



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 27, 2010

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 27, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
Michael H. Vincent	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Samuel R. Wilson, Jr.	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy Administrator
J. Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Phillips.

Mr. Phillips called the meeting to order.

M 397 10 Amend and Approve Agenda A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to amend the Agenda by deleting “Executive Session – Personnel, Pending/Potential Litigation, and Land Acquisition” and by deleting “Possible Action on Executive Session Items”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea

Minutes The minutes of July 20, 2010 were approved by consent.

Correspondence Mr. Moore read the following correspondence:

**BERNICE EDWARDS, EXECUTIVE DIRECTOR, FIRST STATE COMMUNITY ACTION AGENCY, GEORGETOWN, DELAWARE.
RE: Letter to Councilwoman Joan Deaver in appreciation of grant.**

Recognition of Representative George Carey **The County Council recognized The Honorable V. George Carey, Representative of the State of Delaware, 36th District, for his 26 years of public service to the people of Delaware. Representative Carey's service in the House of Representatives will end with his retirement in 2010, at the conclusion of the 145th Delaware General Assembly.**

Employee of the Quarter **The County Council recognized Joseph (Joey) E. Pepper, Sussex County's Employee of the Quarter for the Second Quarter 2010. Joey Pepper is a dispatcher at the Emergency Operations Center.**

Sussex County History Book Project **Dan Parsons, Historic Preservation Planner, reported that he has been asked if the County would participate in a sponsorship project for a book about Sussex County history and heritage. The book would include information regarding approximately 50 historic cultural sites in the County. The book would be available for sale at a cost of approximately \$20.00. The book would also be available electronically and on the County's website. The book would be made available for schools in Sussex County to teach students regarding the County's history.**

Mr. Parsons advised that the University of Delaware would provide research for information and Preservation Delaware, Inc. would raise funds to cover the cost of the book. The County would act as fiduciary agent for the project and would receive donations and deposit the funds in a special account. In addition, the County would contract with the publisher to prepare the book and receive revenue from the sale of the book.

Mr. Parsons stated that the advantages of the book include: (1) provide information about the history and heritage of Sussex County, (2) assist with heritage tourism throughout Sussex County, and (3) provide a format for the education of Sussex County students regarding Sussex County history.

Christine Thomas of Preservation Delaware, Scott Thomas of Southern Delaware Tourism, and Russell McCabe, retired Delaware State Archivist, spoke in support of this project.

M 398 10 Authorize History Book Project **A Motion was made by Mr. Vincent, seconded by Mr. Cole, that the Sussex County Council authorizes the County government to serve as fiduciary agent for the development of a book about the history of Sussex County in collaboration with the University of Delaware, the non-profit group Preservation Delaware, Inc., and the Delaware Heritage Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Adminis-
trator's
Report**

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

1. Foreclosure Prevention Seminars

On Wednesday, July 28, the Sussex County Community Development & Housing Department, in conjunction with the State Bank Commissioner and Attorney General, will be hosting two foreclosure prevention seminars. The first will be held at the Laurel Public Library located at 101 East Fourth Street in Laurel from 8:30 a.m. to 11:30 a.m. The second will be held at the Ocean View Town Hall located at 32 West Avenue in Ocean View from 3:00 p.m. to 7:00 p.m. The events are FREE and open to the public.

**Adminis-
trator's
Report
(continued)**

Homeowners are invited to come at any point during the scheduled times to speak with HUD-approved housing counselors and State representatives. Event staff will discuss new State and Federal programs and other options available to help homeowners struggling with their mortgages, as well as the foreclosure timeline in Delaware. For more information, call 302-855-7777.

2. Delaware Solid Waste Authority Report

As per the attached reports for April, May, and June 2010, over 18,000 pounds of recyclable material was collected at the recycling center located at the County's West Complex parking lot. The attached reports show the breakdown for each month.

3. Sussex County Featured on The Weather Channel

Sussex County and its response to the most recent round of extreme heat were featured briefly on The Weather Channel on Saturday, July 24. The County's Public Information Officer, Mr. Chip Guy, conducted a live, on-air telephone interview with meteorologist Scott Williams during the Saturday morning program 'Weekend View' to discuss steps the County was taking in preparation for the triple-digit heat. Three County libraries—South Coastal, Milton, and Greenwood—were designated as 'cooling stations' for the public to use. County paramedics visited the locations as time permitted to answer heat-related questions.

