

TOWN OF GEORGETOWN - PLANNING COMMISSION

Meeting Minutes August 21, 2024

ATTENDANCE

Commissioners

Larry Rohlfig
Linda Dennis
Lance Mears
Edwin Wise
Michael Briggs

Staff

Jocelyn Huff, Planning
Jamie Craddock, Planning
Stephanie Roblero, Planning
Tim Willard, Solicitor
Sharon Cruz, Town Engineer

1. CALL MEETING TO ORDER

Commission Chair Rohlfig called the meeting to order at 6:04 p.m.

2. APPROVAL OF JULY 17, 2024 MEETING MINUTES

Commissioner Mears moved, seconded by Commissioner Wise, to approve the July 17, 2024 regular meeting minutes as presented. Commissioner Dennis abstained as she was not in attendance for the meeting. **APPROVED (4-0, 1 Abstain)**

3. PUBLIC HEARING

- A. **CASE #2024-10 Penns Grant – 20304 Dupont Blvd**
(A) Comprehensive Plan Amendment:
Future Land Use Map
(B) Rezone Application

An application by Davison Realty, Inc., for (A) an amendment to the Town of Georgetown's Comprehensive Plan Future Land Use Map changing 14.084 acres of the 24.643 acre parcel from Commercial to Multi-Family Residential & (B) an official zoning map amendment of 14.084 acres of the parcel from Highway Commercial District (HC) to Townhouse Residential District (MR2). The property is located at 20304 Dupont Boulevard, identified as SC Tax Parcel 135-14.00-34.00.

Doug Liberman, of Larson Engineering, presented the application. Minor Variation granted by the Town and concurrence was provided by the State.

Chairman Rohlfig opened the public hearing for comment.

Casey Christophel asked if there will be any apartments and expressed concern for impacts to fire departments and schools. Not against it, just want the Town to be prepared.

Chairman Rohlfig closed the public hearing.

Commissioner Dennis moved, to recommend Town Council APPROVE the Comprehensive Plan Future Land Use Map amendment from Commercial to Multifamily Residential, as presented. Motion died, no second.

Commissioner Mears recused himself from voting.

Commissioner Wise moved, seconded by Commissioner Briggs, to recommend Town Council DENY the Comprehensive Plan Future Land Use Map amendment from Commercial to Multifamily Residential, as emergency responders cannot handle what the Town has now. This would be a bigger burden.

Roll call vote:

Commissioner Mears - Recused

Commissioner Wise – Yes, based on the safety of the residents of Georgetown.

Commissioner Briggs – Yes, same reason, for the safety of the residents of Georgetown.

Commissioner Dennis - No

Chairperson Rohlring – No, not approving project, this is preliminary step to updating the maps.

MOTION DIED (2-2, 1 recused)

Commissioner Wise moved, to recommend Town Council DENY the Zoning Map amendment from Highway Commercial District (HC) to Townhouse Residential District (MR2). No second. Motion dies.

**B. CASE #2024-11 Delmarva Christian School – 21777 Sussex Pines Rd
(A) Comprehensive Plan Amendment:
Future Land Use Map
(B) Rezone Application**

An application by Delmarva Christian Schools, Inc., for (A) an amendment to the Town of Georgetown's Comprehensive Plan Future Land Use Map changing approximately 31.33 acres of the 60.52 acre parcel from Single-Family Residential to Institutional & (B) an official zoning map amendment of approximately 31.33 acres of the parcel from Neighborhood Residential (UR3) to Educational District (ED). The property is located at 21777 Sussex Pines Road, identified as SC Tax Parcel 135-20.00-26.00.

Mark Davidson, of Penonni Associates, presented the application. Also in attendance were Marlene Brown, Matt Kwiatkowski and Justin Savini. A minor variation was granted on June 18, 2024.

Chairman Rohlring opened the public hearing for comment. No comments, either for or against, were given.

Chairman Rohlring closed the public hearing.

Commissioner Dennis moved, seconded by Commissioner Briggs, to recommend Town Council APPROVE the Comprehensive Plan Future Land Use Map amendment from Single Family Residential to Institutional, as presented.

