yard Lines: Current 20ft – Proposed 50ft
- Building Separation: Proposed minimum distance from the side of any garden apartment or from the side of any end unit of a townhouse group on the site shall be 25ft
- Rear Yards: Current 20ft – Proposed 50ft
- Habitable floor area: Current 450 sq.ft. min. for less than 2 bedrooms – Proposed 1,000 sq.ft. min.; Current 600 sq.ft. min for more than 2 bedrooms – Proposed 1,200 sq.ft. min.
- Exterior Materials – Proposed All exterior walls must be finished with the following: (a) architectural masonry units (excluding concrete block and cinder block; (b) natural stone; (c) pre-cast concrete with approval by the City; (d) brick; (e) stucco; (f) glass materials; (g) steel; (h) aluminum or their equivalent.
- Site Amenities: Proposed Every development must include; A community center for use by the residents with a minimum square footage of 1,200 sq. ft.; A fenced play area and neighborhood park area with play equipment for the use of the residents a minimum of three acres in area.; Walking trails and site fixtures, benches, trashcans and other features.
- Safety and Security: Proposed - Community-wide camera system serving all common and parking areas of the site is required. Fencing of the entire site perimeter is required.
 - Planning and Zoning to make a recommendation to Council.

Chairman Wayne Sammons called for a motion;

Mr. Peterson made a motion to recommend approval of the proposed revisions to Division 3; High Density Residential District, 15-26 Area and Bulk regulations as presented. Mr. Temple seconded the motion;

Chairman Sammons called for a Roll Call vote:

ROLL CALL VOTE:

Scott Pickinpaugh stated he approved based on the Findings of Facts;
Al Temple stated he approved based on the Findings of Facts;
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;

Chairman Sammons stated the motion so passed with all present voting in favor. The Council will review the Commission's recommendations.

Agenda item #2

Findings of Facts:

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- Project: Belle Ayre Investments LLC
 - Located Danfield Dr, Bristol Dr, Chatham Dr, Trere St, Banbury St
 - Tax Map and Parcel #531-10.00-407.00-464.00
 - Zoning – R1 Low Density Residential
requesting to rezone 51 single family lots from R1 Low Density Residential to R3 High Density Residential to accommodate the proposed building of 132 townhomes.
- Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion;

Mr. Peterson made a motion to approve the requested re-zoning of the referenced property from R1 Low Density Residential to R3 High Density Residential. Mr. Temple seconded the motion;

Chairman Sammons called for a Roll Call vote:

ROLL CALL VOTE:

Scott Pickinpaugh stated he approved based on the Findings of Facts;

Al Temple stated he approved based on the Findings of Facts;

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;

Chairman Sammons stated the motion so passed with all present voting in favor. The Council will review the Commission's recommendations.

Agenda Item #3:

Findings of Facts:

- Project: Belle Ayre Investments LLC
 - Located Danfield Dr, Bristol Dr, Chatham Dr, Trere St, Banbury St
 - Tax Map and Parcel #531-10.00-407.00-464.00
 - Proposed Zoning – R3 High Density Residential
 - Proposing to re-develop 51 existing single family lots into 132 townhomes.
 - Water and Sewer to be extended into the property.
 - Storm Water will be onsite
 - Requires New Approvals From:
 - State Fire Marshal
 - Sussex Conservation
 - DelDot
 - City Engineer for S.W
- Planning and Zoning to make a recommendation to Council.

Chairman Sammons called for a motion;

Mr. Peterson made a motion to approve the requested Sketch Plan Review for 51 lots to be redeveloped into 132 townhomes, as presented; with the additional statement from Commission

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Member, Stacie Spicer, that the increase in homes from the originally proposed 51 single homes to 132 townhomes is a large increase and she would like the integrity of the homes and surrounding areas to be considered. Mr. Shaffer seconded the motion;

Chairman Sammons called for a Roll Call vote:

ROLL CALL VOTE:

Scott Pickinpaugh stated he approved based on the Findings of Facts;

Al Temple stated he approved based on the Findings of Facts;

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;

Chairman Sammons stated the motion so passed with all present voting in favor. The Council will review the Commission's recommendations.