Meantime, the 100-degree weather this past weekend kept our EMS units busy throughout the County. Paramedics responded to at least 15 heat-related calls between Friday, July 23, and Sunday, July 25. Since the week of June 20, Sussex County paramedics have responded to a total of 36 calls in which heat exposure was the primary complaint.

4. Public Suggestions for 2011-2017 Capital Transportation Program

Adminis-
trator's
Report
(continued)

This is a reminder that this is the final week for the public to offer suggestions for the upcoming 2011-2017 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation (DelDOT) in September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's Web site to submit their suggestions. Please visit www.sussexcountyde.gov and click the 'Transportation Ideas' link on the right side of the main page to fill out a suggestion form. Submissions will be accepted through this Friday, July 30. Administration will review all suggestions and then compile a draft report for County Council's consideration in late August before submitting it to DelDOT this fall.

5. Employee Benefit Vacation House Raffle

Two County employees have won the chance to enjoy some down time at the beach this August after winning recent vacation raffles. The County's Employee Benefit Committee in June sold tickets for two raffles – one for a week's stay at Bethany Beach, the other for a week's stay in St. Augustine, Florida. The winner of the Bethany Beach vacation was Donna Mowbray in the Planning and Zoning Office; the winner of the St. Augustine vacation was Pat Brown from the Greenwood Library.

The raffles raised \$643 for the Benefit Committee, an increase of about \$200 from last year when a similar raffle was held. The proceeds will help the Benefit Committee pay for employee events and other projects, including the Needy Family Fund.

We thank Councilman George Cole, whose generous offer of properties at Bethany and St. Augustine made the raffle possible.

[Attachments to the Administrator's Report are not attached to the minutes.]

SEDAC
Update

Hal Godwin and Patti Grimes updated the Council on the progress of the Sussex Economic Development Action Committee (SEDAC), an all volunteer group that was formed to study and analyze the economy in Sussex County. It was noted that there are currently 24 members on the Committee and that these members consist of persons from the following sectors: education, government, and business.

Ms. Grimes reported that SEDAC's mission is to leverage the experience, intellect and creativity of the Sussex County community to create sustainable economic prosperity.

Ms. Grimes reported that SEDAC is moving ahead with its 501c(3) status; in order to achieve this status, SEDAC must become formalized as an

organization. The first step in the process is to adopt Bylaws. Ms. Grimes noted that draft Bylaws have been distributed to the Committee. SEDAC's next steps are to formalize a Board and Officers, hire a part-time Executive Director, continue the Resourceful Leadership Program, launch a website and refine their work plan. Ms. Grimes informed the Council that SEDAC's work plan is (1) to create a system that supports and sustains existing business and aggressively pursues future opportunities, (2) foster entrepreneurial efforts, and (3) grow and nurture a well-trained workforce that supports higher paying job opportunities.

SEDAC
Update
(continued)

Julie Wheatley, Sussex County Economic Development Officer, spoke in support of SEDAC's efforts.

Aircraft
Tiedown
Apron
Expansion
Proposal

Michael Izzo, County Engineer, reported that, on June 29, 2010, the Council rejected the bids on the Contract for the Aircraft Tiedown Apron Expansion Project and the Engineering Department was directed to report back to the Council with Contract alternatives, at an approximate cost of \$250,000.

Mr. Izzo presented a new proposal (Option No. 4) for 13 tiedowns at a cost of \$16,184.00 per tiedown (total cost of \$210,401.00) and he highlighted the advantages of this option:

- a more efficient layout resulting in less pavement being installed per tiedown
- avoids expensive taxiway light upgrades
- reduces pavement section from 4 inches to 2 inches
- more easily expandable
- meets \$250,000 cap requirement

M 399 10
Prepare
and Bid
Aircraft
Tiedown
Apron
Expansion
Project

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to direct the Engineering Department to prepare and bid plans and specifications for the Aircraft Tiedown Apron Expansion Project depicted by Option No. 4, as presented to the Council on July 27, 2010.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

Requests

Mrs. Webb presented grant requests for the Council's consideration.

