



# PLANNING & ZONING

## AGENDAS & MINUTES

### MINUTES OF THE REGULAR MEETING OF JULY 18, 2012

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, July 18, 2012, in the County Council Chambers, County Administrative Office Building, in Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. I.G. Burton, III, Mr. Martin Ross and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, and Mr. Lawrence Lank – Director.

Mr. Lank introduced Andrew Dolby, Intern for the Department, to the Commission and advised the Commission that Andrew has been very helpful in performing research for the staff when reviewing ordinances.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

It was noted that the purpose of this special meeting is to discuss sidewalks and for a presentation on “Community – Viz”.

RE: Sidewalks

Mr. Robertson stated that there is a need for a determination as to who has jurisdiction over sidewalks within the County, the Zoning Department or the County Engineering Department Public Works Division, and whether a sidewalk is an amenity or a street feature; that there is a need for uniformity; questioning if sidewalks should be totally under the jurisdiction of the County Engineering Department; that a portion of the cluster ordinance relates to sidewalks on one side; that sidewalks create a cost in the development of the project and a major cost in maintenance by the homeowners association; that in some areas walkers have a preference to use the street for walking; that New Castle County requires sidewalks on both sides of a street unless the lots exceed 1 acre; that Kent County regulations make reference to projects with less than 3 units per acre having sidewalks on both sides of collector roads, and on both sides of all streets if the project is greater than 3 units per acre; that possibilities for consideration could include a certain acreage for a project, the location of a project, i.e. a Developing Area v. a Low Density Area, the zoning classification, density, i.e. 0.75 acre lot or larger – no sidewalks, 7,500 square feet lots – sidewalks on both sides of the streets, the number of lots in a project, i.e. not exceeding a certain number of lots – sidewalks on one side of the street, or the number of lots exceeding a higher number – sidewalks on both sides of the street.

Mr. Smith referenced that in the past the Commission has considered sidewalks project by project, and questioned whether sidewalks are an amenity or a public works issue.

Mr. Robertson added that bonding is one of the issues that needs to be address, and questioned if there was a consensus that sidewalks should be required.

Mr. Wheatley stated that the issue needs to be resolved.

Mr. Robertson stated that both New Castle County and Kent County have methods to opt-out of requiring sidewalks by establishment of waivers.

Mr. Wheatley stated that sidewalks were originally proffered by the Applicants.

Mr. Ross questioned the need for a requirement; questioned if sidewalks should be in all subdivisions; and questioned interconnectivity.

Mr. Robertson stated that sidewalks could be required in Developing Areas if lots are small and over a certain number of lots.

Mr. Wheatley stated that sidewalks are actually a part of the transportation system, and provide access and movement for pedestrians.

Mr. Burton asked if the staff was asking the Commission if we want sidewalks or not in projects, based on a certain number of lots, and added that sidewalks should be located in subdivisions close to Developing Areas.

Mr. Wheatley stated that we do not want to create more subdivisions in the rural areas only because sidewalks are not going to be required, and added that there are differences between sidewalks and walking paths.

Mr. Johnson stated that he would agree with the concept of using density as a factor for establishing whether sidewalks are required, not the number of lots.

In response to the issue of using density v. number of lots, Bryan Hall, present representing the Office of State Planning Coordination, advised the Commission that some projects come in for review with 49 lots, rather than 50 lots, to get out of applying for the Preliminary Land Use Service (PLUS) process, and that some projects come in for review with 99 lots, rather than 100 lots, to get out of dealing with DNREC issues.

Mr. Johnson questioned interconnectivity, as was previously questioned by Mr. Ross.

Mr. Robertson stated that the Commission could use zoning classifications for requiring sidewalks, i.e. MR, GR and HR districts.

Mr. Johnson stated that an acreage method may not work, due to a site having substantial wetlands on-site.

Mr. Ross stated that there may not be a need for sidewalks; that interconnectivity is still an issue; and that the layout of a project could dictate the amount of sidewalks since traffic in the front of a project can be busy, and in the rear very relaxed; and that we want to encourage growth in the Developing Areas, not push development out into rural areas.

Mr. Robertson reminded the Commission that we have seen Applicants proffering sidewalks, getting approval with sidewalks, and then returning some time later requesting deletion of the sidewalk requirement, that they proffered, and that there should be uniformity for how these are dealt with under the Code.

Andrew Dolby stated that density seems to be the most important factor, and that he is willing to work with Mr. Robertson and staff to develop criteria.

Mr. Smith asked Robert Stewart, Director of Emergency Management Services, to come up and offer his input.

Mr. Stewart stated that sidewalks are a public safety benefit providing a smooth surface for taking people to and from their home to an ambulance, if needed; that sidewalks help keep children off of the streets; that density is a major issue; and that he supports sidewalks.

Mr. Robertson asked Michael Brady, Director of Public Works, to come up and offer his input.

