

TOWN OF GEORGETOWN - PLANNING COMMISSION

Meeting Minutes January 18, 2017

ATTENDANCE

Commissioners

Gary Tonge
Bob Ricker
Linda Dennis
John Painter

Staff

Jocelyn Godwin, Planning
Tim Willard, Solicitor
Jamie Craddock, Planning

1. CALL MEETING TO ORDER

Chairman Tonge called the meeting to order in the Town Hall at 6:00 p.m.

Chairman Tonge announced the resignation of Commissioner Sue Barlow and thanked her for her many years of service to the Town.

Commissioner Ricker moved, seconded by Commissioner Dennis, to thank Sue Barlow for her service. **APPROVED (UNANIMOUS)**

The Commission would like to attend a Town Council meeting where the Council and Commission could present something to Mrs. Barlow.

2. APPROVAL OF DECEMBER 21, 2016 MEETING MINUTES

Commissioner Ricker moved, seconded by Commissioner Dennis, to approve the December 21, 2016 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. PUBLIC HEARING: **Rezone Application** **CASE #2016-10**

An application by Dennis L. Schrader, Esquire, on behalf of Lynch Lane, LLC, for an official zoning map amendment from Urban Residential (UR1) to Townhouse Residential (MR2). The properties are located on Lynch Lane +/- 90' NE of Charles Way, Georgetown, DE identified as Sussex County Tax District 135 Map 20.09 Parcel 21.00 (Part of, 25' x 104'); 22.00; 23.00; 24.00 and Map 20.05 Parcel 93.00.

Mrs. Godwin stated the public hearing was posted in the Countian on 12/22/16. The property was posted and the property letters mailed to neighboring properties on 1/6/17. Two pieces of correspondence were received. On 1/4/17 a letter from Eric Bodenweiser, 9 Lynch Lane, and four other residents within Cullen Acres, expressed concerns with the width of Lynch Lane and provided recommendations on how to route the traffic. On

1/17/17 an email from Josephine and John Waldecker with a list of questions and concerns regarding the Eli Walls tax ditch. Copies were provided to the Commissioners.

Dennis Schrader, of Morris, James, Wilson, Halbrook & Bayard, LLP, presented the application, along with Chris Kalil, Lynch Lane LLC, and Tom Ford of Land Design. A booklet was reviewed that had been provided to the Commissioners previously. The property had been addressed as a prior project known as Gingerberry. The property is 10.1335 acres with an additional .06 acres. The Comprehensive Plan designates the land as Medium High Density Residential.

Tom Ford provided a review of the site. The site is primarily open agricultural land with drainage outfall to the adjoining tax ditch. To the north is the Town water tower and the interfaith housing community. To the east is the railroad track. To the south is the Meadows community (single family homes). To the west is the Mt. Zion Baptist cemetery. Current zoning of UR1 allows 7,200 sf lots or density of 6 dwelling units per acre. Proposed zoning of MR2 allows for an increased density (up to 9/acre); however, proposing less than 5 units per acre. The zoning is in conformity with neighboring Acorn Acres (MR2) and the Town's 2010 Comprehensive Plan. The applicant will not be proposing any neighborhood business, as allowed.

The conceptual plan was shown of 12 buildings with 4 units. There would be 48 dwelling units which would be 4.8 units per acre. Greater than 70% of the site will be open space and less than 30% is impervious (which includes roads, buildings, parking, walkways and patios). The buffer will be addressed along the Meadows property line and the buildings will be set back greater than 100 feet from that property line.

Traffic pattern is to be determined. There are 3 ways to approach the site, West Way, Charles Way and Lynch Lane. A 50' wide ROW is needed and 25' will be added to the current 25'. A sewer manhole is available and a 12" water line. The water hydrant there now, would be moved.

The Commission questioned the tax ditch setback and the applicant stated they will request to reduce the 80' setback for the tax ditch to 25'. The traffic that will be generated is a concern, as well as the fact that the new Comprehensive Plan is being worked on and the future use of the land has not been addressed yet. The plan for Gingerberry was for 24 single family homes, approximately 48 vehicles, which now would be doubled to 96 vehicles for 192 trips per day. That volume would overburden Lynch Lane. The extension of Lynch Lane past Charles Way on the prior project created a dead end street with only one way to enter the property for emergency services. It creates a concern that one person could block the way in. Also, according to the Design and Construction Standards, any dead end street, which is what the extension of Lynch Lane will become, is supposed to have a cul-de-sac in it.

The Commission stressed that the intersection of Lynch Lane with South Bedford Street and South Front Street is a traffic problem now and a safety issue. The solicitor informed

the Commission that the traffic concerns would be addressed with the site plan. A traffic impact study could be requested for the site plan.

Chairman Tonge opened the meeting for public comment.

In Favor:

Eric Bodenweiser, of Lynch Lane, is concerned with traffic, the stop signs are not currently used, not against project, would like traffic to be routed to reduce concern as suggested in his letter.

