

**The Town of Selbyville
Planning and Zoning Commission
Minutes of Meeting October 12, 2022**

The meeting was called to order by Chairman Jay Murray at 4 o'clock p.m. Also in attendance were Councilman Richard Duncan, Mike Doyle, Ken Madara and Town Manager Stacey Long. Mike West was absent.

The meeting was properly posted.

The first item on the Agenda was consideration of Preliminary Site Plan approval for Kingfisher Development consisting of 326 units (90 townhomes and 236 single family homes) located on Lighthouse Road, directly across from Lighthouse Lakes, District 5-33 Map 18.00 Parcels 5.00 and 5.01 and District 5-33 Map 11.00 Parcel 35.00, owned by West Selbyville Development, LLC. Daniel Bunting of West Selbyville Development, LLC presented a rendering of the plan. He stated that the project consists of three different parcels that were recently annexed into town. Conceptual plans for the project were discussed during the annexation process. Mr. Bunting stated that the third, and final, parcel was acquired at the request of DeIDOT. For safety reasons, DeIDOT is requesting that the Kingfisher entrance align with the current entrance into Lighthouse Lakes. Mr. Bunting stated that the proposed development will be a mixed used development, with both town homes and single family homes, on 60 foot and 75 foot lots. Their intention is to appeal to buyers at all price points. The project consists of 168 acres. Mr. Bunting stated that the proposed 326 units is well below the allowable density of 2.2 to the acre required by the R-4 Residential with an RPC overlay. He added that there is an abundance of open space in the proposed design, leaving 55% of the land open space. Of the 86 acres of woods, only 22 acres are being removed. Mr. Bunting stated that the remaining wooded area will be perfect for walking paths, ponds and wildlife. Amenities will include a Club House, tot lot, pickleball courts and large ponds for kayaking and fishing.

Mr. Bunting stated that the Preliminary Site Plan for Kingfisher Development has been reviewed by the town's engineer and has received a favorable recommendation. He added that this project will require that the Coastal Villages pump station be built and operational as well as the town's current water tower project. Mr. Bunting stated that he anticipates a 2025 start date for the proposed project. He anticipates a 7-year build out with approximately 40 homes being completed during each of those years. At that point, near 2032, Mr. Bunting believes that current construction projects, to include Saltwater Landing and Creekhaven, should be complete with Atlantic Lakes and Schooner Landing nearing completion. Coastal Villages should be an actively selling development at that time. He stated that they are in the negotiation process with the Department of Transportation working toward a Letter of Agreement and that they will be required to do whatever on-site and off-site improvements DeIDOT may require.

Mr. Bunting presented a list of RPC Variance Requests for the proposed Kingfisher Development. (That list is included with these Minutes.) The first request was for 60 feet by 120 feet lot widths which, Mr. Bunting stated, will accommodate a more affordable 40 foot product. Mr. Bunting added that this would also decrease side yard homeowner maintenance and irrigation costs. He stated that the reduced lot size will be mixed in with standard 70 feet x 120

feet lots. Mr. Bunting also requested 20 foot rear setbacks, a decrease of 10 feet from the standard 30 foot rear setback. He stated that this is to allow for screened porches, fire pits and paver patios in the back. Mr. Bunting also asked for a reduction in the Boat / RV storage area and space size. He requested 10% rather than the required 20% of the total number of units and also that space size be reduced to 12 feet by 30 feet. He noted that current Boat / RV storage lots are rarely full. Mr. Bunting added that these variances have been approved for several subdivisions recently. Continuing, Mr. Bunting requested 25 feet separation between townhomes, a reduction of 15 feet from the current 40 feet requirement. He believes that 25 feet is an adequate distance and added that 25 feet is also the county code. Mr. Bunting's final variance request concerned dead-end streets, which was addressed later in the meeting.

Lawton Myrick, Mr. Bunting's engineer on the project, addressed the Committee. He reviewed the preliminary site plan and focused on the proposed variances. Mr. Bunting specifically requested clarification on separation from adjacent developments. The current RPC code states that the townhomes be separated from the adjacent development with single family lots or a landscaped open area buffer that is at least 100 feet in width. Chairman Murray clarified that the intent was separation for adjoining properties and not internal distances between different unit types inside the same development. Mr. Myrick stated that the first five RPC Variance Requests were included in their preliminary submittal packet. The sixth request, however, was added after review by the town's engineer. The current RPC standard states that dead-end streets of a permanent nature shall be a minimum of 400 feet and shall provide a turnaround at the end with a radius of 40 feet. Mr. Myrick stated that the plan currently reflects a 300 foot length from the middle of the cul-de-sac to the middle of the closest "T" intersection but that the entire street is actually 1,000 feet in length. He feels confident that the plan meets the intent of the code and that they have adequate room for emergency equipment to turn around in the cul-de-sac. Chairman Murray stated that he did not see it as a problem.