M 400 10
Community
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$100.00 from each Community Grant Account) to the Olde Tymers Softball League for expenses and operations.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

M 401 10 Community Grant A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give \$3,500.00 from Mr. Vincent's Community Grant Account to the Seaford Historical Society for historical and cultural exhibits.

M 401 10 (continued) Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

Defer Request The grant request from the Laurel Public Library was deferred for one week.

M 402 10 Community Grant A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Community Grant Account to the Town of Blades for the National Community Night Out event.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

Additional Business Under Additional Business, Mrs. Deaver referenced calls she receives regarding abandoned homes and she expressed concern about how the County is handling abandoned homes. Mr. Phillips stated that the matter would be taken under advisement.

M 403 10 Recess At 11:14 a.m., a Motion was made by Mr. Vincent, seconded by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

M 404 10 Reconvene A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to reconvene at 1:36 p.m. Motion Adopted by Voice Vote.

Public Hearing C/U No. 1838 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.0 ACRES, MORE OR LESS" (Conditional Use No. 1838) filed on behalf of Brian L. White and Lisa D. White.

Lawrence Lank, Director of Planning and Zoning, reported that the

Planning and Zoning Commission held a Public Hearing on this application on July 8, 2010 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 8, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

**Public
Hearing
C/U
No. 1838
(continued)**

Lisa White was present on behalf of the application. She stated that they applied for the Conditional Use for the operation of their well drilling business; that normal business hours will be 7:30 a.m. to 5:00 p.m.; that no noise is anticipated; that deliveries occur twice per week during business hours; that there is no need for signage; that a pole building currently exists on the site which is used for personal use; that if the application is approved, the company vehicles will be parked inside the pole building; that they plan on constructing pipe racks; that they plan to create a concrete pad for storage of sand; that they currently own the property; that they have three full-time employees; and that there would be no client relations taking place at this location.

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

**M 405 10
Defer
Action on
C/U
No. 1838**

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to defer action on Conditional Use No. 1838 filed on behalf of Brian L. White and Lisa D. White.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Public
Hearing/
C/U
No. 1839**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SHOP/OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21,962 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1839) filed on behalf of R. Joseph Johnson.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 8, 2010 at which time action was deferred. On July 22, 2010, the Commission recommended that the application be denied.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 8 and 22, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank reported that a wetlands delineation report, which was prepared by Envirotech, Inc., was received from the Applicant. Mr. Lank noted that a small area of wetlands exist along the rear of the lot.

Public
Hearing/
C/U
No. 1839
(continued)

R. Joseph Johnson was present on behalf of his application. He stated that business hours would be 8:00 a.m. to 4:00 p.m. on weekdays only; that most deliveries are made to jobsites; that he currently owns the property; that he is the owner of Shore Electric which is now located off of Route One behind Jiffy Lube; that he proposes to construct a metal building; that the existing building would be demolished; that other commercial uses are located in the area; that he is proposing a sign on the building only; that the business has six trucks; and that he is willing to fence or landscape the property.

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

M 406 10
Defer
Action/
C/U
No. 1839

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1839 filed on behalf of R. Joseph Johnson.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

Public
Hearing/
C/U
No. 1840

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SCREEN PRINTING, EMBROIDERY, VINYL SIGN BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10,615 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1840) filed on behalf of Juliane Olber and William N. Hein.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 8, 2010 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 8, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Juliane Olber Hein and William N. Hein were present with Robert Witsil, Attorney. They stated that they have been in business for 1 1/2 years; that they do screen printing of shirts, etc., and sales of vinyl signs, trophy labeling, and marketing accessories; that the majority of the work orders are received through the mail or computer; that Mr. Hein runs the business with one full time employee and one part time employee; that there is no

noise since all activities are performed in the building; that no noise or smell is generated; that he has spoken to area residents and he is not aware of any objections from neighbors; that there are approximately seven letters from neighbors in support of the application; that there are no deed restrictions that reference business uses; that a Traffic Impact Study was not required; and that the well will be removed and they will hook up to central water.

