

**MINUTES**  
**BRIDGEVILLE PLANNING AND ZONING COMMISSION**  
**PUBLIC HEARING**  
**FEBRUARY 18, 2014 – 7:00 P.M.**

**I. CALL TO ORDER**

Before the meeting was officially called to order, Solicitor Schrader advised that at 10:55 A.M. Planning and Zoning Commission member Mr. Rob Richey sent an email letter to Town Secretary, Peggy Smith, advising he was resigning from the Commission. As a result of that resignation, there are only seven Planning and Zoning members now and four members constitute a quorum. As there are four members in attendance this evening, the meeting can continue. Solicitor Schrader added that Mr. Richey apologized for his abrupt departure. Mrs. Smith wasn't aware of the email until moments ago, as she was away from the office all day today.

The meeting was called to order by Planning and Zoning Commission (P&Z) Vice-Chairperson Sandie Rementer at 7:22 P.M. Present: P&Z members Jack Cannon, Steve Dell and John Shockley. The Town was represented by Solicitor Dennis Schrader, ex-officio member Code Enforcement Officer (CEO) Jerry Butler and Secretary Peggy Smith.

**II. QUORUM PRESENT**

Vice-Chairperson Rementer advised a quorum was present to conduct the business of the P&Z; four of seven members were in attendance. She also advised notice of this meeting and Public Hearings was advertised in the Seaford Star.

**III. ZONING CHANGE APPLICATION – PASSWATERS HOLDING CO. , LLC**  
**SCTM# 1-31-14.00-44.06**  
**C-1 Commercial to C-1 / AIOZ (Agricultural-Industrial Overlay) Zoning**

**A. Consideration of Application**

Mr. Coulter Passwaters has been farming the 20.82 acres of land with a C-1 zoning designation against Town code. An AIOZ zoning overlay will allow him to legally farm the property. Vice-Chairperson Rementer advised the responsibility of the P&Z is to review the application, hold a Public Hearing and make a recommendation to the Commissioners of Bridgeville.

Mr. Coulter Passwaters came to represent the application. It has been approximately one year since he and his sister-in-law Beth Passwaters were told they could not farm the land without the AIOZ overlay. The land is located between Passwaters Farm Rd. and South Main St. They farmed the acreage last year and would like to continue farming it this year; therefore, they have requested the AIOZ overlay for the property. There may come a time when they decide to sell a portion of the land. He understands that he can farm the land as long as it is over ten acres.

Solicitor Schrader questioned whether Mr. Passwaters has authority from the LLC to appear tonight concerning this request. Mr. Passwaters advised he has the authority. It was clarified that he has actively farmed the parcel in the past and intends to do so in the future, with the approval of the P&Z and Town Commission.

**B. Public Hearing**

Vice-Chairperson Rementer opened the Public Hearing at 7:26 P.M. for comments from the audience. There being no persons wishing to speak, the Public Hearing was closed.

CEO Jerry Butler was asked for his comments. He reported, per Town Code, the property must be 20 acres for Mr. Passwaters to continue farming. He also reported that the Town has no objection to Mr. Passwaters farming the land.

Commissioner Dell asked if there were any conditions or comments from the Town staff on this application. None had been voiced. Solicitor Schrader does not recommend that any conditions be placed on the property.

**C. Recommendation of Planning and Zoning Commission**

Commissioner Cannon made a motion to send a recommendation of approval to the Commissioners of Bridgeville concerning the change from C-1 Commercial to C-1/AIOZ for the 20.82 acres of land owned by Passwaters Holding Company, LLC. Commissioner Dell seconded the motion. Motion carried.

The votes were recorded as follows:

Commissioner Cannon	Aye
Commissioner Dell	Aye
Commissioner Shockley	Aye
Vice-Chairperson Rementer	Aye

The Planning and Zoning Commission will send a recommendation to the Commissioners of Bridgeville to approve the Passwaters zoning change.

