

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 15, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 15, 2003, at 9:30 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
James D. Griffin	County Attorney

Mr. Dukes called the meeting to order.

M 229 03 **A Motion was made by Mr. Jones, seconded by Mr. Cole, to authorize an**
Authorize **Executive Session to be held at 9:35 a.m. on this date for the purpose of**
Executive **discussing potential litigation.**
Session

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Absent

M 230 03 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to recess and**
Recess **go into Executive Session to confer with legal counsel regarding potential**
and Go **litigation.**
Into

Executive **Motion Adopted: 4 Yea, 1 Absent.**
Session

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Absent

Executive **At 9:35 a.m., an Executive Session of the Sussex County Council was held in**
Session **the Caucus Room adjacent to the Sussex County Council Chambers for the**
purpose of discussion potential litigation.

M 231 03 **At 9:45 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to**
Conclude **conclude the Executive Session; to go back into regular session; and to**
Executive **recess until 10:00 a.m.**
Session

and Recess **Motion Adopted: 4 Yea, 1 Absent.**

**M 231 03
(continued)**

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Absent

Reconvene

At 10:00 a.m., Mr. Dukes called Council back into session.

**M 232 03
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the Agenda, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Absent

**M 233 03
Approve
Minutes**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the minutes of April 1, 2003 and April 8, 2003, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Absent

Mr. Rogers joined the meeting.

**Corre-
spondence**

Mr. Griffin read the following correspondence:

BILL BRYAN, GEORGETOWN LITTLE LEAGUE BOARD OF DIRECTORS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

EVOLYN ANTHONY, BRIANNE PRESS, AND DONNA PUSEY OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT, GEORGETOWN, DELAWARE.

RE: Letter thanking Council for supporting the Big Brothers Big Sisters Bowl-a-thon.

**M 234 03
Adopt
Procla-
mation**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING APRIL 27 THROUGH MAY 4, 2003, AS SOIL AND WATER STEWARDSHIP WEEK".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

**Sussex
Conser-
vation
District/
Soil and
Water
Steward-
ship
Week**

Mr. Vanderwende, Ms. Absher, Mr. Belt, and Ms. Bradley were in attendance representing the Sussex Conservation District. Mr. Vanderwende reported that the theme for this year's Soil and Water Stewardship Week is "Food for the Future". Mr. Vanderwende commented that the theme "Food for the Future" reminds us of the important role conservation plays in the availability of food for the future. Mr. Vanderwende noted that, in today's world and for tomorrow's needs, an ample supply of food requires productive soils, ample water supplies, and a wide diverse variety of food crops. Mr. Vanderwende thanked Council for its continued support.

**Adminis-
trator's
Report**

Mr. Stickels read the following information in his County Administrator's Report:

1. **Easter Schedule**

Sussex County government offices will be closed on Friday, April 18, 2003, to allow employees to observe the Good Friday holiday. Government offices will reopen at 8:30 a.m. on Monday, April 21, 2003.

There will not be a Council meeting on Tuesday, April 22, 2003. The next regularly scheduled County Council meeting is at 10:00 a.m. in the Council Chambers on Tuesday, April 29, 2003.

2. **9-1-1 Awareness 2003**

The Sussex County Emergency Operations Center and Delaware State Police will be hosting 9-1-1 Awareness 2003 on Thursday, May 8, at the Sussex County Emergency Operations Center, 21303 Airport Road, Georgetown, Delaware. Activities will take place from 9:00 a.m. to 3:00 p.m.

Displays and activities will include the State Police helicopters, Sergeant Dan, Seatbelt Convincer, K9 demos, police cars, fire trucks, ambulances, paramedics, County and State command mobile centers, bike safety, Smokey the Bear, Vince and Larry (the crash dummies), Delaware Electric Co-op, and Fire Marshal's safety displays. There will also be 9-1-1 education, tours of the Emergency Operations Center, and explanation of the Mapping and Addressing Program.

Admission is free and refreshments will be provided by Grotto's Pizza, McDonalds, and Edy's Ice Cream.

3. **Indian River Inlet Bridge**

The Delaware Department of Transportation will be conducting two workshops to present the findings from the Design Charette that was held on Wednesday, April 9, 2003, at the Atlantic Sands Hotel and

**Administrator's
Report
(continued)**

Conference Center, Rehoboth Beach, Delaware. The first workshop will take place from 4:00 to 8:00 p.m., at Rehoboth Convention Hall, Rehoboth Beach, Delaware, on Wednesday, April 23, 2003. The second workshop will take place from 4:00 to 8:00 p.m. at Bear Trap Dunes Golf and Country Club, Ocean View, Delaware, on Thursday, April 24, 2003.

