



November 11, 2022

Ms. Lauren Good  
Project Manager  
Wallace Montgomery  
222 S. DuPont Highway, Ste 202  
Dover, DE 19901

RE: The Villas at Bridgeville

Dear Ms. Good,

We have received your comments for the Villas at Bridgeville FDP Submission. Responses to your comments are shown in red. Thank you for taking the time to review our plans, hopefully we have adequately addressed all outstanding concerns.

Please feel free to contact me if you have any concerns by phone at (410) 770 - 9081, or by email at [dustin@raucheng.com](mailto:dustin@raucheng.com). Thank you.

Sincerely,

A handwritten signature in black ink that reads "Dustin Rauch". The signature is written in a cursive, flowing style.

Dustin Rauch *PE, LEED AP BD+C*

## FINAL DEVELOPMENT PLAN REVIEW CHECKLIST

- Signature/seal of registered land surveyor/professional engineer is missing from the Subdivision Plans dated July 2022.
  - **Subdivision plat signed and sealed by registered DE Surveyor.**
- Signature of authorized person for Parcel 1 is missing from the Subdivision Plans dated July 2022.
  - **Owner signature added to subdivision plat.**
- Preliminary architectural plans and elevations are not included in submission to Planning Consultant.
  - **Preliminary architectural plans and elevations included with resubmission.**

## REGULATORY AGENCY APPROVALS

- The DHSS approval letter (Approval #21W121) contains a condition (#1) that the approval is void if construction has not been started by August 30, 2022. Has the approval been amended/extended due to this condition?
  - **DHSS issued an approval extension.**

## PLANNING/TECHNICAL

- Per §234-37F, the Town Commissioners may adjust property development standards applicable to residential planned communities for phased development, as a part of RPC Final Development Plan approval for such phase.
  - **While § 234-37B imposes certain lot area and width requirements, the RPC District was designed to afford flexibility to a developer to offer a wide-range of products some of which would deviate from the standards set forth in RPC zoning code. Consequently, Section 234-37F provides that “Notwithstanding other subsections in § 234-37 the Commissioners of the Town of Bridgeville may adjust property development standards applicable to residential planned communities for phased development, as a part of RPC final development plan approval(s) for such phase(s).” Section 234-37F was enacted as Ordinance No. 13-8, a copy of which is attached to this letter. It was enacted because the Commissioners found “it desirable to have the authority to consider and approve modifications of the development standards generally applicable to Residential Planned Community (RPC) districts for specific phase(s) of a Residential Planned Community as part of the final development plan process.” During the October 14, 2013, Commissioner meeting when Section 234-37F was enacted, the Town’s then**

solicitor explained, as noted in the minutes, that the adoption of Ordinance No. 13-8 (now Section 234-37F) would result in a developer proposing lot widths of various areas and that “[w]hatever size lots would be recommended by the Planning and Zoning members and approved by the Town Commission would be acceptable.” Section 234-37F was enacted shortly before the Commissioners’ approval of Phase 3 of Heritage Shores, which included lots that had widths of less than 50 feet and areas of less than 5,000 square feet. Consistent with the discretion afforded to the Commissioners under Section 234-37F, there are several lots within the Heritage Shores RPC that have lot widths narrower than 50 feet and/or areas less than 5,000 square feet, as reflected on the attached exhibit. The preliminary Phase 5 RPC Plan dated April 6, 2021, that was recommended by the Planning and Zoning Commission at the April 20, 2020, meeting and approved by the Commissioners of the Town of Bridgeville at the May 10, 2020, meeting identified lot widths of less than 50 feet and lot areas of less than 5,000 square feet. That plan is attached hereto as an exhibit to this letter.

- Should an ADA-compliant curb ramp be provided along ROW Curve 9?
  - An ADA compliant curb ramp is available south at the intersection of Nanticoke Way and River Run Drive.
- Final Development Plan Title Sheet General Note 12 specifies that sewer to the site will be provided by the Town of Bridgeville. The Western Sussex Area of the Sussex County Unified Sewer District was established, and connection is provided by Sussex County.
  - Note on cover sheet revised.
- The maximum area of an entrance sign is 40 sq. ft. Per §234-77B(1), sign area is the entire portion of the sign that can be enclosed within a single rectangle including the extreme limits of the letters, figures, design, and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. While the entry monument detail is missing the vertical dimension of the “sign area,” it appears to measure 11’ x 4.5’ (49.5 sq. ft.). This area should be reduced in size to meet the maximum area of entrance signs as identified in §234 Attachment 1—Requirements for Signs in Residential Zones.
  - The sign face will be reduced in size to comply with the 40 sq. ft. maximum sign area requirement. Sign details will be updated accordingly.
- Confirm that the required number of spaces for each residential unit is met.
  - Each lot can support 2 cars in the garage and 2 cars in the driveway (4 total per lot).

