

**MINUTES OF THE TOWN OF SELBYVILLE
PUBLIC HEARING AND SPECIAL COUNCIL MEETING
APRIL 27, 2022**

Mayor Murray and Councilmembers Richard Duncan, Clarence Tingle and Carol Cary were in attendance. Councilman Frank Smith was absent. Mayor Murray welcomed everyone and thanked them for attending.

The meeting was properly posted.

Mayor Murray opened Public Hearing #1 –

Town Manager Stacey Long read the first Resolution into the Minutes.

A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON APRIL 27, 2022 AT 4 P.M. AT THE TOWN HALL, 1 W CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY KEITH AND SHELLEY COFFIN, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 533-17.00-182.00, FROM R-4 RESIDENTIAL TO NB NEIGHBORHOOD BUSINESS.

Stacey requested that the applicants come forward, introduce themselves and present their request and reasoning for the rezoning.

Keith Coffin introduced himself. He stated that when he purchased the property at the corner of Lighthouse and Hudson Road it had an old garage on it. Hearing that the property had once been an airport, he believed it to have commercial potential. He stated that he came to Town Hall over a year ago, requesting commercial zoning, and that he was denied because an adjoining neighborhood did not want gas stations, such as Wawa, Seven Eleven or Royal Farms. Mr. Coffin then met with members of the Lighthouse Lakes Homeowner's Association who reiterated that they did not want these types of business, so he relented. Later, he met with Stacey at Town Hall who advised him that the Mayor and Council were creating a new Neighborhood Business zone that would not allow large box stores or gas stations. Fourteen months later, he stated that he's returning with a request to rezone to Neighborhood Business. He believes that the location, at a crossroad, is where a Neighborhood Business should be allowed. He also addressed the number of existing developments, the potential growth and the need for services. Mr. Coffin concluded by stating that he's a reasonable person and that he has been patient. He believes Neighborhood Business is a good compromise. He vowed to be a good neighbor and asked the audience for their understanding.

The Mayor acknowledged the meeting over a year ago and the upset over gas stations. He stated that the town is trying to work with everyone on the issue. Councilman Tingle stated that he agrees with Mr. Coffin's vision of the property. Councilman Duncan stated that the Council is trying to be fair to everyone involved and he thanked the Coffin's for giving the town

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time to explore other options and to create new zoning district. He also agreed that limited commercial services are needed in the area.

Stacey clarified that the property is located in front of Saltwater Landing. She stated that she received a single correspondence on the matter but that it was received after the advertised deadline date. Councilman Duncan made a motion to accept a letter received after the deadline date. Motion seconded by Councilwoman Cary and carried by all. Stacey read the letter from June Cagiwa into the Minutes. Ms. Cagiwa owns property at 28284 Channel Drive. Her letter stated that she is opposed to the rezoning because of the noise, traffic and water usage.

Stacey then opened the floor to property owners who received a letter from the town identifying them as being located within 100 feet of the subject property. She requested that they state their name and address before making any comments. Those not wishing to speak, were instructed to state "No Comment" or to remain silent. Stacey then called each letter recipient by name.

1. Selbyville Towne Village LLC
2. Deborah Roop – 29249 Channel Drive
3. Garrett Piel and Samantha Lane – 29265 Channel Drive
4. JUN LLC
5. David Efird – 37116 Hudson Road
6. Stephanie Kriebel- - 25037 Saltwater Circle – **Opposed** – noise, dirt, buffer, value of her property.
7. George & Diana Steinbeck – 25246 Saltwater Circle – **Opposed** – buffer, told by Ryan Homes the property would not be developed.
8. Marvin and Cathy Councilman – 29253 Channel Drive
9. Robert and Wanda Powers – 29273 Channel Drive
10. A&D Daisey Farms, LLC – 32647 Lighthouse Road
11. Edward Henry & Lisa Audette – 25031 Saltwater Circle
12. Paul Clark and Giovanna Loizaga – 25252 Saltwater Circle
13. Keith and Christy Crotty – 25242 Saltwater Circle - **Opposed** – told by Ryan Homes the property would not be developed, no disclosure, increased crime rate, noise, lights
14. David and Sandra Crothers – 29259 Channel Drive
15. Kaitlyn Reese – 32510 Lighthouse Road
16. James and Geraldine Delmont – 29285 Channel Drive
17. Bunting – Macks II, LLC
18. Margaret Dennis – "No comment"
19. NVR

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20. Alexander Choo and Sohee Han – 25035 Saltwater Circle
21. Thomas and Kathryn Burke – 25250 Saltwater Circle
22. Jerome Dunworth – 25238 Saltwater Circle
23. Cheryl Humphreys - Representative from Lighthouse Lakes HOA / Treasurer
- 27242 Shipwreck Drive – **In favor** - Neighborhood Business works best.
The HOA previously provided Mr. Coffin with a list of agreeable businesses, the list signed by 200+ residents of LHL.

