

Town of Milton
Planning and Zoning Commission
Minutes
Dec 16, 2003

Members Present:

Linda Rogers	Dean Sherman	Denny Hughs	Michael Filicko
Herb Dutt	Bob Kerr	Eric Evans	Tim Willard

1. *An application from John Murray of Kercher Engineering representing B & Z Builders, LLC. for a site plan review and preliminary approval if all conditions are met, for 2 buildings containing 14 townhouse units to be located on Sussex County tax map and parcel number 2-35-14.00 288.00 and further identified as 500 Mulberry Street, Milton DE 19968.*

Dean Sherman introduced the application and asked if anyone was present to represent the application. Mr. John Murray of Kercher Engineering representing B & Z Builders, LLC. Stated he would be presenting the site plan. Mr. Murray stated at the beginning that the name would be changing for starters to The Orchards from now on out. Mr. Murray explained the design lay out for the Orchards and stated that they would like to coincide the construction of the development and the storm water system with DELDOT's construction schedule of Mulberry St. if possible.

Dean Sherman questioned the Storm water pond information and letter received. A long discussion was held on this subject. Mr. Murray stated he had researched the area as an existing storm water pond. After discussion with Soil Conservation and reviewing the area it could not be determined that this area was being used as a storm pond. However the developer agreed to take any storm water run off from Shipbuilders if it is in fact being drained onto this site.

Bob Kerr stated: The entrance will need to be coordinated with DELDOT and a radius shown.

The side walk will need to be extended along Shipbuilders Blvd.

The location of the dumpster/s is not provided.

The proposed landscaping is not provided.

The utilities are not located on the site plan.

No sign location on the site plan.

Site data refers to a restaurant.

Mr. Zonko stated he would agree to the side walk along Shipbuilders Blvd. The location of the dumpsters have not been finalized as of yet but thinks they will be located on the east side of the property and if two are required the second one would be located at the north side of the property. The dumpsters will be enclosed with either fence or landscaping.

Eric Evans Stated: The length of the building according to town code cannot be longer than 165'

A landscape buffer should be placed along the south side of the property beside Dr. Wagner's property.

Mail delivery locations need to be determined.

Lighting plan needs to be completed.

Need to present an elevation plan for the buildings.

Need to provide a copy of the covenant.

Mr. Zonko stated he would be willing to work out all the conditions and satisfy the town during the design process prior to coming back for the final approval and receiving all the out side agency approvals.

Linda Rogers made the motion to grant preliminary approval with the conditions above Denny Hughs seconded all voted in favor.

- 2. An application from Becker Morgan Group, Inc. representing County Bank, for a site plan review and preliminary approval if all conditions are met, for a 3,125 sf. Bank with a drive thru facility located on Sussex County tax map and parcel number 2-35-14.15 68.01.*

Dean Sherman introduced the application and asked if anyone was present to represent the application. Greg Moore stated he was here representing the application and proceeded to explain the site plan. Mr. Moore showed the landscaping plan that was not included in the Food lion Landscaping plan and stated this was in addition to what food lion was doing. The lighting plan is being worked on and incorporated with the Food Lion lighting plan. The entrance is a shared entrance and DELDOT has already reviewed and approved the entrance for the shopping center so DELDOT will probably not have a problem with this site. The parking requirement shows more than what's required by Town Code, the trash is stored internally and removed from the site, therefore no dumpsters are required. This site will be a drive through facility with three bays. The side walks along 16 is being installed by the Food Lion developer.

Bob Kerr stated: This parcel has not been subdivided and needs to be completed prior to final approval.

The building faces the access road and would P & Z rather see it face Rt. 16? This topic took in great discussion, the engineer stated they looked at the site in detail and found that this was the only way the building could be placed on the parcel to meet the requirements from County Bank and if P & Z wanted the building rotated then Mr. Moore does not think his client will build on the site. After further discussion it was agreed upon that a fence along the property line between Atlantic screen and the bank would be installed up to and parallel with the bank, also landscaping would be provided with the fence and past the bank building toward 16.

Will need Soil Conservation approval, Fire Marshal, DENREC and Division of Public Health.

Landscape plan required for final approval.

Eric Evans stated: The signage will need to be worked out and agreed upon with the Food Lion Site.

EE asked if the 1" water line would be large enough for sprinkler system and it was determined that if a sprinkler system used for fire prevention than 1" line is not large enough.

Denny Hughs made the motion to grant preliminary approval with the conditions above and Mkie Filicko seconded the motion. All in favor.

- 3. An application from Cannery Village LLC., for a site plan review and preliminary approval if all conditions are met on a 10 four plex housing units, 17 live/work units, 74 townhouses and 81 single family homes on Cannery Village phase IIB located on the property of One the Square, Milton DE. also identified by Sussex County Tax map 2-35-20.00 parcel 57.00 and 57.01, Tax map 2-35-20.11 parcels 52.00, 52.01 and 53.00*

Dean Sherman introduced the application and asked if anyone was present to represent the application. Gene Dvornick stated he, Colby Cox and the engineering firm were here to represent the site plan. Mr Dvornick presented the site plan and explained the layout of phase IIB. Mr. Dvornick also apologized for the confusion with the first plans submitted. Mr. Dvornick explained that the home count has changed from what is on the cover page as follows; 188 total units, 78 single family homes, 70 town homes and 10 4 plex units. The total town house structures are 30 buildings holding 78 homes.

Bob Kerr stated: The parking data shown does not appear to add up.

The street widths are not 34' as stated in the ordinance at the bump out area, the width at the bump outs shows about 17' 8" behind curb to behind curb which is not in accordance with the town's ordinances.

The discussion on the bump outs and road widths was a topic for a period of time with the conclusion being that if the ordinance reads 34' back of curb to back of curb then we will design the roads to that standard however the developer would like to submit to P & Z a proposed change to the LPD zoning ordinance to allow for variations in the design, width and direction (one way) of road but not to change the build standards (i.e. thickness and material) and if P & Z approves the change to the text for the LPD zoning ordinance than the developer will be resubmitting phase IIA to include the bump outs.

The utilities shown on the site plan need to be corrected some water, sewer & storm pipes are to close to each other.

The cross section for other street design should be 9"-11" vice 6".

Eric Evans stated: The area around the landscape island was very narrow and Mr. Roger stated the area around the landscape island was to be 14' in travel lane and have a inlay of three feet for walking traffic and if need be could be driven on by emergency vehicles which would widen the travel lane to 17'.

The side walk on the south side stops no where. Mr. Dvornick stated that the sidewalk is going to actually go out toward the round pole branch and should not be that close to the road.

Mike Filicko made a motion to grant preliminary approval with the condition that the final site plan be corrected and show 34' roads through out unless the ordinance is changed to allow bump outs and one ways. Linda Rogers seconded the motion. All voted in favor of.

4. Review additional comments toward the Zoning Ordinance text prior to adoption.

Discussion was on the addition of non-conforming lots after discussion it was to be included in the new zoning ordinance as section 9.5.

The discussion for a RI-1 zoning district was discussed and it was determined that it would be better to have a statement or exception to the rule added to the text for R-1 zoning. This will be worked on and presented on the 13th of Jan. 2004