- The Planning & Zoning Commission, per §234-51C, can allow fences higher than 6.5 ft. if the Commission finds that exceeding the height limitations is necessary due to the type of use, safety concerns, or the protection of adjacent properties.
  - The fencing around the pool area will not exceed 6' in height.
- Two shade trees anticipated to grow to be 10-12 ft. in height are shown within the sight triangles at the intersection of Chester Ln. and Broad Run Rd. These trees should be moved outside of the sight triangle.
  - Landscape plans will be adjusted to show both trees out of the site triangles.

**MINUTES  
COMMISSIONERS OF BRIDGEVILLE  
OCTOBER 14, 2013 – 7:00 P.M.  
TOWN HALL**

**I. CALL TO ORDER**

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Sharon McDowell, Jay Mervine, Lawrence Tassone, Town Manager Jesse Savage and Town Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

**II. QUIRUM PRESENT**

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville.

**III. APPROVAL OF AGENDA**

Motion to approve the Agenda – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

**IV. APPROVAL OF MINUTES**

Commissioner Mervine reported he had informed Town Secretary Smith of two administrative corrections to the minutes. Mrs. Smith will make the corrections and issue revised pages to the Commissioners. Motion to approve the minutes from the September 9<sup>th</sup> Commission meeting and the Executive Sessions from May 29<sup>th</sup> and September 9<sup>th</sup> with corrections – Tassone; 2<sup>nd</sup> – Kovack; motion carried.

**V. CORRESPONDENCE**

Town Manager Savage advised a letter has been received from the Commissioner of Veterans' Affairs inviting the Commissioners to the Annual Veteran's Day Service, 10:30 A.M. on November 11<sup>th</sup> at the Delaware Memorial Bridge – Memorial Plaza. The R.S.V.P deadline is October 25<sup>th</sup>. Any Commissioners interested in attending should contact Town Clerk Buckler.

Comcast has advised a price adjustment effective November 1<sup>st</sup>, due to increases in costs. Comcast's late fee charge for customers will increase from \$8.00 to \$9.50. The contact number for any concerns is 302-672-5936.

A letter has been received from the Bridgeville Kiwanis Club, through Dr. Kevin Carson. With Commission approval, the club would like to work with the Town on a public safety project to install two electronic vehicle speed indicator signs, similar to a radar system. The club would supply the funding and is asking the Town to sign onto the project. These signs flash a car's speed as it passes. They are hoping to slow traffic through Bridgeville and are requesting assistance with sign placement and installation. It was questioned whether this would be a DelDOT decision, since Market St. is a state road. Town Manager Savage advised, per Street Superintendent Passwaters, it won't be a DelDOT issue if the sign is placed in our right-of-way. Preliminary estimates for cost are approximately \$4,500 each. Town Manager Savage believes, from a policing standpoint, it is a good idea and has been known to work in other places. Chief Longo and Superintendent Passwaters met

with the Kiwanis Club. Proposed locations for the signs are Market and South Main Sts. along the main entrances and exits to Town. Commissioner Kovack asked if they would have camera capabilities. Town Manager Savage advised that has not been discussed.

Town Manager Savage stated if there is no objection from the Commissioners, he would like to move forward with the project and no objections were stated.

A carbon-copy letter has been received from the Town of Greenwood, which was submitted to USDA. The letter says that as a result of much discussion among the Town Council of Greenwood and the lack of results from a June 17, 2013 Greenwood/Bridgeville meeting, Greenwood will, for the immediate future, continue to abide by the 1989 Agreement and the subsequent MOU between the two towns concerning wastewater. Greenwood will continue working on controlling their Inflow and Infiltration issues by smoke testing, video recording, the sewer lines and any other method feasible. The letter was signed by Greenwood Mayor Donald Donovan. It was clarified the Greenwood Agreement will be in effect until 2029.