I would encourage the general public to attend one of these workshops and take an opportunity to be able to comment on the final design of this \$57 million project.

**Waste-
water
Facilities**

Mr. Green, Director of Utility Construction, discussed wastewater facilities constructed in the Estates of Sea Chase, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

**M 235 03
Execute
Agreements/
Estates of
Sea Chase**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 260, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Robino-Sea Chase, LLC, for wastewater facilities (gravity) to be constructed in the Estates of Sea Chase, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**M 236 03
Execute
Agreements/
Estates of
Sea Chase
(Pump
Station and
Force
Main)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 311, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Robino-Sea Chase, LLC, for wastewater facilities (Pump Station and Forcemain) to be constructed in the Estates of Sea Chase, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**C/U
No. 1478**

Council discussed Conditional Use No. 1478 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL CONTRACTING BUSINESS TO BE LOCATED IN A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN

**C/U
No. 1478
(continued)**

HUNDRED, SUSSEX COUNTY, CONTAINING 3.08 ACRES, MORE OR LESS” filed on behalf of Eric and Laura James.

Mr. Dukes noted that he would not be voting on this application since he was not present for the Public Hearing.

The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2003 at which time they deferred action; on March 13, 2003 the Commission recommended approval with seven conditions.

The County Council held a Public Hearing on this application on March 11, 2003 at which time they deferred action pending a recommendation from the Planning and Zoning Commission.

**M 237 03
Adopt
Ordinance
No. 1598
(C/U
No. 1478)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1598 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL CONTRACTING BUSINESS TO BE LOCATED IN A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.08 ACRES, MORE OR LESS” (Conditional Use No. 1478) filed on behalf of Eric and Laura James, with the following conditions:

- 1. All trucks associated with the electrical contracting business shall be stored inside of the building to be constructed on the site. Trailers may be stored outside but only on the designated parking area.**
- 2. There will only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.**
- 3. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or toward Zoar Road.**
- 4. No outside storage, except for trailers, shall be allowed on the premises.**
- 5. The hours of operation for the business on this site shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Friday and 7:30 a.m. until 12:30 p.m. Saturdays. There shall be no Sunday hours.**
- 6. A solid vinyl clad or equivalent fence shall be installed along the northern side of the property. The fence shall not exceed 7 feet in height and shall be set back from Zoar Road 40 feet and shall extend to at least the rear of the parking area shown on the site plan.**
- 7. The site plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yea, 1 Abstention.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Abstained; Mr. Jones, Yea;
Mr. Rogers, Yea**

C/U
No. 1479

Council discussed Conditional Use No. 1479 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RESTORATION AND RESALE OF MOTORCYCLES, AND RETAIL SALES OF PARTS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0149 ACRES, MORE OR LESS, OF A 78.92 ACRE TRACT” filed on behalf of Jeremy and Anastasia M. Day.

The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2003 at which time they deferred action; on March 13, 2003 the Commission recommended approval with nine conditions.

The County Council held a Public Hearing on this application on March 25, 2003 at which time they deferred action since Councilman Phillips requested time to revisit the site.

M 238 03
Adopt
Proposed
Ordinance
C/U
No. 1479
(Denied)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RESTORATION AND RESALE OF MOTORCYCLES, AND RETAIL SALES OF PARTS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0149 ACRES, MORE OR LESS, OF A 78.92 ACRE TRACT” (Conditional Use No. 1479) filed on behalf of Jeremy and Anastasia M. Day, with conditions.

Motion Denied: 5 Nay.

Vote by Roll Call: Mr. Phillips, Nay; Mr. Cole, Nay;
Mr. Dukes, Nay; Mr. Jones, Nay;
Mr. Rogers, Nay

Reasons
for Denial

The Council found that approval of the application was not appropriate legislative action since it is unlikely that Council could create conditions that would adequately protect the community from the residual effects of the proposed activity; since the proposed activity is not compatible with the Agricultural Residential District; and since the proposed activity is not in compliance with the Land Use Plan.

Requests

Mr. Stickels submitted requests for funding for Council’s consideration.

M 239 03
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$250.00 (\$50.00 from each Councilmanic Account) to the March of Dimes WalkAmerica in sponsorship of the “Orange Juice Toast”. (This grant supplements the \$750.00 grant awarded on March 25, 2003.)

Motion Adopted: 5 Yea.

**M 239 03
(continued)**

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

**M 240 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Police Chiefs Council, Inc. to provide partial reimbursement for expenses to permit the Local Police Coordinator to attend the International Association of Chiefs of Police Training Conference in Maryland; and further, that the Sheriff of Sussex County be permitted to attend the conference.