Roll call vote:

Commissioner Mears - Yes

Commissioner Wise -Yes

Commissioner Briggs - Yes

Commissioner Dennis - Yes

Chairperson Rohlfing –Yes

APPROVED (UNANIMOUS)

Commissioner Dennis moved, seconded by Commissioner Wise, to recommend Town Council APPROVE the Zoning Map amendment from Neighborhood Residential District (UR3) to Educational District (ED), as presented.

Roll call vote:

Commissioner Mears - Yes

Commissioner Wise -Yes

Commissioner Briggs - Yes

Commissioner Dennis - Yes

Chairperson Rohlfing –Yes

APPROVED (UNANIMOUS)

4. OLD BUSINESS

A. CASE #2022-14 SHORTLEAF PRESERVE

Clarification of the Planning Commission's action and vote on the preliminary subdivision plan presented at their July 17, 2024 meeting.

Mr. Willard summarized the voting process of the last meeting and the need to clarify the vote.

Commissioner Dennis was not present at last meeting and will not participate in clarification.

Commissioner Briggs moved, seconded by Commissioner Wise, to withdraw his previous motion.

Roll call vote:

Commissioner Mears - Yes

Commissioner Wise -Yes

Commissioner Briggs - Yes

Chairperson Rohlfing –Yes

APPROVED (UNANIMOUS 4-0)

Commissioner Briggs moved, seconded by Commissioner Wise, to DENY the preliminary application due to the traffic out there and under the purpose of §194-2

it does state the Commission is creating conditions favorable to the health, safety and general welfare of the Town of Georgetown. Parker Road cannot handle that.

Roll call vote:

Commissioner Mears – Yes, based on the safety factors as stated in the motion

Commissioner Wise – Yes, based on the safety factors and the road cannot handle that kind of congestion.

Commissioner Briggs – Yes, based on the motion.

Chairperson Rohlfing – No, the plan provided to the Town meets the Town code, it is understood the concerns with the road and DelDOT will need to address them, and if growth is going to happen in the Town requests cannot be denied.

APPROVED (3-1)

5. COMPREHENSIVE PLAN AMENDMENT REQUEST
A. CASE #2024-14 MINOR VARIATION REQUEST

An application by James Grant & Jordan Ashburn, to determine if a Comprehensive Plan Map Amendment request can be classified as a Minor Variation. The property is located on the east side of North Bedford Street, across from Gordy Street, identified as SC Tax Parcel 135-14.00-87.00 zoned UR1 (Urban Residential District).

Commissioner Briggs recused himself from the application.

David Hutt, of Morris James Law Firm, presented the application representing James Grant and Jordan Ashburn who are contract purchasers of the property. The application is for an almost 22 acre parcel to be considered a Minor Variation to the Comprehensive Plan Map amending the future land use from Single Family Residential to Mixed Residential utilizing an RPC overlay to the zoning.

The proposed project is for James Place, 108 residential unit community comprised of single family detached, townhomes and duplexes.

The minor variation conditions to be met:

1. The rezoning is of a unique circumstance and cannot set precedent for other lands in the vicinity of the rezoning:
 - a. As per the applicant's exhibits the Mixed Residential District is scattered throughout the Town and hasn't set a precedent in those other areas. The UR1 would remain the base zoning. The property to the south is developed as single family homes.
2. The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan:
 - a. Based on the acreage the development would be minor compared to other RPC's and it doesn't change the underlying use of the property.

3. The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area:
 - a. The underlying zoning will not change. The surrounding zoning is UR1, Urban Residential. The single family detached units will be adjacent to surrounding single family detached homes while the Townhomes and duplexes will be to the back of the development and provide additional options.

The Commission questioned the breakdown of the types of homes. The applicant stated the distribution is 60 single family detached, 28 duplexes and 20 townhomes (parallel to the railroad tracks at the rear of the property).

Commissioner Mears moved, seconded by Commissioner Wise, to APPROVE the application as a Minor Variation, based on the Town's criteria as presented.

Roll call vote:

Commissioner Mears – Yes

Commissioner Briggs - Recused

Commissioner Wise -Yes

Commissioner Dennis - Yes

Chairperson Rohlfing –Yes

APPROVED (4-0, 1 recused)

6. PRELIMINARY SITE PLAN

A. KINGFISHER COURT APARTMENTS

An application by Apennine Acquisition Co Inc., for the preliminary review and approval for the construction of six apartment buildings with a total of 106 units. The properties are located north of the center of Georgetown with frontage on Savannah Road and Calhoun Street, identified as SC Tax Parcels 135-14.16-69.00 & 70.00, 135-14.00-100.00, zoned MR1 (Multifamily Residential District).