## **VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Balance Sheet – September 30, 2013

General Fund – \$1,908,154

Reserve Accounts – \$621,833

All Accounts – \$2,699,608

Accounts Receivable – \$113,563 As of 9/30/13, slightly over \$27,000 (5%) is outstanding in property taxes. Delinquent letters will be sent in November.

Commissioner Tassone questioned whether the Town has had to write off unpaid property taxes. Town Manager Savage advised the Town has never done that, other than land the Town has purchased.

Budget Report Target – 25%

Income – \$980,588 (42%)

Expenses – \$634,117 (27%)

Net Income – \$346,471

Accounts Payable

Bills – \$34,780      Expected Expenses – \$132,017

Amount to be approved – \$166,797

Motion to approve the bills as presented – Tassone; 2<sup>nd</sup> – Mervine; motion carried.

## **VII. TOWN REPORTS**

Commissioner Tassone requested that Police Chief Longo keep the Commissioners updated on outstanding police cases that are not resolved within the current month and are listed as “pending”. Chief Longo advised they have a current case that will likely move to the “cold case” file due to a lack of evidence. President Correll understands the pending cases aren’t dropped, but carried over into the new month. Chief Longo advised if cases are not cleared, it is because there are no leads or suspects to

move the case forward. Currently the patrolmen do not have the time to continue stalled investigations.

Chief Longo pointed out that the Bridgeville Police Department averaged almost one arrest per day this month (23 individuals arrested and 83 charges). The department also had 53 drug arrests.

### VIII. CITIZEN'S PRIVILEGE

Mr. Bill Atwood from 113 Emily's Pintail Dr. related that he and his wife were out of town several weeks in September. On their return they had occasion to contact the Bridgeville Police Department. Officers Wilks and Hogan were both very pleasant and professional. He wanted the Chief and Town Manager to know that if Officer Wilks is an example of our new officers, the Town has made a very good move.

President Correll commended Bridgeville resident Mr. Tom Myslow for making all the arrangements to bring the U.S. Army Band to Bridgeville for a concert on September 24<sup>th</sup>. The ballroom was packed and the concert was excellent. She asked Mr. Myslow to stand and be recognized.

### IX. NEW BUSINESS

**A. Review and Possible Adoption of – A RESOLUTION PROPOSING THE ISSUANCE OF UP TO \$1,194,300 MAXIMUM PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COMMISSIONERS OF BRIDGEVILLE TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN'S DRINKING WATER FACILITIES AND ESTABLISHING THE TIME AND PLACE FOR A PUBLIC HEARING THEREON**

Town Manager Savage read the above Resolution document in its entirety. President Correll advised she was pleased the loan will only be 1.5% for 20 years. (The previous loan offered was at 3%.) She also expressed concern about the timetable; the loan must be closed within 120 days. The amount of \$1,194,300 is the engineer's estimate, including contingency; Town Manager Savage is hopeful the actual cost will come in below that figure. The Commission's motion to approve the Resolution would also approve a Public Hearing date of November 4, 2013, 6:00 P.M. Possible locations and options for multiple hearings were discussed, including having the Public Hearing in shifts if the location is limited in size. If the Commissioners were to choose a different venue at a future date for the Public Hearing, they would have to adopt a second Resolution with the correct location.

Town Manager Savage explained the timeline for the process. If the Referendum is approved, the Town has 60-90 days from the date of that approval to close the loan. (The Town will have 120 days from September 21, 2013.) The Town must also advertise 15 days before the Public Hearing.

Commissioner Tassone made a motion to table the discussion briefly, searching for a larger venue to hold the Public Hearing; 2<sup>nd</sup> – Mervine; motion carried.

**B. Red Ribbon Week Resolution**

Commissioner Tassone sponsored this Resolution encouraging all citizens to support and work toward a drug-free America and read the document into the record. Motion to adopt – Tassone; 2<sup>nd</sup> – McDowell; motion carried.

- A. Resolution** – Motion to un-table Agenda Item A. Resolution – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

President Correll reported she has contacted the Ladies Auxiliary of the Bridgeville Volunteer Fire Company and the Fire Hall will be available for the Public Hearing, 6 P.M. on Monday, November 4, 2013.

Motion to adopt the above Resolution for a Public Hearing on Monday, November 4, 2013, 6:00 P.M. at the Bridgeville Volunteer Fire Company (Fire Hall) – Mervine; 2<sup>nd</sup> – Kovack; motion carried. The location change will be inserted in both the 3<sup>rd</sup> preamble paragraph on page 1 and in Section 4, page 2 of the Resolution document.