Responding to questions by the committee, Mr. Bunting stated that the plan calls for 120 sixty (60) foot lots and 114 seventy-five (75) foot lots. He also stated that there will strict architectural guidelines for the units whose backs face roadways. Mr. Bunting stated that there will be no more than five units in a multi-family building, often less, but no duplexes. He added that there is a tax ditch that runs through the property that will be cleaned, landscaped and maintained by the HOA. Mr. Bunting confirmed that the only access to the development will be from Lighthouse Road. He stated that the proposed project is very similar in size to Lighthouse Lakes, although laid out very differently. He anticipates a similar price point.

After a lengthy review by the committee, Councilman Duncan made a motion to approve the Preliminary Site Plan with all requested waivers for Kingfisher Development, as presented, on Lighthouse Road, District 5-33 Map 18.00 Parcels 5.00 and 5.01 and District 5-33 Map 11.00 Parcel 35.00 by West Selbyville Development, LLC. Motion seconded by Ken Madara and carried by all. **It is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request.**

There being no further business to discuss, Mike Doyle made a motion to adjourn the meeting. Motion seconded by Ken Madara and carried by all.

Kingfisher – RPC Variance Requests:

The proposed Kingfisher development as detailed in the Preliminary Site Plan, is generally consistent with the Concept Plan that was presented at the annexation public hearings. Regarding the proposed layout, there are several exceptions to the current RPC Code that are being requested as follows:

1. Section 200-36 Residential Planned Community (RPC) District

D. (2) – Permitted Uses (b) [5] Townhouses and two family dwelling lots shall be separated from the adjacent development with single family lots or a landscaped open area buffer that is at least 100 feet in width.

We interpret this as distances between units on adjacent, separate developments, not internal distances between different unit types inside the same development. However, we would appreciate clarification. There is no problem with impact to adjacent developments. Internally, we meet a 100' separation between units (measured to building restriction lines) but not between lot lines. We do not believe a variance is required, but again, would appreciate further discussion on this item. If a variance is required, we propose a minimum separation of 80' at the BRL.

2. Section 200-36 Residential Planned Community (RPC) District

D. (5) – Minimum lot dimensions (a) All lots shall contain a lot area of at least 9,000 square feet and shall have a lot width of at least 75 feet (75 feet by 120 feet)

We propose a portion of lots to be 7,200 square feet (60 feet wide by 120 feet). Variance requested for minimum lot area and minimum lot width.

3. Section 200-36 Residential Planned Community (RPC) District

D. (5) – Minimum lot dimensions (c) Setbacks [3] Rear: 30 feet

We propose a 20' rear yard setback. Variance needed for reduced setback.

4. Section 200-36 Residential Planned Community (RPC) District

D. (6) – Community Features (d) Boat and/or RV storage area(s) that can accommodate a minimum number of paved spaces equal to 20% of the total number of units in the RPC shall be provided. Each space shall have a minimum size of 12 feet by 40 feet. All boat and RV storage areas shall be adequately screened.

The current plan reflects spaces equal to 10% of the total number of units and the spaces shown are 12 feet by 30 feet. Variance requested.

5. Section 200-49 Townhouses, duplexes and multifamily dwellings planning requirements

H. For the purpose of maintaining setback between buildings on the same site, the distance between townhouse, duplex or multifamily buildings shall be 40 feet.

We proposed 25' separation between adjacent "sticks" of townhomes, measured from the BRL. Variance requested to reduce required separation.

6. Section 160-10 Design Standards, B (13) Dead-end streets (cul-de-sac) of a permanent nature shall be a minimum of 400 feet and shall provide a turnaround at the end with a radius of 40 feet. [Amended 12-3-2018]

We are seeking a Variance from the 400' minimum length. The plan currently reflects a 300' length from the middle of the Cul-de-sac to the middle of the closest 'T' intersection.