Not in favor:

John Waldecker, of The Meadows, is concerned about the Eli Walls tax ditch and the children that cross through it. The overgrowth along the ditch needs to be cleaned out. Last clean out of the ditch was 10 years ago. Would like the impact to the Meadows to be considered.

Diane Hall, of Lynch Lane, expressed concern with the traffic on Lynch Lane which is not wide and has curbing on only one side.

Ed Dawicki, of The Meadows, asked if the units would be rented units or privately owned. (The applicant, Chris Kalil, stated that the units could be for sale or lease, depending on the market at the time.) Mr. Dawicki also expressed concern with the strain on the infrastructure, the schools are hurting now. There would also be a strain on the tax ditch. During storms, the ditch is to the top. The area is more suited to single family dwellings.

Karl Haller, used to live on Lynch Lane which is a very narrow road for traffic. Also the busy intersection will require consideration be given to the traffic flow.

Mary Haller, lives on South Bedford, about a block from the intersection. Traffic is very bad, difficult to get out of the driveway. Need to address the congestion and speeding of cars. Children and buses are a concern. There is a big difference between rentals and property owners such as number of cars. Pricing of the units can determine who lives there. Also concern if a fire and access to the fire by the fire department.

Commissioner Dennis moved, seconded by Commissioner Ricker, to recommend DENIAL of the application due to serious concerns and approval would be for an unknown result. APPROVED (UNANIMOUS)

Poll vote:

Commissioner Painter – No (nay), against motion, the application is in line with the Comprehensive Plan and it looks fine.

Commissioner Dennis – As stated (yea), traffic, safety, in addition timing is everything and the Town is very close to having a new Comprehensive Plan and would feel better if it could be completed first.

Commissioner Ricker – Yes (yea), in favor of denial, for the reasons of traffic and issues discussed and even if it leans toward the Comp Plan, as said, things have changed since then in the last ten years and it will probably change with the update.

Chairman Tonge – No (nay), against motion, request to change zone meets the current Comprehensive Plan in place, concerns shared about traffic and tax ditch

that are to be addressed with the site plan process and by the different agencies involved with that process.

Motion to deny fails. Tie 2 yeas – 2 nays.

Chairman Tonge closed the public hearing.

4. BOA CASE #2016-15

An application by La Red Health Center, Inc., requesting from the Code of the Town of Georgetown a use variance from §230-170 E. to allow for two additional wall signs. The property is located at 21444 Carmean Way, identified as Sussex County Tax District 135 Map 14.00 Parcel 35.09, zoned HC (Highway Commercial).

Kevin Loftus, of La Red Health Center, presented the application. The applicant stated that due to the size of the building, 25,000 sf, the existing sign on the front of the building is not adequate. Additional signage is needed to compete with their neighbors. There is competition for walk-in services. Additional signage would create awareness of those on 113 and 404. When the building was constructed, it was the only building in College Park in that section. The proposed signs are within the character and architecture of the building.

Chairman Tonge confirmed with the applicant that the Planning Commission does not make the decision, but a recommendation.

The Commission asked about the dimensions of the signs and how many complaints had been received in locating the building. The applicant stated the signs are 30” tall and 306” across and that no tracking had been done regarding complaints. Current signage is a small sign on the front and then the electronic sign out in front of the building.

Mrs. Godwin confirmed that the proposed signs do meet the Development Design Standards as far as the aesthetics with the building and percent of façade.

Commissioner Dennis moved, without a second to recommend approval of the signs as presented. Motion failed.

Commissioner Painter moved, seconded by Commissioner Ricker, to recommend denial of the application as presented.

Poll vote:

Commissioner Painter – deny (yea), feels the request is based solely on the competitors signage. Not enough reason to grant the request.

Commissioner Dennis – in support of application (nay). They provide an important service to those in need and if they need a louder voice, she has no problem with that.

Commissioner Ricker – deny (yea), they have adequate signage including a digital sign that no one else has.

Chairman Tonge – in support (nay), no issue with the request, in Highway Commercial zoning, signage is not negative.

Motion to recommend denial fails. Tie 2 yeas – 2 nays.

5. Discussion: §230-179 A.

The Commission discussed the requirement of the Commission making recommendation on Board of Adjustment cases. The Commission asked that the Board of Adjustment be asked if there is a value to the comments provided. No other municipality is known of that does the same process.

6. Planning Department Report

Mrs. Godwin reported that a Category 1 site plan for the Shops of College Park outpads was submitted for review. A predevelopment meeting has been scheduled for 20691 Dupont Blvd. A sign was approved by Planning for 133 East Market Street, same color scheme as previous. A reminder was given for the workshop on the Comprehensive Plan to take place on 1/31/17.

7. ADJOURNMENT

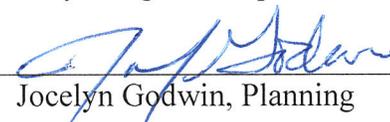
Commissioner Ricker moved, seconded by Commissioner Dennis, to adjourn the meeting at 7:47 p.m. **APPROVED (UNANIMOUS)**

APPROVED:



Gary Tonge, Chairperson

ATTEST:



Jocelyn Godwin, Planning