Motion Denied: 4 Nay, 1 Yea.

Vote by Roll Call: Mr. Phillips, Nay; Mr. Cole, Yea;
Mr. Dukes, Nay; Mr. Jones, Nay;
Mr. Rogers, Nay

**M 241 03
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Police Chiefs Council, Inc. to provide partial reimbursement for expenses to permit the Local Police Coordinator to attend the International Association of Chiefs of Police Training Conference in Maryland.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

**M 242 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Cole's Councilmanic Account to the Rehoboth Beach Public Library for the insurance deductible required to cover repairs to the roof on the new library building and related damages.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

**M 243 03
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$250.00 each from Mr. Phillips' and Mr. Dukes' Councilmanic Accounts) to the Christian Fellowship Softball League for operating costs.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

M 244 03 **At 10:32 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Jones, to**
Recess **recess until 10:45 a.m.**

Reconvene **Mr. Rogers called Council back into session at 10:45 a.m.**

Public **A Public Hearing was held to consider extending the boundary of the South**
Hearing/ **Bethany Sanitary Sewer District to encompass two parcels, lying contiguous**
South **to the South Bethany Sanitary Sewer District, situate south of the Town of**
Bethany **Ocean View and being in Baltimore Hundred, Sussex County, Delaware**
SSD/ **(Prettyman-Donohoe Request). The extension request would revise the**
Prettyman- **boundary of the South Bethany Sanitary Sewer District to encompass two**
Donohoe **parcels (one parcel containing 1.9 acres and one parcel containing 2/3 of an**
Expansion **acre) south of the Town of Ocean View and west of the Town of South**
 Bethany. Mr. Archut noted that areas surrounding these parcels are
 already included in the sewer district.

There were no public comments and the Public Hearing was closed.

M 245 03 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt**
Adopt **Resolution No. R 017 03 entitled “A RESOLUTION TO EXTEND THE**
R 017 03 **BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER**
 DISTRICT TO ENCOMPASS TWO PARCELS, LYING CONTIGUOUS
 TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE
 SOUTH OF THE TOWN OF OCEAN VIEW AND BEING IN
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

Citizen’s **Beth Prettyman Berrie asked to speak and was recognized. She implored**
Comments/ **Council to submit a proposal to the Veterans Council for the establishment**
Veterans **of a Veterans Home in Sussex County. She also asked Council to support**
Home in **this initiative by providing property for the Veterans Home.**
Sussex **Councilmembers suggested that the formally-organized group seeking a**
County **Veterans Home in Delaware should contact the County so that the matter**
 can be placed on the Agenda for further discussion.

M 246 03 **At 11:07 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes,**
Recess **to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

Reconvene **At 1:30 p.m., Mr. Rogers called Council back into session.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
(C/Z **SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY**
No. 1497) **RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY**
 TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN

**Public
Hearing
(C/Z
No. 1497)
(continued)**

PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.410 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1497) filed on behalf of Village of Five Points Ventures, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on March 27, 2003 at which time they recommended that the application be approved. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. Mr. Lank’s summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

The Council found that Robert Witsil, Jr., Attorney, was present on behalf of the applicant. Mr. Witsil stated that the application was made to make a technical correction to Ordinance No. 1377 adopted for the Village of Five Points; that the rezoning will permit the applicant to have the B-1 space which was in the original contract; that DelDOT’s taking of additional right-of-way along Route 9 altered the original B-1 boundary; that his client purchased 9.0 acres to develop the shopping center and when the survey was performed it was found that the parcel contained less than 9.0 acres; that there will be no change in the density of the residential portion of the project; and that the rezoning requested includes an area measuring 14.5' by 304' and containing 4,410 square feet.

There were no public comments and the Public Hearing was closed.

**M 247 03
Adopt
Ordinance
No. 1599
(C/Z
No. 1497)**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1599 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.410 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1497) filed on behalf of Village of Five Points Ventures, LLC.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Public
Hearing
C/U
No. 1488**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (171 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.81 ACRES, MORE OR LESS”

**Public
Hearing
C/U
No. 1488
(continued)**

(Conditional Use No. 1488) filed on behalf of Vaughn Melson and Alfred Melson.

The Planning and Zoning Commission held a Public Hearing on this application on March 27, 2003 at which time they deferred action. On April 10, 2003 the Commission recommended that the application be approved with fourteen (14) conditions. Mr. Lank, Director of Planning and Zoning read a summary of the Commission's Public Hearing. Mr. Lank's summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

The Council found that Vaughn Melson, Applicant; James Fuqua, Attorney; Jeff Clark of Land Tech, LLC; and Mike Reiman of Becker-Morgan Group were present on behalf of the application.