Stacey opened the floor to anyone else in the audience who wished to speak.

24. Alan Thrift– 25236 Saltwater Circle - **Opposed** - lights, noise, drainage.
25. Patricia Banks – 25228 Saltwater Circle – **In favor** – work together.
26. Deborah Holthaus – 25220 Saltwater Circle – **Opposed** – traffic, water,
told by Ryan Homes the property would not be developed.
27. Wanda Powers - 29273 Channel Drive – **Opposed** - but knows there needs
to be compromise.

Stacey read the list of permitted uses for Neighborhood Business into the Minutes. She also read the height and measurement requirements, adding that extensive research and time went into writing the code. Mayor Murray stated that any potential business owner would first have to go through Planning and Zoning for approval. That committee can set conditions on buffers, etc. during the site plan review.

28. Darlene Ward – Lighthouse Lakes HOA Board – **Opposed** – buffer.

Stacey redirected the discussion back to the topic at hand, a request for rezoning. She stated that it is pointless to discuss hypothetical situations. Mayor Murray stated again that Planning and Zoning meetings are open to the public and it's at those meetings that proposed uses, buffers, landscaping, fencing, etc, is discussed.

Mayor Murray took the opportunity to address the town's Future Land Use Plan. He stated the town worked very hard on it and that they have a commitment to it. Stacey added that the town's most recent Comprehensive Plan was readopted in August 2020. She stated that two of Mr. Coffin's properties on tonight's Agenda were discussed in length by the public, by the Mayor and Council and by the Planning and Zoning Commission at joint commission meetings. The Comprehensive Plan was changed to allow Future Land Use for these properties to be shopping, business or trade. She stressed that this is a land use, not a zone. Mr. Coffin has now requested a change in zoning. Stacey stated that the property is eligible for Neighborhood Business zoning if approved.

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Councilman Duncan made a motion to close Public Hearing #1. Motion seconded by Councilman Tingle and carried by all.

Mayor Murray opened Public Hearing #2 –

Town Manager Stacey Long identified the piece of property on a map and read the Resolution into the Minutes by title only.

A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON APRIL 27, 2022 AT 4 P.M. AT THE TOWN HALL, 1 W CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY KEITH AND SHELLEY COFFIN, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 533-17.00-156.07, FROM R-4 RESIDENTIAL TO GC – GENERAL COMMERCIAL.

Stacey advised that, like the previous property, this one also went under extensive review by the Mayor and Council, Planning and Zoning Commission and the Office of State Planning. It was also changed in the Comprehensive Plan under the Future Land Use for a shopping, business or trade use.

Stacey invited the applicant to come forward and present his request and reasoning for the rezoning.

Mr. Coffin stated that this property, like the other, is located at a corner, this one at the corner of Lighthouse and Lynch Road. He acknowledged that he is an investor and that when he finds a piece of property that is ideal for potential business, he purchases it. He stated that he is trying to do what is right for the area and that he is only asking for what is allowable.

The Mayor and Council had no questions of the applicant.

Town Manager Stacey Long stated that she did not receive any written correspondence concerning this particular property. She opened the floor to those property owners who received letters from the town identifying them as being located within 100 feet of the subject property. Stacey called each property owner by name:

1. Buntings-Mack LLC
2. Bruce and Sandra Bennett – 36548 Hudson Road – **Opposed** – 24-hour businesses

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3. Nelson and Marilyn Ojeda – 32106 Lynch Road – **Opposed** – 24-hour businesses
4. Wanda Bunting – 32126 Lighthouse Road
5. Doug and Tammy Clark – 32113 Lighthouse Road

Stacey invited other audience members to speak in favor of or in opposition to the proposed rezoning:

1. Susan Rowe – 32226 Lynch Road – **Opposed** - increase in traffic, 24-hour businesses.
2. Brian Rowe – 32190 Lynch Road – **Opposed** - 24-hour businesses, safety, traffic.