With no further agenda items to discuss, Chairman Sammons, called for a motion to adjourn the meeting of Planning and Zoning. Mr. Temple made a motion to adjourn; Mrs. Spicer seconded the motion; Motion was unanimous to adjourn.

Chairman Sammons, adjourned the meeting at 8:33 p.m.

By: _____


Wayne Sammons

Planning and Zoning Chairman

/sep

QUESTIONS/CONCERNS ABOUT THE PROPOSED R3 ZONING FOR 132 BELLE AYRE TOWNHOUSES SUBMITTED BY CHARLOTTE P. WAYNE, 315 PLANTATION DR., GOVERNOR'S GRANT, SEAFORD

-The first goal listed in the City of Seaford's 2008 Comprehensive Plan and updated on 9-8-2020 is to:]

INCREASE THE NUMBER OF SINGLE FAMILY NUMBERS

How are you going to accomplish this when others see how the City has ruined other single family subdivisions by inundating them with low-income apartments and town houses?

-Has Mr. Bailey and/or any of the P & Z members recently looked at the existing 39 Belle Ayre townhouses and surrounding area. If so, did they observe the parking and maintenance problems?

--Do you think that replicating this "microcosm" by 535 percent would be an asset to the city and/or the surrounding communities in any way?

(132 townhouses requested + 77 townhouses approved (latter as expansion to existing townhouses=209 townhouses.

209/39 existing = 5.35 or 535 PERCENT !!!

Keep in mind the following:

--There are 40 old, stressed, low-end duplexes immediately adjoining Belle Ayre to the south on Crossgate Drive not to mention

--The already R3 zoning (since 2006) for 104 apartments on a mere 7.17 acres) NW of the 132 proposed townhouses.

(Please see attached map yellow pinpoints & test identifying locations for Governor's Grant and the townhouses and apartments (not a very good one but limited time prohibits better).

SUMMARY:

-- JUST ENVISION A SEA OF WALL-TO-WALL PEOPLE, CARS & OTHER SORTED ACCOUTREMENTS REALIZING HOW POORLY THE FIRST 39 TOWNHOUSES WORKED OUT.

--WITH 209 TOWNHOUSES,AND 104 APTS- TOTAL MULTI-FAM=314

--WITH 2.5 PERSONS PER HOUSEHOLD =785 ADDITIONAL PEOPLE—

--WITH A "MINIMUM" OF 2 VEHICLES PER hh= 628 vehicles (latter does not include "spare" tractors, trucks, non-operating cars).

ALL RESIDING ON AROUND 25+ ACRES.

YOU DEFINITELY HAVE A SLUM IN THE MAKING!

--WILL THESE TOWNHOUSES ALSO BE SECTION 8 RENTALS AS ARE MANY OF THE EXISTING ONES? LIKELY IF THE DEVELOPER DOESN'T GO BANKRUPT AS HAPPENED WITH THE FIRST 39.

--THE CITY OF SEAFORD ALREADY HAS 13 (THIRTEEN) SECTION 8-TYPE APARTMENTS!

--THE CITY IS CURRENTLY RANKED AS ONE OF THE LEAST NICEST CITIES TO LIVE IN DELAWARE.

--ARE WE STRIVING TO BE THE WORST?

--WHO WILL PAY THE BILLS FOR CITY RESOURCES (SCHOOLS (our BIGGEST BUDGET ITEM,, POLICE, MEDICAL AND OTHER SUPPORT SERVICES IF YOU DON'T HAD A MIDDLE-CLASS SUBSIDIZING THEM?



GG BEGINS

315 Plantation Dr

#1 - GG ENDS

7.17 AC - 104 APT

132 TH

109 TH

Google Earth