

**BRIDGEVILLE PLANNING & ZONING COMMISSION**  
**PUBLIC HEARING**  
**MARCH 21, 2017 – 7:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order at 7:00 P.M. by Planning and Zoning Commission (P&Z) Chairman Bill Atwood.

**II. QUORUM PRESENT**

A quorum was present to hold the meeting (all 7 members were in attendance) along with Code Enforcement Constable, Jerry Butler, and Solicitor Dennis Schrader.

**III. LOT SUBDIVISION – E. GRAY INVESTMENTS**

17 Church St. – Sussex Tax Map #1-31-10.12-88.00

**A. Discussion of Request**

Solicitor Schrader advised the Board of Adjustment met at 6:00 P.M. to hear the variance application of Deric Parker of E. Gray Investments and granted the variance, allowing for a subdivision application to be considered by the P&Z to allow the frontage of the lots to be smaller than is required by the zoning code. It is a 9 ft. variance for each of the two lots. The Town will consider the subdivision and approve or disapprove it.

It was noted that notice was given to surrounding properties concerning the application, as well as newspaper advertising.

Mr. Eddy Parker was in attendance to represent his son, Deric Parker, the property owner of 17 Church St. He advised Deric purchased two parcels on Church St. (parcels 88 & 89). Both of the lots, at the time of purchase had homes on them that had been condemned. The homes have since been destroyed and removed from the property. Mr. Parker advised his son is requesting the subdivision of parcel #88 into two lots to build a total of three single-family, 2-story homes. Mr. Deric Parker also owns a lot across the street, on which he would like to build a 4<sup>th</sup> home.

Per Code Enforcement Constable Jerry Butler, the zoning is R-1 in this location.

Per Solicitor Schrader, if the application for the subdivision is granted by the Planning Commission, the 2 lots will result in family dwellings that will meet all the height, area, bulk requirements for the Town of Bridgeville.

Solicitor Schrader questioned Mr. Parker further – the project to divide one parcel #88 into 2 parcels does not result in the construction of any new streets? Per Mr. Parker, it does not. Water and sewer service is already available at the 2 sites? Per Mr. Parker, yes. It was further determined there is adequate fire/ambulance/police service at the sites. Mr. Parker advised there is a 10' setback required from the lot lines. These will meet those requirements.

Commissioner Bennett questioned the number of feet between houses to accommodate the parking of cars. Mr. Parker advised there will be 20' between the houses, which is adequate.

Chairman Atwood drove by the area today from a Comprehensive Plan standpoint he believes these new homes will improve the area significantly.

#### **B. Public Hearing**

The Public Hearing was opened at 7:04 P.M. There being no individuals present who wished to speak, the Public Hearing was closed at 7:05 P.M.

Planning and Zoning member Matt Davis believes the 3 new houses are a very good idea concerning aesthetics, etc.; his concern is the possibility of making a habit of allowing variances to the detriment of the Town.

Solicitor Schrader advised there is no precedential value in a prior decision of either the BOA or the P&Z. Every piece of real estate is by law thought to be unique (no other like it), and therefore you are not bound by previous decisions on other similar properties.

Chairman Atwood asked if the lot size was the only variance to be considered. Everything else complied on the property.

#### **C. Planning and Zoning Commission Decision**

Motion to approve the subdivision of Lot #88 for 3 houses to be built on the subdivided lot and adjacent lot – Dell; 2<sup>nd</sup> – Davis; motion carried 7 to 0.

### **IV. PLANNING AND ZONING COMMISSION APPLICATION – HERITAGE SHORES / PASSWATER'S FARM, LLC**

#### **A. Revision to Approved Phase 3 RPC Plan**

Mr. Bob Rauch was in attendance representing Brookfield Homes and the Heritage Shores project to talk about a proposed revision to their Phase III RPC and introduce Phase IV. He prepared a copy of the existing Phase III to be able to follow the proposed changes, which are minor. There has been since the beginning an area reserved for condominiums; currently, there is no support for condos.

The developer would like to recommend a “guest cottage” to accommodate guests coming to the community (short-term) to consider buying. It would be part of the golf course and sales operations. Another idea of interest is a lodge for short- and long-term stays for golfers to market/sell new homes. If the buildings were later to be sold, they would need to return to the Town to do so, as a change of use. As a long-term project, flexibility is essential. The Committee and Mr. Rauch discussed the approved lots, the removal of lots 710-716 and the removal of the multifamily units. They also discussed the possibility of casitas. A casitas is a small, attached but self-contained house or apartment.

