

**Town of Milton
Planning and Zoning Commission
Minutes
February 15, 2005**

Members Present:

**Linda Rogers Dean Sherman Denny Hughes Mike Filicko
Eric Evans**

Planning and Zoning held a public hearing on the following:

1. *Proposed Annexation and Zoning of parcel 2-35-14.00 84.00. The application is filed by Merristone Consultants, Inc for Robino-Holly Lake LLC. and The property owner is Charles Turner Jr.*

Linda Rogers introduced the application. Ms. Rogers ask if anyone was present to represent the application? Mr. Mark Dunkle an attorney representing Mr. Paul Rabino proceeded to explain their request. Mr. Dunkle stated the annexation request is for a parcel of land equaling 7.05 acre parcel contiguous to the Town of Milton. The parcel is located along Lavinia Street and Wagamons pond. The applicant handed out a packet containing information from the Town's comprehensive plan. This property is identified as being in the future growth area for the town. The property is currently owned by Mr. Charles Turner and under contract by Mr. Rabino. The property is identified as Holly Lake Trailer Court. The property is zoned AR-1 in the county and allows for up to 40 mobile homes. This annexation request is also coming before you for the rezoning of the parcel to the Town standards or zoning classification. We are requesting with the annexation that the property be rezoned to R-3 zoning in the Town of Milton. The R-3 zoning would allow for condominiums, which we are requesting. We are proposing 44 units creating a density about the same as what's permitted currently. The property owners within 200 feet have been notified about this request. Mr. Dunkle continued to explain the Comp Plan relation to this parcel. Mr. Dunkle explained how the county would review this site if developed with in the county. He stated that the county could rezone the property to MR at a density to 4 units per acre but because the property is located next to a town center the density could be increased to 12 units per acre with a HR zoning. We do not think this is a good idea for the town because the area will be using town services. This is a redevelopment proposal. We understand that there is a state law in regards to the removal of trailers from mobile home parks and the redevelopment of the area. The area surrounding this property is identified as LPD overlay and R-1 zoning there by creating a mixed use of land with commercial and residential communities. Because this is a redevelopment of the area the infrastructure is already in place in regards to roads and water and sewer mains within close proximity to this area. Mr. Robino then proceeded to explain his vision. By looking at the fee schedule the town could make the following from fees: Approximately \$38,000 from building permits, Transfer tax would equal approx. \$180,000 between land sale and initial sales, property tax approx. \$27,000. These 44 homes would equal approx \$250,000 in initial fees collected by the Town. This does not include the impact, connection fees. Mr. Rabino also stated that in the packet is a proposed elevation of the building and information on his company. Mr. Rabino also reiterated that this being a condo association the streets

would be maintained by the association as well as the landscaping, building maintenance and all open spaces. The packet was made a formal part of the minutes. The applicant stated they need to work out with the town the annexation agreement.

Ms. Rogers asked if any members of the board had any questions? Bob Kerr stated the town does not permit trailers at this time and if annexation took place this would become nonconforming. There will probably need to be a condition in the agreement to comply with the law about removing trailers. He also informed the applicants that sewer availability was not available at this time. Mike Filiko asked if approved R-3 what would be the permitted density? Eric Evans stated approx 70. Ms. Rogers asked if anyone from the community had a question for the applicant or the Board. Mr. Charles Jones asked if this would require his property to be annexed into the Town. He also stated he did not want to be annexed into town limits. Ms. Rogers stated that the property being discussed is the property to be annexed and not the Jones property. Mr. Jones was informed that his property would become an enclave at this time. Libby Zando brought up the question why R-3 and not R-2? Mr. Dunkle stated R-3 allows the condominium design and R-2 does not.

Ms. Rogers asked if there was any further comments or questions. Eric Evans stated he recommends the public hearing be closed and the applicant forwarded to the Town Manager and his committee to work on the annexation agreement and return to P&Z after the agreement is complete and signed.

Linda Rogers abstained from any vote. Denny Hughes motioned to close the public hearing and forward the application and applicant to the Town Manager seconded by Herb Dutt. All voted in favor of motion.

2. Preserve on the Broadkill Phase II – 2-35-14.19 140.00

Final Site Plan approval if all conditions are met. Merestone Consultants Inc. on behalf of Perserve on the Broadkill filed application.

Linda Rogers introduced the application. Ms. Rogers ask if anyone was present to represent the application? Bob Blayney from Preserve on the Broadkill introduced himself and proceeded to explain his application. Mr. Blayney stated he was here tonight to receive from P&Z final site plan approval and forward the site plan to Mayor and Council. Mr. Blayney stated they are waiting on one approval from the corp. of engineers due to the wetlands located on the property. Mr. Blayney stated they have been investigated for the Delmarva Fox Squirrel and their nests and the investigation came back negative on having any such animal or habitat. Mr. Blayney asked that the site plan be forwarded to Council for their approval on the condition that the development receives approval from the Corp. of Engineers. Eric Evans pointed out that for the record lot 40 has no buffer. It was stated this was a mistake and the buffer will be in place. Also lots 24-26 have a 20' easement to the rear of their lots and no construction can take place within the easement area. It was pointed out that the streets need to be guaranteed for a period of one year from the developer after they are completed. It was pointed out that the only approval they are missing is the Corp of Engineers. Mr. Blayney stated that no construction can take place on this site until the permit is received by the Corp of Engineers. Also in phase 1 P&Z and Council approved the final site plan contingent on the receipt of the approval from the Corp of Engineers. Herb Dutt motioned to have the

site plan forward to the Council for final approval and the final approval is contingent on the site receiving the required permit from the Corp of Engineers. Seconded by Mike Filiko. All voted in favor.