**IV. PRELIMINARY MAJOR DEVELOPMENT PLAN REVIEW – HERITAGE SHORES PHASE III, Passwaters Farm, LLC**

**A. Consideration of Application**

Mr. Robert Rauch of Rauch, Inc. came to represent Heritage Shores Phase III for a subdivision and site plan approval as the engineer for the project. He advised they held 4 meetings earlier today with Heritage Shores residents to acquaint them with the plans the developer has for Phase III.

Mr. Rauch reported they have received review comments from Town Engineer Bill Remington and met with Town staff to discuss Phase III in detail. The developer is requesting Preliminary Plan and Subdivision approval and hopes to return to the Town Commission in April for the final approval. Mr. Rauch added the Phase III Plan has not changed since the previous review in October 2013.

Mr. Rauch reviewed the Preliminary Plat, with a specific discussion of the modifications to Heritage Circle Right-Of-Way (ROW) and preliminary engineering. He also discussed abandonment of a sewer interceptor easement.

Mr. Rauch proposed that P&Z grant variances to reduce 50 ft. ROW to 40 ft. to avoid encroachment, which was later approved. He also reviewed plans & details for private improvements – i.e. bulkhead/golf cart bridges/private vehicular bridge.

The residential land bays in this phase of the project are G, K, and L. Land bay G will include model homes and a sales center. There is also a commercial “Village Center,” which includes a Market House with vendors and a sports complex in this phase. The golf course pro shop and other amenities are moving. Tennis and pickle ball courts are included. Special attention was drawn to typical locations of street lights/sidewalk and landscaping within each section.

Passive recreation activity areas and recreational amenities were reviewed. They discussed and pointed out final location of specific amenities within open spaces, which may vary based on final marketing decisions and will be included in the final plans.

Condominiums are still in the plans for Phase III, with an obligation by the developer to meet all parking requirements, etc.

Town staff requested that no clean-outs or other fittings/valves be placed in paved areas and that sewer lines stay on the outside radius of the road, rather than water on one side of road/sewer on other side.

Fire Chief Cannon questioned fire truck accessibility in portions of the development. Mr. Rauch reported design requirements include fire / rescue equipment access.

Mr. Rauch advised the total Heritage Master Plan went through the state’s PLUS review process, which involves 26-28 state agency reviews through the Office of Planning Coordination Preliminary Land Use Service. If there were an additional 50 or more dwelling units or 50,000 sq. ft. or more of commercial land added, it would go through another PLUS review. Mr. Rauch does not believe the developer has made any changes that would require the project to go through PLUS again; however, he will verify that.

Mr. Rauch mentioned a list of requirements for the final development plan that have yet to be addressed and presented to the Town. They will need final approvals concerning stormwater management and sediment, Soil Conservation, Fire Marshall, Office of Drinking Water, road configurations and a final approval by the Town Commission.

Town Engineer Bill Remington advised his remaining comments/questions can be addressed at the final development plan review; none of his comments or concerns represent a design issue for Mr. Rauch or the developer. CEO Butler advised the Public Works Department has submitted questions and concerns to Mr. Rauch, as well, and many of the issues were addressed in tonight’s meeting.

## **B. PUBLIC HEARING**

Vice-Chairperson Rementer opened the Public Hearing at 8:57 P.M.

Solicitor Schrader advised what is under discussion at this meeting is not the use of the property, as that was decided long ago. The question is whether the technical requirements are being met.

Mrs. Jacqueline Vogle from 124 Widgeon Way asked if any traffic impact studies concerning the proposed width of the streets in the passive recreation/playground area have been done. She expressed concern that the streets be wide enough to accommodate curbside parking. Mr. Rauch advised there is adequate road width to accommodate parking on the streets, the same as in front of homeowners' properties when they have company. There is no intention of having dedicated parking for these passive park areas. If usage becomes extensive, the developer will have to address it, likely by changing green space to parking space, although they would prefer not to do that.

Mrs. Vogle commented that Heritage Shores is still small; however, the build-out will be 1,800 homes. Considering maneuverability in the community at full build-out is important. She advised they almost max out the parking lot at the Clubhouse for events with the current population.

P&Z member Mr. Shockley asked if the maxed-out parking facilities at the Clubhouse was from outside activities, rather than Heritage Shores activities. Mrs. Vogle responded it might be outside activities; however, as more houses are built, more people will potentially use the Clubhouse.