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Mr. Rauch also proposes the need to take out the traffic circle at the intersection of Heritage Shores Circle and the Commercial Connector Road and another road that was not needed, which will add two lots to the project. Chairman Atwood and Mr. Rauch also discussed connection roads and entrances/exits.

**B. Public Hearing**

The Public Hearing was opened at 7:50 P.M.

Mike Harrigan from Amanda's Teal Drive has lived in Heritage Shores since 2005 and believes these changes are fine. Morris Eader from Whistling Duck, he has no objections to the changes. His only concern is the shed that is near the back entrance; he feels is an eye sore and when they are going to have a paved street and trees. Chairman Atwood addressed Mr. Eader's complaints by suggesting that Mr. Eader go to a Heritage Shores HOA meeting.

The Public Hearing was closed and closed at 7:56 P.M.

**C. Planning & Zoning Commission Decision on Phase 3 RPC revisions.**

Chairman Atwood advised the role of the P&Z is to review the revisions and make a final decision. P&Z Commissioner Dell made a motion to recommend to the Board of Commissioners that they approve Phase 3 RPC revisions; Commissioner Rementer seconded the motion. Mr. Atwood asked Jerry if he had any objections to the revisions and Jerry did not. The motion carried 6 to 0 and votes were recorded as follows:

Commissioner Cannon	Aye
Commissioner Davis	Aye
Commissioner Rementer	Aye
Chairman Atwood	Aye
Commissioner Bennett	Aye
Commissioner Dell	Aye
Commissioner Pierce	Aye

The Planning and Zoning Committee will recommend to the Board of Commissioners that they approve the revisions to the Approved Phase 3 RPC Plan.

**D. Introduction of Phase 4**

Mr. Rauch introduced the proposed Phase 4 and that he needs confirmation for the Phase 4 limits only, in order to proceed with the design process. In this proposed phase there will be 436 residential lots with a mixture of lot sizes but that are consistent with previously approved lots. Lot

sizes will be 60x125 feet, 50x125 feet and 50x110 feet. Mr. Rauch and the committee discussed how the phase would be built, the limits of the phase and that this phase will be consistent with previous phases. Mr. Schrader proposed that Mr. Rauch would provide the previous phases as they have evolved for the committee, since the committee members have changed since the original Plat was approved. Mr. Schrader also asks for the projects total lot count and the number of lots that are left to build of each type of home (duplexes, single family homes, etc.). The Committee and Mr. Rauch discussed what exactly they would be approving at this meeting for Phase 4 and following steps in this phase. Mr. Rauch will be providing past information on the phases to the Committee members. The Committee also discussed the wording of the advertisement and addressed any confusion it may have caused. The committee determined that they need to table this until April till the information they have requested is provided and that the advertisement be worded correct.

**E. Planning & Zoning Commission Decision on Phase IV.**

Chairman Atwood advised the role of the P&Z is to review the Phase 4 limits and recommend to the Board of Commissioners whether to approve the limits or not. P&Z Commissioner Dell made a motion to recommend tabling this until April till the information they have requested is provided and that the advertisement be worded correct. Commissioner Bennett seconded the motion. . The motion carried 6 with 1 abstention, votes were recorded as follows:

Commissioner Cannon	Aye
Commissioner Davis	Abstain
Commissioner Rementer	Aye
Chairman Atwood	Aye
Commissioner Bennett	Aye
Commissioner Dell	Aye
Commissioner Pierce	Aye

**V. Sussex County Comprehensive Plan**

Mr. Dell informed the Committee about the recent Sussex County Comprehensive Plan meeting that he had attended. The meeting had a presentation on the legal status of the Comprehensive Plan, force of law regarding the plan and the order of how they were going to look at the elements of the plan in regards to revising it. Also, the County Engineer made a presentation mostly about the County Sewer System. Mr. Dell addressed the fact that the Town's Comprehensive Plan should be comparable with Sussex County's.

**VI. Adjournment**

Motion to adjourn –Davis; 2nd – Dell; motion carried; the meeting was adjourned 8:47 P.M

Respectfully submitted,

  
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Bill Atwood, Chairman

  
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Ashley Walls, Transcriptionist