**C. Water & Sewer Lateral Maintenance & Repair Policy**

Commissioner Kovack has examined the policy and suggested a proposed addition. Commissioner Kovack advised in the initial hook-up the property owner is responsible for connecting to the sewer line. He recommended adding that the property owner must install a clean-out as close to the property line, adjacent to the roadway as possible and placing this wording in a maintenance portion of the policy. The Town will be responsible for the maintenance of the line from the clean-out to the sewer and the property owner will be responsible from the clean-out to the house.

Commissioner Kovack's addition is to make sure that the owner places the clean-out at the property line, not somewhere closer to the residence/building. This is different than what is currently written. Commissioner Kovack advised this is being added to the Town Code Chapter 90 – Sewers, which doesn't have a maintenance section to it. He would like to make it specific that the clean-out must be placed at the property line. He would like the words "closest to the property line" to be added to the end of paragraph one in the Water & Sewer Lateral Maintenance & Repair Policy. **44:35** Motion to amend the policy to add the words "closest to the property line" to the end of paragraph one – Kovack; 2<sup>nd</sup> – McDowell; motion carried.

**D. Consideration and Possible Approval of Mill Street Paving Proposal**

Town Manager Savage advised the Town has requested grant funding through Representative Wilson's and Senator Pettyjohn's Community Transportation funds to make improvements to Mill St. The funds have been approved and are now available. Our engineering firm, Davis, Bowen and Friedel, Inc. (DBF) has submitted a proposal for engineering not to exceed \$22,000 for the project including survey, engineering and contract maintenance.

Motion to accept DBF's proposal for Mill St. paving – Mervine; 2<sup>nd</sup> – Tassone; motion carried.



**X. OLD BUSINESS**

**A. Review and Possible Adoption of Wastewater Facilities Plan Update  
Mr. Jason Loar, DBF**

Mr. Loar has submitted the final draft of the Wastewater Facilities Plan Update, which has been written to provide the Town with a planning document to help move forward with wastewater issues. The report was written around several important bullet points.

- The Town's wastewater plant is very old and has exceeded its life expectancy. (i.e. replacement of 2 RBC's; repairs to secondary clarifiers; digester issues, etc.) It is showing its age.
- DNREC is about to issue the Town a new NPDES stream discharge permit, which has important requirements: It will drastically cut the nutrient level (nitrogen). The Town will be required to treat and dispose of 800,000 gallons/day of wastewater. (current level 200,000/day)
- A land application permit will be issued to the Town next year for the spray field, which will require additional monitoring. There have been issues with the nitrogen levels rising in the monitoring wells and DNREC is concerned about those levels. Crops may not be absorbing the nutrients; ground water may be coming from other farms; or other issues. It was noted this spray irrigation land is the last property before the creek.

The Town must meet certain DNREC permits; there are no options. The Town must also consider future growth. DNREC specifically wants to know how Bridgeville will handle its ultimate build-out, which is projected to be 2.4 million gallons of wastewater daily (2.8 million per state planning estimates). The Town is currently treating 250,000 gallons of wastewater and the build-out won't come for many years. Several options were considered for the most cost-effective means of meeting the permits. DBF's recommendation is to update Bridgeville's current plant to a nutrient removal plant (not an advanced nutrient removal plant). This will remove a high percentage of nitrogen, which is a current problem. This plant upgrade would allow the Town to continue its stream discharge and use the spray farm as it stands today; however, to meet the 800,000 gallon disposal requirement, the Town will need an additional 150 acres of spray land. The preliminary budget cost estimate is \$9 million for the existing plant upgrade. Our treatment plant uses an out-of-date process and needs a new biological process. A nutrient removal plant is the best direction to take. Mr. Loar advised this recommendation uses good engineering practices. He added, the Town may be able to negotiate with DNREC concerning the timing of the purchase of additional land.

It was clarified that we do not know the level of local/state/federal funding that will be available to upgrade the plant and add spray acreage.

Town Manager Savage advised the Town disputes responsibility for the high level of nitrogen measured in the monitoring wells. He understands from Wastewater Superintendent Collins that we are testing what we are applying on the fields and it is well below the levels that are being found in the wells. There must be unidentified infiltration. The farmer may be applying an excess amount of fertilizer that the Town is not aware of; there have been times when the farmer has not made the Town aware of fertilizer being administered.