Mr. Rauch responded to Mr. Shockley that the developer accomplished all necessary studies for state and Town standards concerning road size for all vehicular activities. They had traffic studies for entrances and a Fire Marshall review. At every future phase they will address conditions, the need for additional parking amenities, etc. Parking is being added to the sports complex in this phase and the overall site plan.

Mrs. Vogle mentioned the Chesapeake Bay clean-up initiative and wished to address stormwater management. She wondered if this new phase would fall under new storm drainage regulations. Mr. Rauch advised the Master Plan meets all state required regulations and stormwater management requirements, as does the new phase. Delaware is just beginning to initiate new regulations, which only apply to new projects. Any existing projects are grandfathered in. He advised this project won a state award for its stormwater management system.

Mrs. Vogle questioned if pumps would be added to the water system to provide adequate water pressure. Mr. Rauch advised that would not be necessary, as the water tower provides adequate pressure.

Mr. Larry Skala from 108 Whistling Duck Dr. asked about the water feature being added between the 9<sup>th</sup> and 18<sup>th</sup> greens near the new Village area. Because the ponds are sandy, they look terrible during low water times. Mr. Rauch advised the ponds will be excavated and they will bring in supplemental water sources, as the aesthetics are critical to that area. The ponds are approximately 6 ft. deep to hopefully prevent bottom grasses from growing.

Mr. Gil Wildes from 132 Emily's Pintail Dr. questioned the depth of the water around the Village area and the bulkhead. Mr. Rauch advised it will be 4 ft. deep and railings will be installed for safety. DNREC may require a bench in the water in the event someone does fall in.

Ms. Susan Hyatt from 18 Blue Heron Ct. expressed concern about the possibility of stagnant water in the ponds. Mr. Rauch advised by increasing the size of the pond, there is less chance of stagnation. The ponds are connected and there will be circulation throughout. Also, with more surface area there is more

oxygen transfer. She remembers a lot of algae in the past when the fountains weren't operating, which attracted mosquitoes and other bugs. Mr. Rauch advised the developer is very sensitive about having the water quality maintained. There are other options, such as bubblers and a new technology that uses high frequency sound waves to break down the algae.

Vice-Chairperson Rementer closed the Public Hearing at 9:17 P.M.

CEO Butler was asked for input on the application. Mr. Butler advised he and the Public Works Department have met with Mr. Rauch and all received answers to their questions or were assured that he would address any issues that still exist. The Final Development Plan will not be approved unless all outstanding issues are addressed.

### C. RECOMMENDATION OF PLANNING & ZONING COMMISSION

Commissioner Shockley made a motion to approve the Preliminary Development Plan for Phase III of the Heritage Shores RPC with conditions as follows:

- 1) No street names required until the final development plan review.
- 2) A variance to move the right-of-way to the face of the bump-out so that the ROW equals 40 feet.
- 3) Town staff and engineer comments, along with comments from Mr. Bill Atwood's letter considered before final approval.
- 4) Approval of the kind of buildings (the concept without requiring detailed drawings) until the final development plan review.

Commissioner Dell seconded the motion. Motion carried. The votes were recorded as follows:

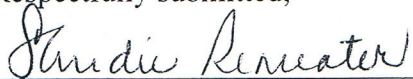
Commissioner Cannon	Aye
Commissioner Dell	Aye
Commissioner Shockley	Aye
Vice-Chairperson Rementer	Aye

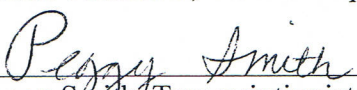
A letter of recommendation for approval of the Preliminary Major Development Plan Review – Heritage Shores Phase III will be sent to the Commissioners of Bridgeville.

### V. ADJOURNMENT

Commissioner Dell made a motion to adjourn the meeting. Commissioner Shockley seconded the motion. Motion carried. The meeting was adjourned at 9:20 P.M.

Respectfully submitted,

  
Sandie Rementer, Vice-Chairperson

  
Peggy Smith, Transcriptionist