

LEWES PLANNING COMMISSION
Regular Meeting Minutes
April 17, 2019

The regular meeting of the Lewes Planning Commission was held on **Wednesday, April 17, 2019 at 6:00 P.M. in the Margaret Rollins Community Center Lewes Meeting Room** with the following present: Chairman Drew McKay, Kay Carnahan, Joe Hoechner, Sumner Crosby, Nina Cannata, Melanie Moser, Thomas Panetta, City Manager Ann Marie Townshend, City Solicitor Glenn Mandalas, City Planner Tom West, Planning Consultant Savannah Edwards, Tom Owen of the Lewes Board of Public Works, Ex-Officio City Councilman Dennis Reardon, and Recording Secretary Jackie Doherty. Mark Harris and James Linnen were excused. City Councilwoman Bonnie Osler and City Councilman Rob Morgan were also present.

- 1. Call to Order and Announcements:** *Chairman McKay* called the meeting to order at **6:00 P.M.** thanking Mayor and City Council (MCC) for the volunteer luncheon yesterday. Mr. West has provided everyone with a copy of the updated Code, Chapter 197-170. An ethics and FOIA training program have been scheduled for May 30th.
- 2. Presentation and possible action on the minutes from the February 21, 2019 Water Workshop, March 14, 2019 Special Meeting and March 20, 2019 Regular Meeting.**

ACTION: *Ms. Carnahan made a motion to approve the February 21, 2019 Water Workshop minutes as presented; Ms. Moser seconded the motion, which passed unanimously.*

ACTION: *Mr. Crosby made a motion to approve the March 14, 2019 special meeting minutes as presented; Ms. Moser seconded the motion, which passed unanimously.*

ACTION: *Mr. Hoechner made a motion to approve the March 20, 2019 regular meeting minutes as presented; Ms. Moser seconded the motion which passed unanimously.*

Chairman McKay stated all decisions by the Commission on applications will be made during public meetings. All recommendations will come before the Commission to be forwarded to MCC for their final decision based on those recommendations. It is important for the applicant to submit complete and necessary information to continue the information flow to the Commission and MCC. Reports from the Parks and Recreation Commission (PRC) and City engineer (GMB) are required for an application to be complete.

Chairman McKay continued stating all public comments will be posted on the website. Regarding the site visits by the Commission, there will be no public meeting during the visit, and Commissioners will visit the site individually on an ad-hoc basis to comply with FOIA, ADA, liability exposure, and open meeting regulations and concerns.

- 3. Status review of updated Fishers Cove subdivisions applications. Plan submittal information can be reviewed at <https://lewescommissions.wordpress.com/reviews/dev-reviews/fishers-cove/>**

Mr. West stated a major subdivision plan was submitted in October and December 2018 with an updated application received in March for a major subdivision.

Mr. West reviewed the new application including:

- 18 dwelling units on approximately 11-acre parcel; significant stormwater grading changes;
- Reviewed by Parks and Recreation on Monday with report to follow; plans are now being reviewed by GMB and City Staff; engineer report scheduled to be completed by early May;
- Parcel with National Register site is no longer included in major subdivision; lot line revision is required and will be processed separately as a minor subdivision; canal-front parcel off Pilottown Road is no longer included in the subdivision application;
- The major and minor subdivisions will come before the Commission separately since the processes differ.

Mr. Mandalas stated the minor subdivision application should be resolved early enough to know what the boundaries are for the major subdivision application.

4. Status review of Showfield/Lewes major subdivision application. Plan submittal information can be reviewed at <https://lewescommissions.wordpress.com/reviews/dev-reviews/showfield-lewes/>

Mr. West reported this is a major subdivision application received two months ago; the Commission reviewed the application on March 20th with reports from PRC, GMB, and City Staff. Since the Commission review, the applicant has met with Staff to discuss the site visit and clarification of the City's process relating to some of the conditions.

Mr. West stated evaluation and discussion will continue with Mr. Mandalas on how to move forward with the application. The plan includes a lot line revision that impacts the adjacent parcel. The question is if the lot line revisions need to be considered a separate minor subdivision application for the 86 lots.

Mr. Mandalas reviewed how the application was submitted with two parcels of land and their plans to only proceed with one development. It may be months or years before the second is filed. If they decide to proceed with one parcel, it will be considered a minor subdivision. If one development is dependent on another for amenities or common open areas, it would need to be considered an entire project.

Chairman McKay stated Commissioners may do a site visit at any time.

5. Status review of the Lewes Waterfront Preserve major subdivision application. Plan submittal information can be reviewed at <https://lewescommissions.wordpress.com/reviews/dev-reviews/lewes-waterfront-preserve/>

Mr. West reported this is a major subdivision with reports submitted from GMB, PRC, and City Staff. There was a public meeting held in January and comments have been posted on the website.

Chairman McKay stated the May 15th Commission meeting will include review of the application with a public hearing scheduled.

Attorney Fuqua, representing the applicant, reported the property has been staked with the 100-year floodplain located across the rear of the property in a no-disturbance area. There may be additional markings for the pump station and clarification will be sent to the Commission to be posted on the website. Mr. Fuqua stated he was hoping the public hearing would be scheduled tonight since, according to the City Code, all reports have been submitted.

Regarding Commissioners going to the property for a site visit, *Mr. Mandalas* read State Code-709 into the record which states the requirements for the visit.