Public
Hearing/
C/U
No. 1840
(continued)

Mr. Witsil submitted a revised survey to address concerns regarding proposed parking and entrance plans. Mr. Witsil noted that this application will be subject to the approval of an entrance permit from DelDOT.

Mr. Witsil submitted a letter into the record from The Kelly J. Fritchman Swimming Scholarship commending Mr. Hein's work.

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

M 407 10
Defer
Action/
C/U
No. 1840

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1840 filed on behalf of Juliane Olber and William N. Hein.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

Public
Hearing/
C/U
No. 1841

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A MARINA AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.7 ACRES, MORE OR LESS" (Conditional Use No. 1841) filed on behalf of George W. Swain.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 8, 2010 at which time the Commission recommended that the application be approved with the following conditions:

1. The hours of operation shall be between 9:00 a.m. and 11:00 p.m. for the restaurant.
2. There shall be seating for no more than 100 patrons within the restaurant and its decks.
3. Parking shall comply with the requirements of the Zoning Code.
4. There shall not be any fuel sales on site.
5. There shall be no more than 22 boat slips on site.
6. Any security lighting shall be screened so that it does not shine on

- neighboring properties.
7. Stormwater management on the site shall comply with all DNREC and Sussex Conservation District requirements.
 8. The Applicant shall comply with DelDOT's request for payment of the Area-Wide Study Fee.
 9. The Final Site Plan shall contain a landscape plan for the site.
 10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Public
Hearing/
C/U

(See the minutes of the meeting of the Planning and Zoning Commission dated July 8, 2010.)

No. 1841
(continued)

Mr. Lank read a summary of the Commission's Public Hearing.

Mr. Lank reported that, since July 8, 2010, a faxed letter was received from the Town of Slaughter Beach in support of the application.

Mr. Lank reported that a letter was received on July 19, 2010 from the City of Milford in support of this application.

Mr. Lank reported that a letter was received on July 26, 2010 from Senator Gary Simpson in support of the application.

Pete Russo was present on behalf of the application. Mr. Russo distributed updated drawings of a downsized restaurant and a revised print of the marina. He stated that the project has been ongoing for 10 years; that they have been trying to get a permit from DNREC to replace the docks; that due to an environmental issue (birds), DNREC wants the number of docks to be downsized; that originally, 50 slips were proposed; that septic is a large concern; that they are proposing the downsizing to accommodate a septic system; that there is nothing on the site currently and it is a depressed piece of property; that the restaurant would most likely be seasonal; that they propose 12 large slips for renting and 10 slips for smaller boats; and that there is a strong interest in an eco-tour business with the City of Milford.

Robert Walls, Barry Hoch (property owner across the street), and Julie Wheatley, Sussex County Economic Development Director, were present in support of the application. They stated that the proposal would revitalize the area as well as the downtown area of Milford.

Mr. Phillips recommended the following additional condition of approval: In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.

The Public Hearing was closed.

M 408 10
Amend
Conditions/
C/U
No. 1841

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to strike Conditions No. 1 and No. 2 proposed by the Planning and Zoning Commission and to add the following additional condition: In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.

M 408 10
Amend
Conditions/
C/U
No. 1841
(continued)

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

M 409 10
Adopt
Ordinance
No. 2138
(C/U
No. 1841)

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2138 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MARINA AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.7 ACRES, MORE OR LESS” (Conditional Use No. 1841) filed on behalf of George W. Swain, with the following conditions:

1. Parking shall comply with the requirements of the Zoning Code.
2. There shall not be any fuel sales on site.
3. There shall be no more than 22 boat slips on site.
4. Any security lighting shall be screened so that it does not shine on neighboring properties.
5. Stormwater management on the site shall comply with all DNREC and Sussex Conservation District requirements.
6. The Applicant shall comply with DelDOT’s request for payment of the Area-Wide Study Fee.
7. The Final Site Plan shall contain a landscape plan for the site.
8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
9. In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;

**Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Public
Hearing**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22.66 ACRES, MORE OR LESS” (Change of Zone No. 1688) filed on behalf of Harry Caswell, Inc.

**Public
Hearing/
C/Z
No. 1688
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 8, 2010 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 8, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank distributed project booklets which were previously provided by the Applicant.

