

Town of Milton
Planning and Zoning Commission
Minutes
Oct 21, 2003

Members Present:

Linda Rogers	Dean Sherman	Denny Hughs	Mike Filicko
Noble Prettyman	Bob Kerr	Eric Evans	

1. The Planning and Zoning Commission held a public hearing to present and hear comments on the new Town Zoning Ordinances. Mr. Dvornick presented his recommendation for the addition to the C-1 district of a special permitted use that of business down stairs and apartment upstairs. Mr. Evans presented the commission with a conditional use requirement for their review.

2. *An Application to renew the special use exception granted in 2002 for the property located at 205 Lavinia St., also identified by Sussex County Tax map 2-35-14.19 2.00 to be used as a yoga retreat and events center.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. Jeanie Greenhaugh and Charles Adams stated they would be representing the application. Linda Rogers asked if anyone had a comment on the conditional use. There was none stated. Eric Evans stated he would like to see the applicant receive a conditional use that would remain in effect until the Planning and Zoning Commission has a cause to reevaluate the property due circumstances (i.e. rezoning or police activity, parking problems, etc.). Noble Prettyman made the motion that the applicant receive the conditional use and not come back unless circumstances arise seconded by Mike Filicko all in favor. Application granted.

3. *An application from River Basin Engineering, representing Michael Zimmerman for preliminary site plan review on Milton Park Center, LLC. phase IV located at the intersection of Route 5 and Route 16, also identified by Sussex County Tax map 2-35-14.15 parcels 68.00 and 68.01.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. Ken Christenbury from River Basin Engineering stated he was representing the application. Mr. Christenbury stated he addressed the comments from the Town's Engineer from the previous meeting which was parking and the setback issue from the paper street. The redesign of the contractor bays eliminates the set back issue by having a setback of 59' from the property line and have provide 3 parking spaces including garage spaces. Ken Christenbury readdressed the landscaping plan to show the buffer area and to show the original site plan has not changed. Dean Sherman questions the number of units and Mr. Christenbury stated the

number has decreased by one. It was noted that the outside agency approvals would include DelDot, Soil Conservation, DNREC for sewer and Division of Public Health for the water system.

Mr. Kerr made the following comments:

- Site should require additional parking above what is presently shown if developed at a later time.
- Curbing should be shown on the final site plan showing curbing around the turnaround.
- Water service may be provided by tapping the existing 6" line on the north side of the Food Lion. Should the water main loop on the drawing be used a minimum 4" main shall be provided with valves at each connection to the 6" line.
- The sanitary sewer slope shall be changed to 0.40%. The manhole top elevations are to be reviewed. The phase I site plan indicated the elevations in this area to be between 47 and 48 feet. A minimum of 3 feet of cover is to be provided over the sanitary sewer pipe. An alternative alignment would be to install the gravity sewer between the Food Lion and Parcel D.
- Trash dumpster locations will be difficult for a truck to access.
- Location of signage missing from site plan.
- Acceptable lighting plan required before final approval.
- Statement to be added to the final site plan to the effect (no outside storage of materials supplies or equipment will be permitted).

There was a lot of discussion in regards to the restaurant over the storm water pond and the uniqueness of this building. Dean Sherman made a motion to grant the preliminary site approval with the corrections recommended by Cabe Assoc. Seconded by Noble Prettyman all voted in favor.

4. *An application from Michael Kaplin for preliminary site plan review on a proposed subdivision located at 503 Chestnut Street also identified by Sussex County Tax map 2-35-20.11 parcels 49.00, 50.00 and 51.00.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. Gary Cuppels from ECI presented the subdivision plat to the Planning and Zoning Commission stating that he had changed the plat from the conceptual after meeting with P & Z and Town Officials. The site now shows 25 lots vice 27, the lots that were located at the entrance have been moved and the storm water pond located at this location in their place. Linda Rogers asked how the use of the wet lands can be used and this was explained by Bob Kerr and Mr. Cuppels. Mr Cuppels explained the types of wet land waivers and how they intended to file for the appropriate permits.

Bob Kerr stated:

- A note to the final plat shall be added stating that the properties located to the south and southeast are abutted next to a I-1 zoning district and industrial operations could be expected 24 hrs. a day 356 days per year (or something to the effect)
- A landscape buffer placed along the rear of lots 17 through 22.
- Paving width from back of curb to back of curb will be 34'

- Ensure the right-of-way radius for the cul-de-sacs are shown on final plat
- Lot 21 does not appear to have efficient width at the setback line. Mr. Cuppels stated he would check on this.
- The entrance to the development needs to be 125' between center line of streets that off set each other. Mr. Cuppels stated the entrance they have is in place, Mr. Kerr stated it could be possible to move the entrance were the landscape area is and the landscape area to where the entrance is there by giving more distance. Mr. Cuppels stated it is possible and would investigate.
- The 90 degree bends should be not less than 100' radius and Mr. Cuppels stated that they were designed like this to slow traffic down.
- Storm Drainage at the end of the cul-de-sacs to be drained in to the storm water pond and Mr. Cuppels stated their storm water designer says it can be done.
- A note on the drawing needs to read that the property owner/developer will be responsible for the maintenance of the open area and storm water pond until such time that the home owners assoc. takes over and control.
- Need to have the owner/developer certification, engineer cert. on the final site plan.
- Note 8c delete Sussex Cnty utility construction Div., Sussex Cnty Assessment Office and DELDOT
- Elevations shall be provided on the final plan.
- A note showing the ownership of the remaining open space.
- The entrance design with landscaping and any proposed signage will be required for the final.
- The crosswalks should be striped on the final drawing.
- Location of traffic control signs need to be located on final plat
- Between lots 20 and 21 the sanitary easement shall be 20'
- The water main shall be looped and tied into the Cannery Village main through lot 20 and 21.
- Additional right-of-way or legality of using the existing Cannery Village right-of-way for the gravity sewer will need to be investigated and verified for accuracy.
- The location and design of the street lights will need to be shown on the final.
- The location of the crosswalk on north willow needs to be moved so it is away from the 90 degree turn.

After discussion amongst the members it was regularly moved and seconded to grant preliminary approval.

5. *The new Chapter 17, Subdivision Ordinance recommendation to the Town Council.*

The Commission reviewed the Subdivision Ordinance and made some changes to the Major Subdivision process. P & Z directed Mr. Evans to correct the process and return next month.