

## MINUTES OF THE PLANNING & ZONING COMMISSION

January 25, 2023

### Call to order

The meeting was called to order at 7:00 p.m. by Commissioner Robert P. Newnam. Commissioners Michael McGrath, Michael Reed, and Scott Clark was present. Carol Binns was via zoom.

Also present were Senior Planner Jeremy Rothwell and Attorney D. Barrett Edwards via zoom.

Commissioner Newman led the Pledge of Allegiance.

### Recognition of visitors

Visitors present were Frederick Schaber, IV, Roger Holt, Wade Clendaniel, Michael Loftus, Chip Thompson, and Brookes Keen.

### Additions/deletions to published agenda

There was none.

### Reading, correction, approval, or disposition of minutes

Commissioner McGrath made the motion to approve the minutes of December 8, 2022, and January 4, 2023, as presented. Motion was seconded by Commissioner Reed and carried unanimously.

### Public Hearing

Commissioner Newnam asked to enter the staff report for the Smyrna School District into the record. Mr. Rothwell summarized the staff report for the Smyrna School District.

**Applicant's Request:** *Category A Site Plan Concept Review* – The applicant is proposing to construct a two-story 66,000 sq. ft. intermediate school and associated driveways, parking and stormwater facilities on approximately 13.65 acres of vacant residential building lots.  
*Conditional Use* – The applicant is requesting a conditional use to establish a ‘Institutions of an Educational Nature’ use to construct an intermediate school.

**Zoning & Project History:** **April 21, 2003** – The Smyrna Town Council votes to annex this area as part of a 213-acre tract of land on both sides of Rabbit Chase Lane.  
**January 21, 2004** – The current property owners apply for a combined major subdivision on the entire 213-acre tract; the east side becomes known as ‘Centreville’ while the west side eventually becomes known as ‘Graceville.’

**May 18, 2006** – The applicants record a combined 853 building lots for subdivisions of Graceville and Centreville on both sides of Rabbit Chase Lane (P.B. 85, Page 63). This includes 425 single-family dwelling lots in the Graceville subdivision, and 428 duplex dwelling lots in the Centreville subdivision. Because the two subdivisions were recorded together (and approved together) as one, both became vested with the installation of road infrastructure on the Centreville portion on the east side of Rabbit Chase Lane. The Graceville portion of the subdivision remains a vacant farm field.

**December 4, 2019** – The applicant meets with Town staff and Smyrna School District staff to discuss the potential of acquiring an approximately 15-acre elementary school site as part of the redesign of the Graceville subdivision on the west side of Rabbit Chase Lane. The applicant expresses a willingness to consider selling an elementary school site, and has proposed locating a 13.88-acre school site on the northeast portion of the Graceville subdivision (directly across from Sunnyside Elementary School. Both the applicant and the Smyrna School District remain in negotiations over the price and size of the school site, while both parties have agreed over the proposed location as presented on the conditional use concept plan.

**December 11, 2019** – The applicant again meets with Town staff to go over the design requirements of the ‘Planned Village Community’ conditional use option. Staff recommends various design features including the location and configuration of streets, open space, and the appropriate mixing of housing types. In all, the applicant’s engineer designs four sequential concept plans for staff to review, and who in turn provides back comments and recommended revisions/improvements. Because of the applicant’s desire to achieve higher density (in addition to the subdivision redesign), staff also goes over the process for rezoning the area from R-2 to R-2A, which would permit townhouses by right.

**February 26, 2020** – The Planning Commission unanimously voted to recommend to the Town Council that the before-mentioned parcel be rezoned from R-2 Residential to R-2A Residential. At the same meeting, the Planning Commission voted to recommend to the Town Council that the ‘Planned Village Community’ Conditional Use application be approved.

**April 20, 2020** – The Smyrna Town Council votes to rezone the 115.42-acre property from R-2 to R-2A and to approve the Planned Village Community Conditional Use applications.

**December 2, 2020** – The Planning Commission unanimously voted to recommend to the Town Council that the before-mentioned Lot Abandonment Plan and Preliminary Major Subdivision Plan be approved.

**January 4, 2021** – The Town Council approves the Preliminary Graceville Major Subdivision and Lot Line Abandonment Plan for 709 lots and an approximately 16.6-acre school parcel.