6. Status review of Anglers Road and Market Street major subdivision application. Plan submitted information can be review at <https://lewescommissions.wordpress.com/reviews/devreviews/anglers-rd-market-st/>

Mr. West stated this is a major subdivision and has received preliminary consent from the Commission; the request for waivers has been processed by MCC; final plans and construction plans were submitted on April 12th and have been posted to the website; GMB and the Board of Public Works have the plans and are reviewing; PRC has reviewed the application.

Mr. West continued stating GMB should have the report by the beginning of May. The application will then come before the Commission with recommendations to MCC to hold a public hearing.

7. Status review of site plan reviews and zoning amendment for Beebe Property submitted by OA Vantage Point II, LLC. Plan submittal information for Assisted Living Facility portion can be reviewed at <https://lewescommissions.wordpress.com/reviews/devreviews/assisted-living-facility-lewes-medicaldevelopment/>

Mr. West reported the site plan has been reviewed by the Commission with recommendations sent to MCC; MCC has scheduled a public hearing for April 22nd. No further review will be needed by the Commission unless requested by MCC.

Chairman McKay stated the public hearing date for **Waterfront Preserve will be May 29th at 6:00 P.M.**

8. Presentation and consideration of the Mayor and City Council referral from January 15, 2019 Public Hearing to reevaluate portion of the proposed zoning amendments of Residential Zones submitted as LPC Recommendation 616.

Ms. Edwards reviewed the recommendations with the following discussion:

- Suburban Zone Purpose Statement
 - Define 'environmental and conservation best practices';
 - Addition of raingardens, infiltration on larger lots; reduce impervious surface;
 - Existing tree preservation; conservation easements; no buffer included on residential lots; use the word 'encourage';
 - Eliminate outer portion of the City; elimination of geographic indicator; not appropriate for suburban zone to be located in R-3 or R-4; keep 'outer' in the definition.
- Adult Day Care Centers as Conditional Use
 - State regulations and standards to be referenced;
 - Hazard Mitigation Planning Team has specifically requested an evacuation plan for all institutions with people who need care.
- Amend the Zoning Code for Accessory Structures
 - Code will now state toilets are allowed in accessory structures; outside showers are not allowed; showers with a roof considered an accessory structure.
- Require Lot Averaging to be Considered a Major Subdivision
 - How to be included in the Zoning Code; lot averaging is minimum of four lots; major subdivision is six lots; concerns about increased density; three lots allowed on a triangle-shaped lot of 40,000 feet;
 - Additional requirements for major subdivision applications may discourage the use of lot averaging;
 - Use of conventional site design for the number of lots allowed using lot averaging; different lot widths and depths can be used for a more creative design;
 - GIF to check the number of parcels this would include.

ACTION: Ms. Carnahan made a motion to request that Mr. Mandalas and Mr. West write compromising language regarding Recommendation #4 to be provided to the Commission for approval and be forwarded to Mayor and City Council; Ms. Cannata seconded the motion, which passed unanimously.

- Burton Subdivision Expansion
 - Sanborn Maps do not reference the subdivision; Lewes Historical Society did not have any documentation;
 - Lots on Mulberry, Maull and St. Paul Streets are mostly larger than 5,000 square feet and have greater than 50' of frontage;
 - Concern that lots greater than 8,000 square feet would be subdivided.

Chairman McKay stated the consensus is to move forward as is.

- Duplexes in the R-4 District
 - Eliminate need for 2.5-acre tract size for duplexes in R-4 District; impervious surface requirements; two off-street parking spaces per unit required;
 - Existing duplexes are throughout the City in the middle of areas where there are single-family houses, which fits the street fabric of Lewes better than having one 2-acre group of duplexes; requirement to have the duplexes separated by a certain number of feet; concerns this may violate the State Code Uniformity Requirement.

Chairman McKay requested Mr. Mandalas, Ms. Edwards, and Mr. West to check about other options for limiting duplexes in the City without the 2.5-acre tract size requirement. Discussion will continue at the May 15th meeting.

9. Reports by City Solicitor, Liaisons, Planner, and Commissioners including discussion of the upcoming meeting schedules and draft agenda.

Chairman McKay reported:

- Mr. Panetta has volunteered to review the Code revisions with the addition of the comments and suggestions from the Commission.
- The Resiliency Subcommittee (Chair Mark Harris, Ms. Moser, and Mr. Crosby) is in the process of evaluating the next steps needed with a suggestion for a workshop meeting in the Fall. Committee members will begin planning for the workshop.
- The May 15th Commission meeting will be an organizational meeting with review of the bylaws and election of officers.

Mr. Panetta reported he and Mr. West met with Mike Powell of DNREC to discuss the 500-year floodplain. The plan is to work with DNREC and FEMA to address concerns regarding areas in the City located in the floodplain.

Mr. Hoehner reported there is a website titled floodIQ.com that shows flooding in an address after Category 3 and 4 hurricanes.

Ms. Carnahan reported there was a MCC workshop meeting last night to discuss allowing a natural dune to build on the beach in front of the main parking lot at the end of Savannah Road; the survey regarding allowing beach concessions on the beaches is open until the end of March; the Hazard Mitigation Planning meeting conducted a hurricane tabletop exercise; met with PRC Commissioner Mardi Thompson regarding a tree ordinance and how to include strengthening the ordinance requirements; draft of the buffer ordinance to be sent to Commissioners for review and discussion at the June meeting, and to also be reviewed by the speakers that were present for the February Water Workshop meeting.

ADJOURN: *Ms. Cannata made a motion to adjourn; Ms. Moser seconded the motion, which passed unanimously.*

The meeting adjourned at 7:30 P.M.

Respectfully submitted,
Jackie Doherty, Recording Secretary
Lewes Planning Commission