Mr. Fuqua stated that the application is for a conditional use for a multi-family development/residential planned community (The Seasons at Bethany) consisting of 171 residential units; that the application consists of two different parcels with the total acreage being 29.8 acres; that the parcels have mixed zoning of MR Medium Density Residential and C-1 General Commercial; that they propose to develop 105 multi-family units and 66 townhouse units; that all the units will be sold as condominiums; that MR zoning permits development at 4 units per acre and that commercial zoning permits development at 12 units per acre; that they plan to take the combined density of the site and distribute it over the site; and that no net increase in density is being requested.

Mr. Fuqua stated that they are in agreement with the conditions recommended by the Planning and Zoning Commission, with the exception of Condition No. 1 which states that "The maximum number of residential units shall not exceed 143 units." Mr. Fuqua asked that the number of units permitted be 171, as requested in the application.

Public comments were heard in opposition to the multi-family development. Comments were made that the area is primarily single-family homes and campgrounds; that multi-family and townhouse units would not be compatible with the surrounding area; and that traffic will be impacted.

The Public Hearing was closed.

**M 248 03
Defer
Action
C/U
No. 1488**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to defer action on Conditional Use No. 1488 filed on behalf of Vaughn Melson and Alfred Melson.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Public
Hearing/
C/Z
No. 1496**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 354.17 ACRES, MORE OR LESS” (Change of Zone No. 1496) filed on behalf of Palisades Land, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on March 27, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. Mr. Lank’s summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

Mr. Lank reported that, since the Commission’s Public Hearing, five (5) letters of opposition were received. Mr. Lank read the letters into the record.

The Council found that Robert Harris, developer, and Mark Dunkel, Attorney, were present on behalf of the application. Representatives from Vista Design Group, Atlantic Resources, Applied Water Management, Environmental Consultants International, Inc., and Tidewater Utilities were in attendance for presentations and questions.

Mr. Dunkle stated that the application is for an environmentally sensitive development; that it is in accordance with the goals of the Comprehensive Land Use Plan; that the project is located on both sides of Camp Barnes Road; that there is a total of 354.17 acres of which 131.93 acres (37.4 percent) is designated for residential development; that 186 acres (52.7 percent) of the entire property is for common open space and stormwater management; that 9 percent is for right-of-way, commercial use, and future public use; that the density for the project is 2.36 units per acre; that they propose 233 single family lots, 202 duplex units, 251 townhouses, and 64 condominium units; and that a Community On-site Wastewater (COW) System is proposed.

Mr. Dunkle noted that the primary concern and the topic that generated most of the questions at the Public Hearing before the Planning and Zoning Commission was the on-site wastewater treatment system. He stated that this project proposes an advanced design - a gray water injection central wastewater system. He noted that the system produces reclaimed water that will result in a water quality that exceeds the quality of the current ground water and that the system will preserve and protect water resources by recharging reclaimed water to groundwater. He further noted that the infrastructure will be constructed to meet Ordinance 38 standards so that it can be connected to a County sewer system, when available. Mr. Harris noted that the site is not located near any of the County’s sanitary sewer

**Public
Hearing/
C/Z
No. 1496
(continued)**

districts; that the only other option would be to create a new district; and that there is no demand for that at the present time.

There were no public comments in support of the application.

Those present in opposition to the application expressed concerns about the sewer facility; the loss of critical habitat; the impact on the watershed; the poor drainage in the area; the lack of quality roads to service the area; the walkers and cyclists on the road; the impact on water quality and quantity; traffic; the loss of forest lands; that multi-family uses are not compatible with the area; that the oyster population will again be decimated; and that the development should not be permitted until sewer service is available in the area. It was noted that 20 people were present in opposition to the application.

**M 249 03
(Motion
Died)**

At the conclusion of the public comments, a Motion was made by Mr. Cole to close the Public Hearing and to leave the record open until May 1, 2003 for additional information. The Motion died for the lack of a second.

**M 250 03
Defer
Action/
C/Z
No. 1496**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to close the Public Hearing and to defer action on Change of Zone No. 1496 filed on behalf of Palisades Land, LLC.

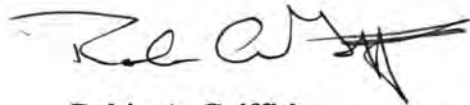
Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**M 251 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn at 5:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



**Robin A. Griffith
Clerk of the Council**