**September 23, 2021** – Review by Preliminary Land Use Service (PLUS) agencies to approve the selection of this intermediate school site.

**September 21, 2022** – Pre-application meeting with Smyrna School District.

**November 22, 2022** – Pre-application meeting with Smyrna School District.

**December 27, 2022** – The Smyrna School District applies for Category A Site Plan Concept Review and Conditional Use for the proposed Graceville Intermediate School.

### **Project Description:**

The Smyrna School District proposes to construct an approximately 66,000 sq. ft. two-story intermediate school with approximately 600 students and 60 full-time staff members on approximately 13.65 acres of vacant land which is currently all or portions of 47 residential lots within the previously recorded Graceville subdivision. From 1998 to present, the Town of Smyrna has approved 29 major subdivisions and housing projects on 5,650 buildings lots and dwelling units (a little more than half have been constructed), but unfortunately the Smyrna School District only obtained one school site from the development review process (Sunnyside Elementary School). In the fall of 2019, the Smyrna School District approached the Town of Smyrna requesting urgent assistance to find at least one new school site to lessen overcapacity issues. Given that Graceville was one of the only unbuilt residential subdivisions in Smyrna with available lands for a potential school site, staff contacted the subdivision owners, Lee and Lou Ramunno, about selling or deeding lands for one or more schools. In subsequent months (and now years), the Smyrna School District has negotiated with Lee and Lou Ramunno to purchase 13.65 acres of land within the previously approved Graceville subdivision (the final purchase agreement was not signed and executed until late 2022). The Smyrna School District subsequently went out to bond referendum in March 2021 to acquire the necessary funds to purchase said property as a school site.

The owners of the previously vested Graceville subdivision, Lee and Lou Ramunno, obtained a rezoning of the property from R-2 and R-2A and a conditional use approval from the Smyrna Town Council for ‘Planned Village Community’ in April 2020 which enables significantly greater density in exchange for more stringent design standards. The Ramunno’s subsequently obtained Preliminary Major Subdivision approval from the Smyrna Town Council in January 2021 to re-subdivide the tract utilizing PVC design standards, which resulted in an increase in density from 430 previously approved building lots to 709 building lots (shown as Attachment B). As part of this preliminary plan approval, 13.65 acres was set aside as a school site, which is the basis for this Category A Site Plan application. The Smyrna School District will not actually acquire ownership of this 13.65-acre property until the reconfigured Graceville subdivision obtained its final approvals and is recorded in the Kent County Recorder of Deeds. The Ramunno’s engineer, Scott Lobdell from First State Engineering, is in the process of completing the final design for new regional pump station (to be located and constructed across Graceville Drive from the proposed Graceville intermediate school) to serve Graceville, Centerville, and the proposed Graceville Intermediate School. The reconfigured Graceville subdivision (and accompanying regional pump station) is tentatively expected to be approved and recorded in the spring of 2023.

As part of the 2006 approvals to construct the Graceville and Centerville residential subdivisions, the developer was required by DeIDOT to prepare plans for and construct significant improvements and widening to Rabbit Chase Lane. The increase in the number of dwelling units in Graceville from 430 to 709 along with the proposed 66,000 sq. ft. intermediate school have necessitated a new Traffic Impact Study (TIS) and revisions to the redesign of Rabbit Chase Lane. These road improvements are (according to Scott Lobdell from First State Engineering) expected to be approved in the next 60 to 90 days, and are required to be completed and constructed by the developer (Lee and Lou Ramunno). The construction of these improvements and widening of Rabbit Chase Lane will require the closure of Rabbit Chase Lane for up to 60 days, and will likely occur (or at least start) over the summer of 2023 when Sunnyside Elementary School is closed.