Harry Caswell was present with Heidi Gilmore, Attorney with Tunnell & Raysor, P.A., and Gary Cuppels, Professional Land Surveyor with ECI, LLC.

Mrs. Gilmore stated that the application was submitted in anticipation that the RPC project would be an affordable housing site; that the area is in dire need of affordable housing according to William LeCates, Director of Community Development and Housing; that they are proposing to develop the site for affordable housing; that 37 lots are approved; that a single family residential lot community is proposed; that they are proposing a project that has a lower density than that permitted in the GR General Residential District; that total open space is 6.82 acres; that the site density is 1.6 units per acre; that the Comprehensive Plan would allow 4 units per acre; that central sewer is proposed; that water service will be provided; that the agency comments do not object to the proposed use; that the project proposes sidewalks on internal roads; that they propose a school bus stop facility; that amenities would include an open area recreational park with a tot lot and pavilion; that the proposed location is part of an existing village area which has developed over time; that the project will provide for a Homeowners Association that will maintain all open spaces, buffers and streets; that the project site is contiguous with older and existing development in the area; that the proposed use will not have an adverse impact on the area; that the proposed use will augment the area; that the development plan would not be detrimental to the environment, the local economy or the area roadways; and that they have had discussions with housing agencies about providing affordable housing.

Public
Hearing/
C/Z
No. 1688
(continued)

Mr. Cuppels stated that the minimum lot size will be 7,500 square feet; that the average lot size within the development will be 8,100 square feet; that they propose to buffer the adjacent tax ditch and allow for the maintenance of it; that they propose to buffer the project from the surrounding properties; that the site is predominantly wooded and approximately 53 percent of the site could remain wooded; that 24 foot wide streets are proposed; that sidewalks are proposed on one side of the streets; that each lot in the development would have direct access to open space; that the sanitary sewer system will be owned and maintained by Tidewater or a Tidewater subsidiary; that water will be provided by Tidewater; that the small strip of land adjacent to Route 297 will not be developed and may be conveyed to adjoining property owners, the church in the immediate area, or left in open space; that there will be negligible traffic impact; that they have a Letter of No Objection from DelDOT regarding the entrance to the site which will be through Oak Street; that they propose moderately priced homes with a target market of less than \$200,000; that they have a letter of support from the Sussex County Community Development Office; that the homes will be Beracah Homes; that the State Strategies reference that the site is located in an Investment Level 4 area; and that they disagree with the State Strategies because the area is basically a village area that has existed for years and includes existing developments.

Public comments were heard.

Anthony Daisey and Efren Phillips spoke in opposition to the project. They expressed concerns that Route 297 is only 20 feet wide with no shoulders, no bike paths, and no pedestrian paths; that Route 297 is heavily travelled; that there have been numerous traffic accidents in the area; that additional houses, people and traffic is not needed in the area; that infrastructure should be in place prior to approval of this type of project; that the project goes out onto a private street; that Oak Street is a dead end street; that everyone on Oak Street opposes the project; that they are concerned about flooding in the area; and that they question who will take care of the maintenance of the road.

Mr. Cole raised questions regarding Oak Street, which is a private road. Mrs. Gilmore stated that the ownership of Oak Street is in unison with everyone that has used it through the title history. Mrs. Gilmore stated that there are no restrictions dealing with the use of the road. Mr. Cole questioned if the County Attorney should research the description, ownership and access of the private road. Mrs. Gilmore stated that Mr. Caswell proposes to improve Oak Street to the project's entrance. In response to questions, Mrs. Gilmore stated that it has not yet been determined who will maintain the remainder of Oak Street. Mrs. Gilmore stated that they would like to work in conjunction with the community members but have been unsuccessful so far.

Mr. Cole raised questions regarding other parcels and stub street connectors in the area and their potential future access to Oak Street.

The Public Hearing was closed.

M 410 10
Defer
Action on
C/Z
No. 1688

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Change of Zone No. 1688 filed on behalf of Harry Caswell, Inc. and to leave the record open for the specific purpose of discussing the right-of-way on the private road.

M 410 10
(continued)

Motion Adopted: 5 Years.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

M 411 10
Adjourn

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to adjourn at 3:32 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council