2. Pintail Management LLC – 2-35-20.11 52.01

Minor subdivision. The site plan is located in the Cannery Village subdivision. Pintail Management LLC filed the application.

Linda Rogers introduced the application. Ms. Rogers ask if anyone was present to represent the application. John Hopkins stated he was representing the application. Mr. Hopkins proceeded to explain to the commission the application. Ms. Rogers asked why they wanted three parcels. Mr. Hopkins stated for the possibility of selling two parcels. Bob Kerr stated parcel #2 does not have frontage on a public right of way. It is land locked. The subdivision ordinance states that all lots need to have road frontage. In reviewing the application the commission asked various questions that the applicant could not answer at this time. Also the parcels needing to have road frontage the applicant withdrew his application to go back and review his options. Application withdrawn by John Hopkins.

3. Pintail Management LLC – 2-35-20.11 19.00 Federal Street Office Park

Final approval of the site plan for an Office park located at 611 Federal Street. Pintail Management LLC filed the application.

Linda Rogers introduced the application. Ms. Rogers ask if anyone was present to represent the application. Greg Moore from Becker Morgan Group stated he was representing the application. Mr. Moore stated they have received their outside agency approval required by Town and that the only thing they are missing is the actual permit for the entrance.

Eric Evans asked if they were going forward with building two also. Mr. Moore stated they are not. The intent was to do the site work for the entire area and construct the other two buildings at a later time. Eric Evans stated the two additional building should come back to them for their review. Mr. Moore stated that in receiving the final approval the buildings do not have to come back before P&Z after site plan approval is granted.

Planning and Zoning did not comment on seeing any more plans. Bob Kerr stated the proposed parking spaces states 80 I count 78, which are still more than required, but the data needs to be changed. Also item #13 states the water and sewer lines are private and should state be dedicated to the Town of Milton. Easement document prepared for the water & sewer line access. Pintail Management needs to prepare this easement.

Linda asked if they had a motion for final approval with the corrections added. Denny Hughes motioned to approve the site plan as final, seconded by Herb Dutt. All voted in favor.

4. Heritage Creek – 2-35-20.00 56.00

Final approval of the Master Plan for an LPD overlay subdivision. Land Tech Land Planning LLC. on behalf of Carey Communities Inc. filed the application.

Linda Rogers introduced the application. Ms. Rogers ask if anyone was present to represent the application. Jeff Clark from Land Tech LLC stated he was representing the application. Mr. Clark stated that the Master Plan has been forwarded to P&Z from Town

Council with the following conditions for their approval and recording there of. Mr. Clark further explained the change to the site layout in regards to the through street be removed from the site plan and the removal of the proposed location for the YMCA. In doing this Mr. Clark stated the Master Plan has change its layout and you will note the cul-de-sac turn located above the commercial pad north of the entrance. Discussion took place in regards to the connection of Heritage Creek with Cannery Village. Mr. Clark stated that while the connectivity by road is no longer on the master plan there is a 60' right of way that will be deeded over to the town to create connectivity in the future. Mr. Clark proceeded to explain the Master Plan in detail and after minor discussion with P&Z asked for approval. Dean Sherman motioned to except the Master Plan and approve it, seconded by Mike Filiko. All voted in favor. After the approval Bob Kerr brought up that the applicant is planning to bring before the P&Z the entire site plan for preliminary approval and phasing the final approvals. This said the commission can grant extensions for one year with just cause. The applicant would like to start with the two-year approval so the finals can all be received by P&Z within the two year period. It was stated that this clarification should be discussed with the town attorney.

5. Milton Service Center – 2-35-14.15 68.05

Sign location, size and design for the Milton Service Center. First State Signs filed the application for Leone Rentals.

Linda Rogers introduced the application. Ms. Rogers ask if anyone was present to represent the application. A representative from first state signs proceeded to explain the application. They are requesting a pole sign located on the parcel to advertise the contractor bays and the tenants located in the bays. It was asked by a P&Z member why they could not put a sign next to the Food Lion sign. Eric Evans stated that would be a off premises sign and is not permitted in the Town of Milton. Also a sign of that size off premise would be considered a billboard and they are not permitted either. There was also question to the name of the center. Linda Rogers explained that Milton Service Center already exists just ½ mile down the road. The owner of this center needs to find a different name to prevent confusion. Eric Evans stated that after reviewing this application he felt that maybe a ground sign would be more appropriate for this location. The contractors do not need to advertise their business they need to identify their location. The owner could have signage over the doors for locations and a ground sign stating Milton Contractor Park or something of this nature.

Planning and Zoning recommended that the applicant redraw the signage as a ground sign and come back for approval. Motioned by Dean Sherman, seconded by Denny Hughes. All voted in favor of the motion.