### **Compliance with the Comprehensive Plan**

As detailed on page 38, the draft Plan outlines the following strategy (among four) for new residential development within the Town:

*“Strongly encourage new large-scale residential development projects to use the ‘Planned Village Community’ design standards. This includes building a variety of housing types on generally smaller lots whose dwelling units are constructed close to the street. These new residential subdivisions are encouraged to include a grid pattern of interconnected streets. Environmentally-sensitive areas shall be protected from development.”*

As shown on the Future Land Use Map (Figure 3), the before-mentioned parcel is designated as ‘Neighborhood Residential.’ As detailed in Chapter 3 – Development Plan (Page 41) of the 2020 Comprehensive Plan:

*This land use designation encompasses a wide variety of low and medium-density residential housing areas outside the historic core. These areas were previously designated as ‘Low Density Residential’ and ‘Medium Density Residential’ under the 2012 Smyrna Comprehensive Plan. These residential neighborhoods and subdivisions are generally suburban in character, and have been built out from the 1950’s to the present day. These residential neighborhoods comprise principally single-family detached dwellings (along with smaller numbers of duplex/twin dwelling units) on generally larger lots (especially when compared to downtown residential neighborhoods) and represent an overall gross density of between three to six dwelling units per acre.*

*This land use designation has been limited in this Comprehensive Plan to those residential subdivisions, which have already been platted, are being constructed, and/or are already built out. No additional residential subdivisions are expected to be built out under this land use designation. The principal purpose of this designation, and the accompanying zoning districts, is to protect the suburban residential character of these existing neighborhoods from incompatible uses and development. New development and housing units constructed should complement and enhance the character of these suburban neighborhoods. Adequate buffering should be used to limit the impact on these existing residential neighborhoods from adjacent and higher density commercial, industrial, and residential development. Residential neighborhoods under this land use designation shall be limited to single-family dwellings, duplex/twin dwelling units, and a limited number of institutional uses (including schools, religious institutions, and public parks). Home occupation uses should not detract from the underlying residential character of these*

neighborhoods.

As outlined in Section 3 – Community Design, the following elements of superior design are listed and strongly encouraged:

- Compact form that encourages walking
- Streetscape designed for pedestrians
- Buildings set close to the sidewalk
- Narrow, interconnected streets
- Neighborhood parks and open spaces
- Mix of housing types and price ranges
- Architectural variety and diversified landscaping
- Compatible non-residential uses, including schools and neighborhood retail

**Compliance with Planned Village Community (PVC) Conditional Use & Bulk Standards**

*Section 6.14(1) Permitted Land Uses R-2A Planned Village Community*

<i>Single-Family Dwelling</i>	<i>P</i>
<i>Semi-Detached Dwelling</i>	<i>P</i>
<i>Townhouse Dwelling</i>	<i>P</i>
<i>Apartment Dwelling</i>	<i>SE</i>
<i>Mixed-Use Building</i>	<i>SE</i>
<i>Commercial/Office Building</i>	<i>SE</i>
<b><u>Educational Institutions</u></b>	<b><u>C</u></b>
<i>Government Buildings</i>	<i>C</i>
<i>Religious/Private Institutions</i>	<i>SE</i>

The proposed intermediate school is thus a permitted use in the R-2A Planned Village Community Conditional Use as a conditional use (requiring approval from the Smyrna Town Council).

	Required	Proposed
Front Yard Setback (Rabbit Chase Lane)	Min 10 ft./Max 30 ft.	<b><u>290 ft.</u></b>
Front Yard Setback (Graceville Road)	Min 10 ft./Max 30 ft.	14 ft.
Front Yard Setback (West Deer Run)	Min 10 ft./Max 30 ft.	<b><u>412 ft.</u></b>
Side Yard Setback	20 ft.	N/A
Rear Yard Setback	50 ft.	323 ft.
Lot Coverage	N/A	Unknown

Since the proposed Graceville Intermediate School will be set back approximately 290 ft. from the front property line along Rabbit Chase Lane and approximately 412 ft. from the front property line along West Deer Run, the applicant shall be required to obtain a variance from the Board of Adjustment. Staff concurs that the applicant has met the intent of the PVC design standards by locating the school within 14 ft. of the front property line along Graceville Drive which is directly adjacent to the larger Graceville subdivision.

### **Sidewalks and Multi-Modal Connectivity**

As set forth in *Section 5.02A(3)* of the Smyrna Subdivision and Land Development Ordinance, a concrete sidewalk at least 6 ft. in width is required to be constructed along both sides of all streets as part of all subdivisions and land development plans. As shown on the proposed site plan, the applicant has provided for 6 ft.-wide sidewalks throughout the entire site and along all internal driveways (not explicitly required by Code). Staff recommends that the sidewalk be extended from strip of parking along the access drive to connect to Graceville Drive.

