

# TOWN OF GEORGETOWN - PLANNING COMMISSION

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## Meeting Minutes October 20, 2021

### ATTENDANCE

#### Commissioners

Larry Rohlfsing  
Linda Dennis  
Lance Mears  
Suraj Gyani  
Eric Evans

#### Staff

Jocelyn Huff, Planning  
Jamie Craddock, Planning  
Tim Willard, Solicitor  
Ring Lardner (DBF), Engineer

### 1. CALL MEETING TO ORDER

Commission Chair Rohlfsing called the meeting to order at 6:00 p.m.

### 2. APPROVAL OF SEPTEMBER 15, 2021 MEETING MINUTES

Commissioner Evans moved, seconded by Commissioner Mears, to approve the September 15, 2021 regular meeting minutes as presented. **APPROVED**  
**(UNANIMOUS)**

### 3. PUBLIC HEARING

#### A. CASE #2021-20 Rezone Application

*An application by The State of Delaware, for an official zoning map amendment from Professional Business District (UB3) to Historic District (HD). The property is located at 115 East Pine Street, identified as Sussex County Tax Map ID 135-15.17-148.01.*

Vince Robertson, of Parkowski, Guerke & Swayze PA, presented the request for the zoning amendment. Also presenting was Judge Michael Newell, James Taylor (Duffield Associates), and Bill Lenihan (Tevebaugh Associates). The current 31,000 sq ft building was built in 1988 and needs replacement as it is no longer functional or safe. The Family Court building is the last Sussex County court to receive an upgrade. A feasibility study was done in 2014 to assist with relocation decisions. There is efficiency with being located close to the other courts and other support systems.

Chief Judge Newell shared that in a 2006 space study the court received the lowest rating. In 2012 a US Marshalls report indicated the building was unsafe and undignified. The caseload has doubled since 1988. There are currently 10,000 filings a year.

Bill Lenihan reviewed the feasibility study done for space allocation needs and site selection criteria.

Mr. Robertson stated the rezoning is for a single parcel surrounded by Historic District zoning. The change would allow the parcels to be combined for the complex. Once the rezone is approved, the Board of Adjustment application can be reduced by seven variance requests.

Chairman Rohlfing confirmed for the record that there is only one public hearing on the agenda for the zoning amendment. The Commission had no questions for the applicant. Chairman Rohlfing opened the public hearing for comment:

Dennis Winzenreid, of 23365 Park Avenue, in favor of application as it will be an excellent addition to the Town, it fits in with the area around it and will be a boon to downtown businesses.

Robert Lingo, 119 East Pine Street, has no issue with the court but with the parking garage; if the zoning is changed, there is no setback and the drawing shows the building will be one foot away from his bay window. Asking the State to adjust the structure so the view is not a wall.

Ms. Huff confirmed that no correspondence had been received either for or against the application.

The public hearing was closed.

**Commissioner Dennis moved, seconded by Commissioner Evans, to recommend approval of the zoning amendment from UB3 to HD for consistency in the zoning with the adjacent properties to the Town Council. APPROVED (UNANIMOUS)**

**Roll call vote:**

**Commissioner Evans—Yes, need to remove the spot zoning.**

**Commissioner Dennis –Yes**

**Commissioner Mears – Yes**

**Commissioner Gyani - Yes**

**Chairperson Rohlfing –Yes**

#### 4. PRELIMINARY SITE PLAN REVIEW

##### A. CASE #2021-17 Sussex County Family Court

*An application by Duffield Associates, LLC., on behalf of, The State of Delaware for the preliminary site plan review and approval of a +/- 110,280 square foot courthouse and six (6) story parking structure. The property is located at the intersection of East Market Street and South Race Street, identified as Sussex County Tax Map ID 135-14.20 Parcels 223.00; 224.00; 225.00; 226.00; 227.00; 228.00; 229.00; 230.00; 231.00; 232.00; 233.00 zoned HD (Historic District) and 135-15.17-148.01 zoned UB3 (Professional Business District).*

Vince Robertson, James Taylor & Bill Lenihan presented the application. Mr. Robertson stated the project went through the PLUS process for comments resulting in a letter dated 8/23/21, with no issues. The project requires application to the Board of Adjustment for four variances regarding the number of parking spaces no category for courthouse), height of the building (to provide the 420 parking spaces), size of the parking spaces and reduction of the drive aisle width.