David Hutt, of Morris James, presented the application on behalf of Apennine Acquisition Co Inc, the contract purchasers of the property. Also in attendance are Sean Allen, Linda Smith, Alan Hill and Bob Wheatley.

One of the six buildings will include an onsite management office and a community center with a kitchen, gathering room, a gym and bathroom facilities. All residents will be screened with a criminal background check and credit check done. The applicant has applied to Delaware State Housing Authority to participate in their workforce housing program. If accepted, 15% of the units would be rented at 65% of the market rate units. The balance of the apartments would be at market rate.

There will be 36 one bedroom, 35 two bedroom and 35 three bedroom units, with the entrance on Savannah Road. The Board of Adjustment approved a special exception waiving the requirement of loading spaces on June 5, 2024. Town Council abandoned a small portion of Calhoun Street and easements for utilities for the project on June 24, 2024.

The applicant reviewed the surrounding uses and the design standard requirements for bufferyards. A letter that was submitted by Paul Townsend, president of SAW Inc., stated that their adjacent parcel was only ever used for treatment of process water from processing vegetables and not sanitary sewerage. The owner has been working with DNREC to decommission the treatment facility, not used since 2018.

The Commission addressed the Town Engineer with questions related to the waivers. Ms. Cruz confirmed that the proposed bufferyards do not meet the intent of the Design Standards, specifically with the daycare and Perdue. A question was posed to the Town legal counsel in regards to item #8 referenced in the applicant's request regarding the 50' buffer required on a previously developed parcel versus the newly developing parcel and how the Design Standards were intended. Mr. Willard will need to look into the standards closer prior to a decision. Ms Cruz confirmed that the issue with the two buildings only 20' from the property line is the biggest concern.

Chairman Rohlfing stated that several letters were submitted, opposing the apartments due to safety issues, possible criminal activity and traffic generated, received from the adjoining daycare, its' Board of Directors and members along with a petition.

The Commission questioned if apartments would be considered Section 8 apartments. The applicant affirmed that an application is pending for workforce designation, they will not be Section 8. Estimated market rate rents will be \$1,395 for one bedroom, \$1,550 for two bedroom and \$1,795 for three bedroom units.

While the agenda item is not a public hearing, public comment was allowed.

Casey Christophel, of Primeros Pasos Daycare, expressed concern with flooding after a rain and the impacts to pedestrians and cars with current volumes. The Town is not prepared for the increases and impacts to emergency response.

Kelly Jansen, business at 104 East Pine Street and part owner of parcels to be developed, emphasized need for housing and gave stats on sex offenders in the area (Perdue) and stressed how difficult it is to get employees primarily due to lack of affordable housing.

Commissioner Wise moved, seconded by Commissioner Briggs, to TABLE the application until the Town legal counsel can provide guidance on the waiver request question.

Roll call vote:

Commissioner Mears - Yes

Commissioner Wise -Yes

Commissioner Briggs - Yes
Commissioner Dennis - Yes
Chairperson Rohlfig - Yes
APPROVED (UNANIMOUS)

7. PUBLIC COMMENT

Tom Weaver, local business owner, is in favor of the application as the need for housing impacts hiring employees and, as a part owner of the properties, has been contacted by Ms. Christophel and Perdue wishing to purchase or have the property donated to extend the daycare. Also, the development of the property will help to decrease any current criminal element in the area.

Casey Christophel, of Primeros Pasos, confirmed there is a need for child care, did try to contact the owners to purchase the land, and expressed concern for the fire company and police impacts and that the schools are overwhelmed and understaffed.

Bob Wheatley, realtor and land use consultant, emphasized that the location is excellent for apartments with a large employer and a daycare center. Extensive background checks and onsite management will reduce any negative impacts.


8. PLANNING DEPARTMENT REPORT

The Planning Department provided updates on projects to the Commission.

9. ADJOURNMENT

Commissioner Dennis moved, seconded by Commissioner Wise, to adjourn the meeting at 7:58 p.m. **APPROVED (UNANIMOUS)**

APPROVED:



Larry Rohlfig, Chairperson

ATTEST:



Jocelyn Huff, Planning