It was clarified that "total nitrogen" is the same as "nitrates." Commissioner Mervine believes there is no way to know if the nitrates are coming from the Town or from another source. Mr. Loar advised that is the conversation they are having currently with the state. With the new permit issuance next year DNREC will require the installation of Lysimeters, which are miniature monitoring wells that will catch the water right below the crop's roots and will reveal what the spray irrigation is actually putting on the crop. Groundwater in this area is 10-20 feet down and the lysimeters would be placed 24-36" below the surface. Currently, total nitrates of 10 are allowed; however, it appears that DNREC is going to try to reduce that figure to 5.

The Town may be able to delay land purchase; however, it would be helpful to begin looking for potential sites. Anything permitted under the new regulations is grandfathered in; DNREC would honor the current permit. Mr. Loar believes purchasing land would be the most cost effective; however, leasing land is also a possibility and perhaps a farmer who would take the water for free.

DNREC currently calculates our nutrient load using the 800,000 gallon number and a total nitrogen level of 4 milligrams/liter. Because Bridgeville is going to stream and spray discharge, the Town will not be held to the 4 milligram number; we will be able to meet the permit.

The Town could do 100% spray; however, we would be putting money into our old plant, which is not advisable. The nitrogen levels would increase and we would need a significant increase in our spray irrigation acreage. Mr. Loar advised, assuming we stay at 30mg/l and we leave the plant in its present form, we would need 316+ acres for spray irrigation. Currently the ground is not filtering the nitrogen out to the extent that it should. The lysimeters will prove whether the increased nitrogen is because of the Town's process or is inherent in the soil. It was noted that two lysimeters will cost several thousand dollars.

Mr. Loar advised once the new permit goes into effect, the Town will need to meet the requirements of that permit within five years. Even with the upgraded plant, the Town will need additional spray land; however, the Town might be able to receive permission to delay the new spray land until the daily wastewater increases. As currently written, the Town needs to be able to treat and dispose of 800,000 gallons of wastewater daily.

There is consensus among the Towns that the science DNREC is depending on is flawed. This is all being driven by the push to "clean up the Chesapeake Bay." Commissioner Mervine suggested it might mean spending \$9 million on a problem that may not exist. It was noted that EPA is responsible for the modeling of the amount of nutrients that may enter the bay.

Town Manager Savage questioned the stringency of Chesapeake Bay vs. Delaware Bay rules. Mr. Loar advised the Chesapeake Bay is currently more stringent. It was noted that the state of Delaware is only 1% of the Chesapeake Bay watershed. Mr. Loar explained the EPA model indicates the bay can only handle "X" pounds and they work their way upstream allocating the "X" pounds. When they get to the Nanticoke River, it can only handle so much agriculture, wastewater, septic, stormwater, etc. Bridgeville happens to be the only plant that hasn't upgraded its plant. As long as Bridgeville meets the goals determined for it, the powers that be have satisfied their goal concerning the Bay wastewater for the state of Delaware.

Motion to adopt the Wastewater Facilities Plan Update – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

Mr. Loar added that he and several Town representatives met with DNREC Secretary O'Mara and other state representatives several years ago on this same topic. He recommended requesting a second meeting with DNREC in Bridgeville for their explanations and also the opportunity for the Town to explain the hardships DNREC requirements are placing on Bridgeville.

**B. Public Hearing, Discussion and Possible Voting on: AN ORDINANCE AMENDING THE LAND USE AND DEVELOPMENT CHAPTER OF THE CODE OF THE TOWN OF BRIDGEVILLE TO AUTHORIZE THE TOWN COMMISSIONERS TO MODIFY THE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC PHASE(S) OF A RESIDENTIAL PLANNED COMMUNITY AS PART OF THE FINAL RPC DEVELOPMENT PLAN PROCESS (Ordinance #2013-G)**

This Ordinance will amend Section 234-37 concerning setbacks, lot sizes and dimensions, parking and other development standards applicable to specific phase(s) of a Residential Planned Community that may be reduced by the Commissioners as part of the RPC final development plan approval. Solicitor Schrader advised this Ordinance was introduced by Commissioner Tassone at the request of the developers of the Heritage Shores RPC. It was sent to the Town's Planning and Zoning Commission for discussion and a Public Hearing and returns to the Commissioners with a recommendation of approval from that body.