Mr. Coffin was invited to address the comments. He acknowledged the neighbor's opposition to 24-hour businesses but stated that he still wished to zone the property General Commercial. He suggested the neighbors come up with an acceptable list of businesses. Stacey interjected and stated that if the property were to be rezoned General Commercial, the town would not be able to deny a permitted use. The town could only attempt to regulate it. Mr. Coffin asked about changing his request to rezone the property Neighborhood Business and Stacey advised him that he would have to officially withdraw his current request and go through the application process again. Mr. Coffin stated that he would withdraw his application. Councilman Duncan applauded Mr. Coffin's desire to work with the neighbors.

Councilman Duncan made a motion to close Public Hearing #2. Motion seconded by Councilman Tingle and carried by all.

Mayor Murray opened Public Hearing #3 -

Town Manager Stacey Long identified the piece of property on a map and read the Resolution into the Minutes by title only.

A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON APRIL 27, 2022 AT 4 P.M. AT THE TOWN HALL, 1 W CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY KEITH AND SHELLEY COFFIN, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 533-17.00-156.04, FROM R-4 RESIDENTIAL TO NB NEIGHBORHOOD BUSINESS.

Stacey invited the applicant to come forward and present his request and reasoning for the rezoning.

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Mr. Coffin confirmed that this piece of property is adjacent to the property discussed in Public Hearing #2. He stated that he does not have anyone interested in the property at this time.

Councilman Tingle stated that the Comprehensive Plan would have to be changed before any zoning could be changed on this parcel. Stacey confirmed that the property is currently identified as Residential on the town's Future Land Use Map. She would have to go through the Office of State Planning to amend the map, a process that takes upwards of three months. She advised that the purpose of tonight's Public Hearing is to get the public comment before beginning that lengthy process. There would be no vote tonight.

She opened the floor to those property owners who received letters from the town identifying them as being located within 100 feet of the subject property. She called each property owner by name:

1. Robert Hudson and Janet Dukes – 32158 Lighthouse Road
2. Airey & Airey LLC – 32144 Lighthouse Road
3. Wanda Bunting – 32126 Lighthouse Road
4. Bruce and Sandra Bennett – 36548 Hudson Road – **Opposed**
5. John and Iris Hudson – 32130 Lynch Road
6. Jeff and Cathy Collins – 32187 Lynch Road – **Opposed** – traffic.
7. Kimberly and James Marowski (Marty Hudson, son) – 32442 Lynch Road – **Opposed** – traffic.

Mr. Coffin relented and stated that he will keep the property as it is currently zoned, which is R4 Residential. He stated that he is tired of fighting with the neighbors. He bought all the properties because he truly thought the town and the residents would want the services. He assured the audience that more development is coming and that services will be needed. Discussion continued and the residents of Lynch Road appeared to oppose Mr. Coffin's request primarily because of traffic and safety concerns on the smaller side roads. Stacey advised them to contact their local and state representative with their concerns.

8. Susan Rowe – 32226 Lynch Road – **Opposed**, traffic.
9. Selbyville Towne Village, LLC
10. Nelson and Marilyn Ojeda – 32106 Lynch Road

Stacey stated that she did not receive any written correspondence on this particular property. She asked if anyone else in the audience would like to speak in favor of or in opposition to the proposed rezoning. There were no further comments from the audience.

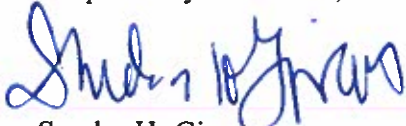
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In conclusion, Mr. Coffin stated that, for the record, he will be asking for what the Lighthouse Lakes HOA approved in his request for rezoning to Neighborhood Business at the corner of Lighthouse and Hudson Roads (533-17.00-182.00). He will withdraw his request for rezoning to General Commercial for his property located at the corner of Lighthouse and Lynch Road (533-17.00-156.07), with the intention of reapplying for Neighborhood Business. And, he agrees to leave the last property zoned Residential, as is (533-17.00-156.04). He stated that he understands the neighbor's concerns and that he hopes they see his desire to work with them.

Councilman Tingle agreed with Mr. Coffin's opinion that there needs to be some type of Commercial or Neighborhood Business zoning along Lighthouse Road. Councilman Tingle made a motion to defer a vote on Public Hearing #1 until the Regular Meeting of the Mayor and Council on Monday, May 2, 2022 where all members of the Council will be in attendance. Motion seconded by Councilwoman Cary and carried by all.

There being no further business to discuss, Councilman Duncan made a motion to adjourn the meeting. Motion seconded by Councilman Tingle and carried by all.

Respectfully submitted,



Sandra H. Givars
Assistant Secretary/Treasurer