While curb ramps are provided at most internal roadway intersections within the site, the applicant has not provided any marked crosswalks. Staff strongly recommends that marked crosswalks be provided at all proposed pedestrian crossings, specifically at the four-way intersection in the vicinity of the proposed 4,000 sq. ft. pole barn, connecting the subdivision sidewalk along Easy Street across the bus lane entrance to the school site, and across the bus parking area from the staff/visitor parking lot. Curb ramps shall be provided at these pedestrian crossings if not already provided.

### **Traffic Circulation and Connectivity**

To access the 13.65-acre school parcel, all or portions of Easy Street, Graceville Drive, and West Deer Run must be constructed. Given that the proposed intermediate school will most likely be constructed prior to the rest of the Graceville residential subdivision, the Smyrna School District has included in their sales agreement with Lee and Lou Ramunno a requirement for them to construct all three before-mentioned subdivision streets.

The applicant has proposed a series of three internal roadway segments, which provides nearly 360-degree access around the proposed intermediate school. The bus route makes the first and immediate right turn from Easy Street with twelve (12) angled bus parking spaces immediately behind the proposed school. After drop-off (and pick-up), the buses will go straight out and following the internal roadway to West Deer Run, making the loop down Graceville Drive and back out to Rabbit Chase Lane (via Easy Street). Staff concurs that this is an intuitive and safe route pattern for buses. Parent vehicular drop-off/pick-up meanwhile comes down Graceville Drive, turns right onto the internal roadway, whereby pulling into an approximately 250 ft. long student drop-off/pick-up area (which includes a corresponding school entrance). This area can accommodate between 11 and 12 vehicles (while additional eleven (11) pull-in marked parking spaces are provided along the opposite side of the street. After drop-off/pick-up, the vehicles make a left turn at the next four-way internal intersection, and continue out to West Deer Run, making the loop down Graceville Drive and back out to Rabbit Chase Lane (via Easy Street). Lastly, school staff have the option of making the immediate right off of Easy Street to the back employee/visitor parking lot (behind bus parking and separated by a landscaped barrier). Staff concurs that this vehicular circulation plan is safe, intuitive, and appropriate.

The internal bus lanes are proposed to be 29 ft. or 36 ft. in width to safely accommodate two-way traffic. Meanwhile the other internal travel lanes are proposed to be 24 ft. in width thus meeting the minimum required width for fire lanes. Staff requests that the applicant propose a plan and methodology to install stop signs (and corresponding stop bars) throughout the internal site to be discussed with the Preliminary Plan submission.

The only area of question or concern by staff is the offset configuration of the 36’-wide bus lane as it wraps past the angled bus parking spaces. The bus travel lane is offset at a 90-degree angle approximately 15 ft. from the travel lane as it reaches the four-way internal intersection.

The Citizens Hose Company and the DE State Fire Marshal have verbally requested (and in the case of the latter will require) a fire lane along the southern frontage of the intermediate school as it fronts Graceville Drive. Graceville Drive (as proposed in the Graceville resubdivision) will include a 7’-wide row for on-street parking and two 11’ travel lanes for a total width of 29’. This will require all or portions of the originally proposed on-street parking directly in front of the intermediate school along Graceville Drive to be stripped and parking prohibited. Under this arrangement, student drop-off and pick-up would be permitted, but long-term parking would not be allowed.

**Compliance with Parking and Loading Requirements**

*Town of Smyrna Code Appendix A – Zoning §6.1A(9)(i) Required Parking Spaces by Use  
Schools – 1 spaces per fifteen (15) seats or students*

Required (600 students) – 40 vehicular parking spaces  
Provided – 118 vehicular parking spaces (including 9 ADA spaces)

Given that there will be an estimated 60 full-time employees at the proposed school, staff recognizes that Smyrna has an outdated parking requirement for schools. There are 122 vehicular parking spaces at Sunnyside Elementary School (55,000 sq. ft.), so staff trusts that this similar sized school will require a similar number of parking spaces. Also recognizing the presence of additional on-street parking spaces along Graceville Drive (not covered by this site plan approval), staff agrees that the applicant has provided an appropriate number of parking spaces.

