

**PLANNING AND ZONING COMMISSION
NOVEMBER 19, 2013 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

The meeting was called to order by Planning and Zoning Commission (P&Z) Chairman Bill Atwood at 7:00 P.M. Present: P&Z members Jack Cannon, Steve Dell, Ed Lewandowski, Sandie Remember, John Shockley and Rob Richey. The Town was represented by Solicitor Dennis Schrader, ex-officio member Code Enforcement Officer (CEO) Jerry Butler and Secretary Peggy Smith.

II. QUORUM PRESENT

Chairman Atwood advised a quorum was present to conduct the business of the P&Z; seven of eight members were in attendance.

Chairman Atwood advised this meeting was advertised in the Seaford Star newspaper.

**III. FINAL MINOR DEVELOPMENT PLAN REVIEW
DMS Development / Rauch, Inc.
Wawa Gas Station/Convenience Store, Bridgeville, Delaware**

A. Consideration of Application

Chairman Atwood introduced the application and advised the P&Z's responsibility is to review the final minor development plan for approval or rejection. This application will be decided by the P&Z and not move on to the Town Commission for approval.

Chairman Atwood reported that adjoining property owners received letters of public notice concerning tonight's Public Hearing.

Mr. Robert D. Rauch and Mr. Casey Rauch from Rauch, Inc. came to represent DMS Development and the proposed Wawa gas station and convenience store. The goal of this meeting is site plan approval for the project.

Mr. Robert Rauch advised at the Preliminary Development Plan Review on January 16, 2013, the P&Z approved the combining of 5 single lots into 1 parcel for the project. This plat will be part of the final documents recorded at the courthouse, which will take place following the property purchase. In order to have a site that can be developed, they are proposing a lot line adjustment. The eastern property on the map is the DMS parcel; the western property is owned by Heritage Rocks Properties Two, LLC and has been part of a commercial parcel for a number of years.

Solicitor Schrader advised the lot line adjustment can be included in tonight's actions. He added the 3.34 acres were granted a Conditional Use for the gas station/convenience store in January of 2013. Mr. Robert Rauch advised the lot line adjustment will give DMS Development 2.66 acres, which includes the Wawa and the stormwater management facilities.

Mr. Robert Rauch referred P&Z to the distributed booklets, which include the overall site plan, designs, permits and approvals to satisfy the requirements of Final Minor Development Plan approval (i.e. – Erosion Control, DelDOT entrance plans, Fire Marshall, Dept. of Drinking Water, etc.).

Mr. Casey Rauch described several aspects of the project and advised there will be one stormwater management wet pond, which is sized to treat the DMS and Heritage Rocks parcels. Sussex Conservation has approved the pond; the agency hasn't changed over to new regulations yet, but highly encourages the use of environmental site design on the property; therefore, the engineer has proposed a large rain garden on the property filled with appropriate grasses for nutrient removal. The rain garden is planted with landscape-type materials and is aesthetically attractive. This is what the Conservation District will require of all developments as of January 1, 2014.

Concerning parking, the Town Code requires 42 spaces, based on building size and employees; this plan calls for 60 spaces dedicated to Wawa. An additional 11 spaces are available to be shared by Wawa and the future Heritage Rocks development. This will assist the Heritage Rocks development with its parking requirements, although the shared spaces are not required by Town Code. Easement agreements between the parties have been entered into and will be recorded.

Mr. Casey Rauch advised the landscaping requirements in the Town Code have been exceeded in this proposed design. He has provided heavy screening between the 2 properties and 6 ft. shrubs will provide screening for the stormwater management area. Low profile landscaping will be planted along the roadway, which won't create any sight problems for motorists. The plant materials are consistent with those used at Walgreens for a cohesive appearance.

Commissioner Dell questioned the size of the Heritage Rocks property. Mr. Robert Rauch advised it is 2.29 acres. He also questioned if it has sufficient depth to be developed. CEO Butler advised it has sufficient depth; 70% of the property can be developed commercially, provided the developer can satisfy the requirements of the state agencies. Mr. Robert Rauch advised the Heritage Rocks family had them perform a site evaluation to make sure the property could be developed. The cul-de-sac size was questioned. It was determined to be 100 ft. on the short side and 150-250 ft. at the widest point. It was noted that it is an irregular shape. Per Mr. Robert Rauch advised the property could support a small generic fast food entity.