Representing the RPC were the developer, Passwaters Farm's Solicitor, Mr. Ryan Showalter and the developer's Engineer, Robert D. Rauch.

Mr. Rauch advised he was there to represent Passwaters Farm/Brookfield Homes and their request for the adoption of this Ordinance. He has been associated with the RPC since Phase I was considered and approved. With a project such as this which will span a number of years in its development, each phase of the project must be approved. He advised one of the main objectives of the RPC is to be responsive to markets and development ideas throughout the years of development. Phase III of the project gives the developer the opportunity to address new market demands/opportunities and new housing product. This proposed Ordinance provides the vehicle for the developer to approach the Town with these new ideas; it does not include any rights for the proposals to be accepted by the Town Commission. The Ordinance is generic and would assist Heritage Shores and future RPCs.

Solicitor Schrader advised this is considered a "superimposed zone" in an RPC. It is considered an "overlay" that goes on top of a zoning classification. In Bridgeville the base zoning is either R-1 or R-2. R-1 would require 40 acres of land to build upon and R-2 would require 10 acres. The goal for an RPC is for "innovative development" not "cookie cutter" housing. Developers are encouraged to pursue a mix of housing types and recreational uses, with a possible commercial element.

Solicitor Schrader added that if this Ordinance is adopted this evening, the minimum lot size of 5,000 sq. ft., differences in lot width, etc. would be abolished. Whatever size lots would be

recommended by the Planning and Zoning members and approved by the Town Commission would be acceptable.

Mr. Rauch reiterated this Ordinance will only allow the developer to present new ideas to the two Commissions. The approvals are still in the Town Commission's hands.

Solicitor Showalter added the previous text amendments included specific numerical standards. The constant request from Heritage Shores residents has been to see a specific plan, rather than abstract numbers. This Ordinance gives the authority for such a plan to be presented. Should this Ordinance be passed, the plan will go before the Planning and Zoning Commission on October 15<sup>th</sup>, followed by a review before the Town Commission at their November meeting.

Solicitor Schrader advised when the Heritage Shores RPC was initially approved; an Ordinance was adopted by the Commissioners which incorporated a site plan and identified all the specific phases and permissions for this specific use of the property. We are now anticipating Phase III and rather than re-adopting the original Ordinance that approved the RPC, the Commission has the opportunity to vary conditions for each phase. It was clarified that these permissions would only apply to this RPC.

Solicitor Schrader commented this RPC began its planning in 2002 and there have been many changes in development practices/lifestyles since then, which requires flexibility in the various phases of the project. He advised he did not particularly endorse this Ordinance because he felt minimum standards were still important – especially dimensional aspects concerning height, area and bulk; i.e. side yards, front yards, or lot sizes. He is aware that the current Commissioners will not be here forever and parameters must be established for the future.

Mr. Rauch advised one of the responsibilities in a project such as this is to maintain the character and scope. These proposed changes do not alter those inherent aspects. Even Phase II does not look exactly like it did in the original master plan, but is not dis-similar in scope. Additionally, the public process will always be there and opportunities for current homeowners to comment on the process will always be available. Mr. Rauch also believes the minimum standards are arbitrary limits. The developer would like to count on the Planning and Zoning Commission and elected officials to allow flexibility.

Solicitor Schrader reported the total units in the RPC (2,000) are not being changed with the proposed modifications to Phase III. The mix of units can vary, determined by the market. He added there is a commercial element in this phase which is already approved.

Commissioner Tassone advised he introduced this Ordinance and has since received feedback, discussion and guidance concerning the Ordinance. He believes the Ordinance, as written, is too Heritage Shores specific and he would prefer to make it more generic by deleting references to specific subsections and substituting verbiage that ensures its applicability to future RPC's. He believes, as proposed, the Ordinance is tied too closely to Heritage Shores, which has guided its formation. As often reminded by Solicitor Schrader, Town Code must be written for the possibility of future RPC's, not just Heritage Shores. Based on those interactions, he proposed removing the following wording from the Ordinance "subsections (B)(3), (B)(4) or section (E) above, the setbacks, lot sizes, dimensions and parking..." to eliminate specificity. He added that he did not want these small changes to interfere

with the Ordinance's passage this evening. Solicitor Schrader responded it should not interfere with the Ordinance's passage. Commissioner Tassone's recommendation is to replace section F. as follows:

**F. Notwithstanding other subsections in Section 234-37 Property Development Standards, applicable to RPC for phased development, the Commissioners of the Town of Bridgeville may adjust (or reduce) those development standards as a part of the RPC Phase Final Development Plan Approval for such phase.**

Commissioner Tassone suggested this is not removing subsections, but re-characterizing the phraseology the way the original was submitted, which was very specific. He believes the intent hasn't changed; therefore he does not believe that this change would require the Ordinance to return to Planning and Zoning, but it can continue to be considered by the Town Commission tonight and be brought to a vote. Solicitor Schrader agrees with Commissioner Tassone.