Mr. Taylor, engineer with Duffield Assocs., reviewed the site plan and access to the site. The entrance off of Market Street will be a controlled access point for judges, commissioners and delivery vehicles with a gate. The main public access will be off of East Pine Street with two access points. The first will be for staff and the second will be for the public access to the parking structure. There is a third entrance that will be used for the sally port access.

There will be brick sidewalks and landscaping along the surrounding streets. Dumpster and trash access will be to the back of the property and screened. Primary public access will be at the corner of Market and Race Streets.

Mr. Lenihan reviewed the design elements of the buildings following three public information sessions.

The Commission questioned the security of the parking garage and if parking will be permit only or paid. Mr. Lenihan stated the 1<sup>st</sup> floor will be secure for staff and gated. The public floors will be gated during the off hours. The recommendation is to provide unpaid parking; however, the final decision has not been made yet.

A parking demand study was completed to determine the number of spaces needed. Sussex County will be assigned 100 spaces for displaced parking. Approximately half of the remaining spaces will be for the staff and half for public use.

Commissioner Dennis read into record several comments regarding the project and concerns with the process and lack of public involvement in the beginning. There is no question on the need of the facility. The main concern is that the location is inadequate

for the proposed size of the building. The final elevations should also be more historic and less to the modern.

Lisa Fensick, of Georgetown EMS and the American Legion, questioned ambulance access and elevator sizes and stated that no ability to serve letter was received.

Ms. Huff confirmed that per Town Code the applicant is required to provide with the preliminary plan 'ability to serve letters' from utility providers other than the Town of Georgetown (for power, gas, communications, emergency, fire and ambulance) evidencing the ability of the applicant to obtain such services for the proposed project.

**Commissioner Evans moved, seconded by Commissioner Mears, to APPROVE the preliminary site plan contingent upon the following:**

- 1. State agency approvals**
- 2. Satisfaction of Town Engineer's comments**
- 3. Approval of Board of Adjustment requests**
- 4. Contact with EMS and the Georgetown Fire Department (face to face) to review the project**

**APPROVED (4 yes – 1 no)**

**Roll call vote:**

**Commissioner Evans–Yes**

**Commissioner Dennis –No**

**Commissioner Mears – Yes**

**Commissioner Gyani - Yes**

**Chairperson Rohlfig –Yes**

Commissioner Gyani excused himself from the meeting.

## **5. PRELIMINARY SUBDIVISION REVIEW**

### **A. CASE #2020-15 Admirals Landing (Old Shipbuilders Village)**

*An application by Larson Engineering Group, Inc., on behalf of KHovnanian Homes, Inc., for the preliminary subdivision review and approval of +/- 150 lot residential townhouse subdivision. The properties are located on the west side of Vaughn Road at the intersection of Ennis Road, identified as Sussex County Tax Map ID 135-14.00-44.01; 47.01 & 50.00 zoned MR2 (Townhouse Residential District).*

Mike Irons, Division President of KHovnanian Homes, presented the application along with Jonathan Contant, of Khovnanian Homes and Andrew Collins of Larson Engineering.

The property was rezoned from UR1 to MR2 for Townhomes last year. The project is for 158 fee simple two story townhomes on 50.8 acres. There are two access points along Vaughn Road. The wetlands and tax ditch have been preserved. There are over 20 acres

of open space. 40% of the property is some form of open space. There will be a pool, clubhouse and tot lot provided to be maintained by a homeowner's association. The homeowner's association will also maintain individual lawns.