Mr. Robert Rauch described proposed DelDOT improvements to entrances and crossovers for the Wawa.

Mr. Casey Rauch advised there will be 2 free-standing signs associated with the project. Town Code permits one sign for each entrance. The Route 13 sign will be directly north of the Wawa and the second sign will be on Route 13A.

It was clarified that Route 13 north traffic will have access to the Wawa; there is also an existing deceleration lane.

Mr. Robert Rauch advised the utilities were evaluated and designed by the Town Engineer – Davis, Bowen & Friedel, Inc. Mr. Rob Duma was in attendance to represent DBF. Mr. Duma advised they have been working with the Rauchs on the design of the utilities. Water and sewer has been designed according to Town standards.

Mr. Robert Rauch advised Wawa has a variety of store types. He believes they are offering an attractive store for Bridgeville. The signage is consistent with Wawa's corporate signage and also consistent with Town code. There is security lighting on the building and adequate parking lot lighting. The company has provided an upgraded facade for this Wawa store. Mr. Casey Rauch advised this will be the first of this building-type built, although there are architectural similarities to their existing buildings. The new architectural renderings arrived just last evening.

Concerning gas islands, there will be 16 pumps available (8 islands that are 1 gas bay deep and accessed by both sides). The roof pitch of the gas islands is a typical Wawa design.

Chairman Atwood advised his DBF check list indicated that landscaping and lighting had not yet been approved by DBF. Mr. Duma advised those 2 aspects have since been reviewed and are approved by the Town engineer; there are no objections.

The corporate signage has been checked against the Town code. The signs are internally lit. In order to minimize signage, an agreement was reached with the Heritage Rocks property for space to be set aside on the Wawa sign for a future user on that property, rather than a separate sign in the future.

Chairman Atwood asked if there will be access to the Heritage Rocks property from the Wawa. Mr. Robert Rauch advised there are some cross-easements provided that will provide access to the Heritage Rocks property. Chairman Atwood asked if they believe the traffic flow will be safe. Mr. Robert Rauch answered in the affirmative; it was discussed in great length by Wawa and the Heritage Rocks Company.

Solicitor Schrader asked if the Valero gas station will have access to the service road. Mr. Casey Rauch advised they will have access.

Mr. Robert Rauch advised DelDOT emphasizes pedestrian accessibility. This project is required to provide sidewalks; crosswalks are provided at the intersection. A bus stop pad, required by DelDOT, is also in the plan for future use.

Mr. Dell questioned if there were any restrictions by Wawa on what can be built on the Heritage Rocks property. (i.e. – no sub shops to compete with Wawa’s food offerings.) Mr. Robert Rauch advised his firm wasn’t intimately involved in the final discussion and decisions; however, he believes there was one restriction imposed that wasn’t even feasible, given the size of the property. When the property is developed, Mr. Rauch will make sure its use does not conflict with that restriction.

Chairman Atwood asked if there has been any conversation with DelDOT concerning changing the flashing yellow light on Rt. 13A to a regular stoplight. Mr. Robert Rauch advised it is warrant-driven and in DelDOT’s control. Periodic traffic counts by DelDOT would determine the need to change to a fully-operational signal.

A full-size set of construction plans will be left at the Town Hall for review and the P&Z have reduced-size copies in their handouts.

Mr. Robert Rauch requested that the P&Z approve the lot line adjustment, which is consistent with the proposed site plan and grant final site plan approval for the proposed Wawa. Following the P&Z’s approval, the property land sales will be executed and all documents recorded. (No building permits will be issued until the sales are recorded.)

Solicitor Schrader asked if all state permits have been granted and are on file. Mr. Robert Rauch reported they have been granted and are available from CEO Butler.