The applicant has proposed 10’ x 18’ parking spaces on the site. The before-mentioned section of the ordinance does not mandate a minimum size for parking spaces, however AASHTO recommends a minimum size of 9’ x 18’ for pull in (perpendicular) parking spaces.

As set forth in the *Town of Smyrna Code Appendix A – Zoning §6.1A(8)*, block of parking stalls are limited to fifteen (15) consecutive spaces before a 9’ x 15’ landscaped island must be installed. The applicant has proposed to limit parking rows to ten (10) spaces, and has opted to install a 32’ x 18’ landscaped island, which significantly exceeds the standards set forth in this section of the Code.

As set forth in the *Town of Smyrna Code Appendix A – Zoning §6.1A(7)*, a minimum of one bicycle rack (5 bicycle spaces) is required for each parking lot of twenty spaces or more. Since there is only one parking lot of twenty (20) spaces or more, the applicant is only required to provide one bicycle rack. However, given the intended use of the property as an intermediate school, staff strongly recommends that additional bicycle racks be provided.

*Town of Smyrna Code Appendix A – Zoning §6.1B(1) Required Loading Spaces by Use*  
(h) *One off-street Loading Space required for the first 10,000 sq. ft. of GFA and one additional loading space for each 25,000 sq. ft. of GFA or fraction thereof.*

The applicant is thus required to provide three (3) 12' x 60' marking loading spaces to accommodate the proposed 66,000 sq. ft. intermediate school. While it is not labeled on the site plan, they have presumably provided a 24' x 60' asphalt area immediately behind the proposed intermediate school, which could accommodate two off-street loading spaces. The applicant will thus be required to provide a third loading space, or else obtain a variance from the Board of Adjustment.

### **Compliance with Landscaping Requirements**

As set forth in the *Smyrna Town Code Appendix B – Subdivision & Land Development Section 5.17(c)*, the applicant is required to plant one (1) tree per 3,000 sq. ft. of lot area at least 2" in caliper. At 594,594 sq. ft. in size, the before-mentioned parcel and project would require 198 trees (at least 2" in caliper) to be planted or already existing. The applicant would thus be required to plant the requisite number of trees or else obtain a variance from the Board of Adjustment. The applicant has not provided a street planting plan as part of their Concept Plan submission. Staff recognizes that this may be difficult to fully meet, but recommends that the applicant make a reasonable effort to comply with, whereby staff would support a variance of whatever remaining is required.

As set forth in *Section 6.14D(c)*, a street tree is required to be planted every 30 linear feet of street frontage. While the internal driveways and bus lanes are not public streets, they are essentially extensions of said public streets. Staff recommends that street trees be planted along the proposed internal driveways and bus lanes throughout the site as set forth in this section of the Code.

As set forth in *Section 6.13A*, proposed dumpsters shall be situated at an 'appropriate location' to not interfere with users of the property and adjacent property owners, and shall be 'appropriately screened' The applicant has not provided a dumpster(s) location, although there is a pull-in area between the bus parking area and the proposed school, which presumably could be used for this. Staff recommends that any proposed dumpsters be screened by a masonry wall with a wooden or vinyl access doors.

### **Compliance with Lighting Requirements**

As set forth in *Section 6.14D(d)*, decorative streetlights are required to be installed every 60 ft. of frontage of public streets. While the internal driveways and bus lanes are not public streets, they are essentially extensions of said public streets. Staff recommends that decorative street lamps be installed along the internal driveways and streets, wherever sidewalks are provided. Staff also recommends that parking lot lighting be provided.

The applicant has not proposed any parking lot or internal street lighting with the Concept Plan submission.

### **Utility Infrastructure**

Currently, no water, sewer, or electric infrastructure exists down Rabbit Chase Lane (Sunnyside Elementary School is served by utilities from the rear through Sunnyside Village). As per the proposed phasing plan of Centerville (directly across Rabbit Chase Lane), 152 of the 426 lots in Centerville will also be served by gravity sewer running through Sunnyside Village to



the rear. Meanwhile, the remaining 274 lots within Centerville, all 709 lots in the proposed Graceville subdivision, and the Graceville Intermediate School will be served by a new regional pump station. This regional pump station is currently being finalized and under review by the Town's sewer modeling engineer (KCI Technologies), and is proposed to be located along Graceville Drive directly across from Graceville Intermediate School. The design of the regional pump station will likely be approved in the next 30 to 60 days, and is required to be constructed prior to any of the before-mentioned three development projects (274 lots in Centerville, all of Graceville, and the proposed Graceville Intermediate School) are constructed.