Mr. Brady stated that his Department reviews construction plans after the Commission has approved a preliminary plan for a project; that streets with curb/gutter have closed drainage systems, which do not have design issues; that streets with swales are another story and create some drainage issues; that sidewalks should not be along the edge of roadways due to safety concerns; that in streets with swales systems the streets and sidewalks have to cross over the drainage swales creating construction issues; that when projects have lots that are 0.50 and 0.75 acre in size or greater sidewalk may not be required; that the biggest issue for design is open drainage projects, not curb/gutter projects; that the American Disabilities Act requires that all sidewalks be code compliant with no more than 2% slope; that sidewalks that are less than 5' wide need a 5' x 5' area for wheel chairs to pass at 200' interval; that sidewalks should never be permitted to be less than 3' in width; that it is difficult for two people to pass each other on a sidewalk that is only 4' in width; and that he does not support sidewalks next to pavement due to safety concerns.

Mr. Wheatley stated that density should be the issue.

Mr. Ross added that he agreed that density should be the issue, and added that logic should also be considered.

Mr. Robertson stated that he will proceed with preparation of a working document with Mr. Dolby and the staff.

RE: "Community-Viz"

Bryan Hall of the Office of State Planning Coordination, Ed Lewandowski of the Sea Grant Program with the University of Delaware, and Bill McGowan and Carol Bason of the University of Delaware were present to do a presentation on the Community-Viz program, and stated in the program for this evening will include an introduction, an overview of tools and the process, a simple planning exercise, a WeTable demonstration with a planning exercise, and time for questions; that their program presentation references that the purpose of the program is to demonstrate technology that allows for a conversation on community's future; that the goal of the program is to capture thoughts, ideas and concerns so that they may be incorporated into a master plan; to provide predictability to all communities whether it is the development or business community or your community; to build consensus; and to provide shovel ready opportunities to promote economic development, etc.; that master planning is proactive planning that occurs beyond the boundaries of any one local government; that a master plan is defined as a land use plan focused on one or more sites within an area that identifies access and general improvements, and is intended to guide growth and development over a number of years or in phases; that master plans are intended to address issues that transcend the local level, for example: growth and development; transportation; property rights; affordable housing; air and water quality; and agricultural district planning; that the tools of their presentation are the WeTable and the Sussex County Land Use Model; that they refer to this session as Planning 101 where you become the planner; that you will need to think through the pro's and con's to plan the community's future; that in Planning 101, "density" is defined as "the number of dwelling units per acre of land"; that "land use" is defined as "the various types of development that might occur on a given piece of land"; that "zoning" is defined as "a police powers measure in which the community is divided into districts or zones where permitted uses are established governing densities, lot sizes, building placement, sizes and heights, and other development standards; that they are going to be talking density and land use primarily in this presentation; that the community land use model uses 100-acre cross-country grid to develop a study area for any given part of the County; that the task is to discuss the various types of crayons needed to build a new community in the County to establish the concept of density and things that may allow, limit and enhance future development; that in example, the Del-Tech campus in Georgetown contains approximately 100 acres; that the community land use model is: a geographical representation of community land use with 100-acre tiles forming a cross-country grid which is impartial, representative, and reproducible; that the set of assigned land use designations creates form-

based code, and a Sussex County custom land use; that the numeric and spatial analysis will create a build-out growth scenario with demographic impacts; and creates a set of assumptions and constraints; that the benefits of the land use model provides a method of stakeholder interests which can be visualized and analyzed; that the public can deliberate and make land use choices; that it creates an “on-the-fly” impact analysis and identifies consequences; that the “what-if” process provides implementation options; that the iterative tradeoff and visualization process leads to consensus; and that the “ready-to-go” model looks at State, local and regional planning; that the land use model parameters include; residential dwelling units, non-residential floor area and employees, residential and non-residential demographics, “out-of-play” unbuildable areas from State policies, and “build” efficiency factors, creating a tool for public involvement in land use decisions; that the land use model crayon palette includes colors for density and dwelling units, non-residential square footages, and build efficiency (full occupancy); that the tiles to be used include tiles for employment center areas, rural communities, suburban and urban mixed use communities; that the rural community areas include density factors from 1 dwelling unit to 5 dwelling units per 100 acres; that the suburban and urban mixed use communities include density factors of suburban - 2 dwelling units per acre, urban mixed - 6 dwelling units per acre and mixed uses, and town center – 8 dwelling units per acre and mixed uses, and the non-residential places include employment/institutional and retail/shopping centers; that the basic concepts include building from a central point, existing elements that may impact growth, the natural environment, services, infrastructure, and values; that the We-Table presentation is built on the Nintendo Wi platform, provides real time collection of data, provides for real time changes, and is fun to work with; that the purpose of the Bridgeville/Greenwood Master Plan is to address the Chesapeake Bay TMDLs; that the Chesapeake Bay Watershed includes a large part of Sussex County; that a master plan addresses density and land use, not zoning; that the model’s community land use types include residential, parks, churches, farms, industrial, and natural features, etc..

The representatives showed the Commission how the We-Table works as referenced above with interaction from the Commission.

Mr. Wheatley, on behalf of the Commission, thanked Mr. Hall, Mr. Lewandowski, Mr. McGowan, and Ms. Bason for the presentation.

Meeting adjourned at 5:17 p.m.