The Public Hearing was opened 8:36 P.M.

Mr. Steve Kendall from 120 Emily's Pintail Dr. advised he has lived in the development since its inception. He has seen many changes and doesn't see any reason why the Town shouldn't consider allowing the developer (who knows the market better than us) to make changes to various aspects of the development based on market changes.

Mr. Herbert Gray from 1 Amanda's Teal Dr., who has lived in Heritage Shores since 2005, advised Commissioner Tassone has held cottage meetings and conducted a survey throughout the development, which was highly in favor of this Ordinance. (Per Commissioner Tassone the survey results were 116 in favor and 17 against.) Mr. Gray advised it was overwhelming support for the proposal.

Mr. Robert Sweet from 18 Amanda's Teal Dr. has also lived in Heritage Shores since 2005. He is overjoyed to see this new opportunity and is in favor of adopting this Ordinance.

Mrs. Tina Hill from 124 Emily's Pintail Dr. expressed her and her husband's support for the Ordinance. It allows for flexibility as the markets change and more attractive offerings in housing styles. This also affords current residents new opportunities for housing sizes as their personal needs change over time. The additional oversight of the Planning and Zoning Commission and Town Commission makes it a win/win situation.

Solicitor Schrader gave an opportunity for comments in opposition to the Ordinance; however, there were none. Heritage Shores Engineer Rauch advised he supports the modifications as proposed.

Solicitor Schrader closed the Public Hearing at 8:30 P.M.

Commissioner Mervine asked if Sections B3 and B4 should be maintained in the Ordinance. Solicitor Schrader does not believe it makes a great deal of difference. This Ordinance will allow a developer to make proposals to the Commission. The Town is at a disadvantage with no land planner or professional staff to review applications and must rely upon the integrity of the developer. He hopes

the Town will, at some point, retain qualified staff in the area of land planning. It was mentioned that the Town has a land planner on the Planning and Zoning Commission, Mr. Steve Dell.

Commissioner Mervine asked if Town Manager Savage is in agreement with this Ordinance. Town Manager Savage advised the final decision remains in the hands of the Town Commission.

Motion to amend the existing verbiage in Ordinance 2013-G as delineated above and adopt the Ordinance – Tassone; 2<sup>nd</sup> – Kovack; motion carried.

**C. Public Hearing, Discussion and Possible Voting on: AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF BRIDGEVILLE AS IT RELATES TO SEWER AND WATER IMPACT FEES (#2013-I)**

Town Manager Savage advised this Ordinance will amend impact fees per the attached calculation sheets. Based upon the outstanding loan balance for capacity-related improvements and the number of EDU's as calculated by the permits from the state government, he is proposing a water impact fee reduction to \$500/edu (equivalent dwelling unit). Currently the outstanding principal & interest for our water loans totals \$2,512,835 and we have capacity for 5,382 EDUs, which translates to \$500/edu. Current charges on the water side are \$2,500/edu and Town Manager Savage is recommending lowering it to \$500/edu.

On the wastewater side, total capacity, under current permits, is 394,000 gallons per day. Our debt (principal & interest) equals \$11,808,172, or \$6,000.00/edu. The current charge is \$7,500 and Town Manager Savage is recommending lowering it to \$6,000/edu. He recommends a review of water/wastewater charges every two years. New permits reduce capacity and paying off loans early also affects the numbers.

Commissioner Mervine asked if the \$1.2 million for the Walnut St. water main project figures into this calculation. Town Manager Savage advised it does not affect these figures, as it is not a capacity project.

Commissioner Kovack asked if we could reduce the sewer impact fee further (i.e. another \$500). Town Manager Savage advised this is the largest reduction that he can justify. When you reduce it below that figure, you're effectively making current users pay more than their share. Solicitor Schrader advised this may not be a good time to consider a larger reduction due to the upcoming bond issue. Commissioner Tassone added that the change will make the Town more attractive to businesses that are looking to locate in this area. We need to position ourselves with surrounding Towns and they have already lowered their impact fees. Commissioner Kovack is aware that Greenwood impact fees are only \$2,500 total. Commissioner Mervine suggested going forward with these proposed figures, and if sometime in the future we can lower them, we should do so.