As of the date of this staff report, the applicant has not yet provided the projected water/sewer flows and demands for the proposed intermediate school, but is required by the time of the Preliminary Category A Site Plan submission. Compared to the adjacent 709 residential lots, the water/sewer flows and demand for the intermediate school are expected (by our Town Engineer) to be comparatively low.

The applicant has provided preliminary projected electric loads and a desired path for electric infrastructure to our Town electrical engineer (Tangibl Electric, Inc.). At this time, the applicant is proposing primary metering of the site meaning that the Smyrna School District will own and maintain the electric transformer and other related infrastructure onsite. The Town Electric Department supports this approach.

### **Conditional Use Procedures**

*Section 6.14 – Conditional uses, general guides and standards. The purpose of the “conditional use” procedure is to provide for certain uses which cannot be well-adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations.*

*The uses either have unusual characteristics or are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance or relationship to the comprehensive plan and possible impact, not only on neighboring properties, but on a large section of the town, require the exercise of planning judgement on location and site plan.*

*A “conditional use” should be approved by the mayor and council after compliance with the applicable section of this code concerning public hearings and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals and general welfare will not be adversely affected, that necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values and, further provided that the additional standards of this article are complied with. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, sign and parking requirements shall be the same as for other uses in the district in which the conditional use is located.*

### **Staff Recommendation:**

*Concept Category A Site Plan – Review and discussion only*

*Conditional Use* – Staff recommends that the Planning Commission recommend to the Smyrna Town Council that the conditional use application for the proposed ‘Educational Institutions’ use be approved as presented.

**A. Smyrna School District, #22-116 (Site Plan), Rabbit Chase Lane, 1-17-02801-05-0100-0000 thru 1-17-02801-05-1500-00001, 1-17-02801-05-5200-00001 thru 1-17-02801-05-5700-00001, and 1-17-02801-05-6800-00001 thru 1-17-02801-05-9400-00001**

There are concerns about traffic flow, the fire lane, and emergency vehicles getting access to the school during certain times when it is unavailable from the Commission Board. No motion was made. The Site Plan for Smyrna School District will go to Town Council for discussion and come back for a motion in February at the Planning & Zoning Commission Board meeting. The full review and discussion can be viewed starting at 00:01:50 on the posted recording.

**B. Smyrna School District, #22-115 (Conditional Use), Rabbit Chase Lane, 1-17-02801-05-0100-0000 thru 1-17-02801-05-1500-00001, 1-17-02801-05-5200-00001 thru 1-17-02801-05-5700-00001, and 1-17-02801-05-6800-00001 thru 1-17-02801-05-9400-00001**

A motion was made for recommendation to Town Council to approve the Conditional Use for the Smyrna School District. Commissioner Clark made a motion to provide the Conditional Use to create a school off Rabbit Chase Lane. Commissioner McGrath seconded the motion and carried unanimously. The full review and discussion can be viewed starting at can be viewed starting at 00:01:58.

**Review and discuss an ordinance amending Appendix A (Zoning) of the Town Code of the Town of Smyrna to revise bulk standards for certain zoning districts and make other miscellaneous updates.**

Mr. Rothwell recaps the review of the bulk standards for residential zoning districts to change the size of the lot coverage that is in the Comprehensive Plan. Commissioner McGrath made a motion to recommend to Town Council the adoption of the bulking standards with the accompanying tables that have been provided. Commissioner Clark seconded the motion and was carried unanimously. The full review and discussion can be viewed starting at 02:01:50 on the posted recording.

**Other business**

Mr. Rothwell discussed upcoming applications coming in the next six months. The full review and discussion can be viewed starting at 02:17:00 on the posted recording.

**Adjournment**

Commissioner Newman adjourned the meeting at 9:50 p.m.