Sidewalks are being provided on both sides of the streets. Pedestrian access is also provided along Vaughn Road. 316 parking spaces are required (two per unit). 59 overflow spaces of head in parking have also been added. Additional spaces have been added as on lot spaces for a calculated total of 627 parking spaces.

Mr. Contant reviewed entry monument signage and landscaping proposed. The 1600 sq ft clubhouse will include outdoor showers and a 30' x 50' pool. The Design Standards were addressed with the elevations.

The Commission expressed concern with the sidewalk along Vaughn Road, where it routes toward the road and back, and a footbridge was recommended for safety reasons. Applicant to address with DelDOT. Also, the parking spaces are required to be 10' x 20' and the 20' is to be behind the property line and behind the sidewalk.

Lisa Fensick, of EMS/American Legion, requested a copy of the site plan and expressed concern regarding the street widths of the cul-de-sacs.

**Waiver 1:**

Requirement – Home foundation shall be faced with brick or pargeted stucco surfacing.

Request - To use painted and texturized concrete and the street facing side will include a stone water table.

**Commissioner Mears moved, seconded by Commissioner Evans, to APPROVE the waiver as requested. APPROVED (UNANIMOUS)**

**Roll call vote:**

**Commissioner Evans– Yes**

**Commissioner Dennis – Yes**

**Commissioner Mears – Yes**

**Chairperson Rohlfig – Yes**

**Waiver 2:**

Requirement – Landscaping shall screen to reduce views to adjacent commercial or industrial development and utility boxes.

Request – Waiver of requirement for landscaping to reduce view of utility boxes.

**Commissioner Evans moved, seconded by Commissioner Mears, to APPROVE the waiver as requested. APPROVED (UNANIMOUS)**

**Roll call vote:**

**Commissioner Evans–Yes**

**Commissioner Dennis –Yes**

**Commissioner Mears – Yes**

**Chairperson Rohlfing –Yes**

Waiver 3:

Requirement – Building floor area shall extend at least 5 feet closer to the front lot line than the face of the garage doors.

Request – Given the footprint of a townhome, a 5' setback of the garage door is not a viable option for practical living space. Khov will use elegant carriage style garage doors with hardware and windows and integrated overhang/roofline.

**Commissioner Mears moved, seconded by Commissioner Evans, to APPROVE the waiver as requested. APPROVED (UNANIMOUS)**

**Roll call vote:**

**Commissioner Evans–Yes**

**Commissioner Dennis –Yes**

**Commissioner Mears – Yes**

**Chairperson Rohlfing –Yes**

**Commissioner Evans moved, seconded by Commissioner Mears, to APPROVE the preliminary site plan contingent upon the following:**

- 1. State agency approvals**
- 2. Satisfaction of Town Engineer's comments**
- 3. Applicant to address DelDOT about the sidewalk along Vaughn Road and potential for a footbridge for safety reasons**

**APPROVED (UNANIMOUS)**

**Roll call vote:**

**Commissioner Evans–Yes**

**Commissioner Dennis –Yes**

**Commissioner Mears – Yes**

**Chairperson Rohlfing –Yes**

**6. DISCUSSION: COMPREHENSIVE PLAN AMENDMENT PROCESS**

The Planning Department provided a proposed process for discussion with the Commission. Once process is finalized, applications can be submitted by the applicant and then addressed at the next meeting.

**7. PUBLIC COMMENT**

No public comment was provided.

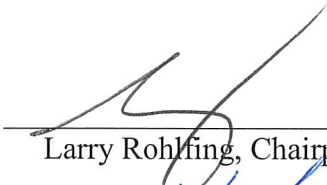
**8. PLANNING DEPARTMENT REPORT**

Planning Department provided updates on projects.

**9. ADJOURNMENT**

Commissioner Evans moved, seconded by Commissioner Mears, to adjourn the meeting at 8:53 p.m. **APPROVED (UNANIMOUS)**

APPROVED:

  
Larry Rohlfing, Chairperson

ATTEST:

  
Jocelyn Huff, Planning