Commissioner Dell questioned whether the Town Wastewater Superintendent’s question about sewer line responsibilities has been answered. Mr. Duma from DBF advised that question has been addressed; on the water/sewer plan there is a note delineating the exact cut-off point. Mr. Duma added that DBF conducted a review of the site, lighting and landscaping plans and after a brief review, accepted the detailed stormwater report by Soil Conservation. All questions and comments have been reviewed and dealt with by the developer’s engineer. It was clarified that questions from both the Town Water and Wastewater Superintendents have been reviewed and answered to their satisfaction.

Solicitor Schrader questioned if there is adequate water and wastewater capacity to treat this site. Mr. Duma advised the capacity is adequate for both water and wastewater.

Commissioner Dell added that the development will also require a one-year extension of its Conditional Use permit. Per Solicitor Schrader, P&Z would make a recommendation to the Commissioners of Bridgeville.

B. Public Hearing

Chairman Atwood opened the Public Hearing at 7:29 P.M.

Mr. Rob Harris advised he and Mr. Chase Klein were in attendance representing Jimmy's Grille, which will be a neighbor to the new Wawa. He advised they would be happy to help the new development any way they can and are in favor of the Wawa coming to Bridgeville.

Chairman Atwood closed the Public Hearing at 7:31 P.M.

C. Decision of Planning and Zoning Commission

Chairman Atwood questioned the time frame for the project moving forward.

Mr. Robert Rauch advised immediately following approval by the P&Z tonight, they will proceed with the final closings and transfers of property. He advised DMS Development has already collected construction bids for the work; they should be ready to start demolition and site preparation immediately. Due to weather issues, it may be early spring (April?) before we see buildings going up. He believes they will do any work they possibly can during the winter months.

Mr. Casey Rauch advised there is a utility pole that needs to be moved and Rauch, Inc. is working with Delmarva Power to coordinate that. They are 3 months into the process, which will apparently take 6 months to complete. It was clarified that the Heritage Shores billboard is on the Heritage Rocks property.

Solicitor Schrader advised there are three actions before the P&Z.

- 1) Approval of a new subdivision line
- 2) Approval of the Final Minor Development Plan
- 3) Recommendation to the Town Commission of a one-year Conditional Use extension for the developer

Commissioner Dell made a motion to approve the subdivision line between the Tull property (under contract to DMS Development) and the Heritage Rocks Company. Commissioner Lewandowski seconded the motion. Motion carried with a vote of 7 to 0 (1 member absent). The votes were recorded as follows:

Commissioner Cannon	Aye
Commissioner Dell	Aye
Commissioner Lewandowski	Aye
Commissioner Rementer	Aye
Commissioner Richey	Aye
Commissioner Shockley	Aye
Chairman Atwood	Aye

Notice of subdivision approval will be sent to DMS Development and Heritage Rocks.

Commissioner Lewandowski made a motion to approve the Final Minor Development Plan for the Wawa gas station/convenience store. Commissioner Richey seconded the motion. Motion carried with a vote of 7 to 0 (1 member absent). The votes were recorded as follows:

Commissioner Cannon	Aye
Commissioner Dell	Aye
Commissioner Lewandowski	Aye
Commissioner Rementer	Aye
Commissioner Richey	Aye
Commissioner Shockley	Aye
Chairman Atwood	Aye

Commissioner Dell made a motion to forward a recommendation to the Commissioners of Bridgeville to grant a one-year extension of the Conditional Use in a C-1 commercial district for a gasoline station and convenience store until February 11, 2015. Commissioner Rementer seconded the motion. Motion carried with a vote of 7 to 0 (1 member absent). The votes were recorded as follows:

Commissioner Cannon	Aye
Commissioner Dell	Aye
Commissioner Lewandowski	Aye
Commissioner Rementer	Aye
Commissioner Richey	Aye
Commissioner Shockley	Aye
Chairman Atwood	Aye

Chairman Atwood appreciated the full documentation booklet for this project that was distributed to P&Z this evening and suggested in the future it would be very helpful to have the information earlier for a more in-depth review.

IV. ADJOURNMENT

Commissioner Rementer made a motion to adjourn. Commissioner Lewandowski seconded the motion. Motion carried. The meeting was adjourned at 7:38 P.M.

Respectfully submitted,

Bill Atwood
Bill Atwood, Chairman

Peggy Smith
Peggy Smith, Transcriptionist