President Correll advised there will be a savings of \$3,500 on each permit that is pulled. She believes when Town Manager Savage recommends reducing the fees, we should do so. Town Manager Savage added this price adjustment has no bearing on the operating budget.

The Public Hearing was opened at 8:50 P.M. There being no public comment, the Public Hearing was closed.

Motion to adopt the Ordinance lowering sewer and water impact fees – Kovack; 2<sup>nd</sup> – Mervine; motion carried.

Commissioner Tassone made additional comments concerning the Bridgeville Code Chapter 234-37. He suggested that since the Commissioners modified the previous RPC Ordinance, the Commissioners should consider modifying Subsection E “Other Development Standards” to add “Article 12 Property Development Standards applying to all Districts.” Article 12 section 234-48 addresses accessory buildings and structures, potentially including such structures as “mancaves”. Adding this reference brings the RPC zone requirements into compatibility with maximum height requirements (12 feet) and other residential zones in Bridgeville. He also strongly believes that the Commissioners soon need to consider adding a subsection to paragraph 234-37 (B).(5) to specify “lot side yard setback – 5 feet”) This would eliminate any future confusion and prevent situations similar to what is currently happening on Whistling Duck Dr. and Canvasback Circle with 3 ft. setbacks. We currently have a general agreement concerning side yard setbacks of no less than 5 ft; however, he would like to see it included in the Code. Commissioner Tassone suggested if the Commissioners agree, Solicitor Schrader should draft an Ordinance to that effect. Town Manager Savage suggested discussing it at the next Commission meeting and seeing if there is a consensus to move forward.

#### **XI. INTRODUCTION OF ORDINANCES**

There were no new Ordinances to be introduced.

#### **XII. ADJOURNMENT**

Motion to adjourn – Kovack; 2<sup>nd</sup> – McDowell; motion carried. The meeting was adjourned at 8:54 P.M.

Respectfully submitted,

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Lawrence Tassone, Commission Secretary

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Peggy Smith, Transcriptionist

# TOWN OF BRIDGEVILLE

If you lived here, you would be home now.

ORDINANCE NO. 13-8

**AN ORDINANCE AMENDING THE LAND USE AND DEVELOPMENT CHAPTER OF THE CODE OF THE TOWN OF BRIDGEVILLE TO AUTHORIZE THE TOWN COMMISSIONERS TO MODIFY THE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC PHASE(S) OF A RESIDENTIAL PLANNED COMMUNITY AS PART OF THE FINAL RPC DEVELOPMENT PLAN PROCESS**

**WHEREAS**, the Commissioners of the Town of Bridgeville previously adopted Chapter 234 of the Bridgeville Code relating to Land Use and Development; and

**WHEREAS**, the Commissioners of the Town of Bridgeville find it desirable to have the authority to consider and approve modifications of the development standards generally applicable to Residential Planned Community (RPC) districts for specific phase(s) of a Residential Planned Community as part of the final development plan process; and

**WHEREAS**, the Commissioners of the Town of Bridgeville are of the opinion that this ordinance promotes the health, safety and welfare of the citizens of the Town of Bridgeville; and

**NOW, THEREFORE, THE COMMISSIONERS OF THE TOWN OF BRIDGEVILLE HEREBY ORDAIN:**

Section 1. Amend Chapter 234, Section 37 "LAND USE AND DEVELOPMENT" Article VIII, of the Town of Bridgeville, by adding thereto the underlined text as follows:

ARTICLE VIII Residential Planned Community (RPC) Zoning District

§234-37. Property Development Standards

\* \* \*

**F. Notwithstanding other subsections in Section 234-37, the Commissioners of the Town of Bridgeville may adjust Property Development Standards applicable to Residential Planned Communities for phased development, as a part of RPC Final Development Plan Approval(s) for such phase(s).**

Section 2. Effective Date. This ordinance shall become effective upon its adoption by a majority of the members elected to this Commission.

COMMISSIONERS OF BRIDGEVILLE

By: Patricia M. Corbett

Attest: Laurance J. Sone

Reading: 8-12-13

Adopted: 10-14-13