

MINUTES OF THE REGULAR MEETING OF MARCH 14, 2002

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 14, 2002 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, and Mr. Lynch, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to amend the agenda by reversing the order of item #2 and item #3 under public hearings.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to adopt the agenda as amended.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the minutes of February 28, 2002 as amended.

Mr. Schrader described how the public hearings would be conducted.

PUBLIC HEARINGS

C/U #1446 -- application of **SCOTT SHUBERT** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a landscaping business with equipment storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.0 acres, more or less, lying south of Route 367B, 3,500 feet northeast of Route 370.

The Commission found, based on comments received from the Delaware Department of Transportation (DelDOT), that the proposed action will have no significant impact on traffic.

The Commission found that Scott Shubert was present and stated in his presentation that he has been in business for approximately 5 years; that he has 5 employees; that business hours are from 7:30 a.m. to 5:00 p.m. six (6) days per week during the summer season and five (5) days per week in the winter; that he has a greenhouse for raising perennials; that he purchases shrubbery for replanting on job sites; that he has two (2) bins for storage of mulch and stones for landscaping; that he will not be grinding mulch; that there are no retail sales performed on the site; that the materials grown and stored on the site are for installation on job sites; that the area is predominantly agricultural oriented; that his office will be in the shed at the rear of the site; that the site contains five (5) acres; that machinery will be stored in the shed; that there are two (2) fuel tanks on the site and that the tanks contain all required safety equipment; that employees will park between the house and the shed; that he has four (4) company vehicles, which include a

small dump truck and three (3) pickups; and that he would like to erect a small sign to designate the business location.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved with the following stipulations:

1. There shall be no retail sales of stone and mulch from the site.
2. One (1) non-lighted on-premise ground sign, not exceeding 32 square feet per side or facing, may be permitted.
3. Business hours shall be from 7:30 a.m. to 5:00 p.m. There shall be no Sunday hours.
4. There shall be no grinding of mulch on the site.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion carried 4 - 0.

C/Z #1462 -- application of **HELEN E. PASSWATERS** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, land lying on the southwesterly side of Route 404 and westerly of U.S. Route 13, to be located on 53.7 acres, more or less.

The Commission found that the applicant had submitted, prior to the meeting, a packet of information that included a reduced copy of the site plan, a copy of the area tax map depicting the site and C-1 zoning boundary line, copies of portions of the Strategies for State Policies and Spending document and map, copies of portions of the 1997 Sussex County Comprehensive Plan, copies of portions of the 1990 Western Sussex Land Use Plan, copies of portions of the Town of Bridgeville Comprehensive Plan, and copies of correspondence from DelDOT.

The Commission found, based on comments received from the Office of State Planning Coordination, that the parcel is located in the developing and secondary developing areas with only a tip of the parcel in the rural areas of the Strategies for State Policies and Spending document; that the developing areas are where the State would normally want commercial development and according to DelDOT this development is being pursued in

a manner that is congruent with their plans for highway improvement in this area; that the State has some concerns about the development of this parcel and would like the County to address these concerns before approval is granted: 1) Fallsington soils are hydric and associated with wetlands. The County should be aware that Fallsington soils appear to be the predominant soil type found on the parcel and the applicant should be aware that they must avoid construction and associated activities in the wetlands portions of the parcel; 2) The application from the County did not mention how sanitary wastewater and water supply issues would be handled. If this project cannot be designed with central wastewater collection and disposal and with central water supply, the State could not support the development. 3) The Department of Agriculture has concerns about rezoning of this parcel so close to established Agricultural districts and PDRs. The remaining portion of the parcel borders an Agricultural PDR owned by Kenneth Wilson. This PDR and other Agricultural Districts and PDRs in the immediate area represent a significant State investment in agriculture within the Bridgeville area. The entire parcel is rated agricultural suitability class 1, which is the highest preservation rating. The Department questions the need for 53 additional acres of commercially zoned land in the area. How much commercially zoned vacant land is in Bridgeville and how much vacant commercial land is within one mile of the site. In general, the Department of Agriculture does not support the partial rezoning of parcels. 4) The State asked that the County work with the Department of Agriculture to alleviate their concerns before final action is taken on this application.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located in the Bridgeville service area according to the Western Sussex Water and Sewer Plan and that the applicant should contact the Town of Bridgeville concerning the availability of water and sanitary sewer service.

The Commission found that a letter was received from Virgil and Emily Cannon, adjoining landowners to the site, in support of the application.

The Commission found that James Fuqua, Attorney, was present on behalf of the applicant, and stated in his presentation and in response to questions raised by the Commission that there have been extensive discussions between representatives of the Passwaters family and DelDOT; that the applicant proposes to dedicate rights-of-way for re-configuration of the intersection of U.S. Route 13 and Route 404 and for service roads; that the applicant proposes to create five commercial parcels; that WAWA is pursuing one of the parcels; that access to the remaining parcels will be from the proposed service roads, not U.S. Route 13; that the actual proposed commercial acreage is 46.46 acres; that they have no specific use for the remaining acreage, but they have had some inquiries interested in the site; that the site is located in a developing area according to the Strategies for State Policies and Spending document; that according to the document: In

developing areas, the State will encourage sensible development through a planned set of phased transportation investments, land use coordination, and policy actions consistent with zoning densities and designations. Projects will include those that manage traffic flow and congestion, support economic development and redevelopment efforts, and promote local street networks. State investments will support extensions of existing water and wastewater systems or creation of new systems in designated developing areas; that according to the 1997 Comprehensive Plan: the site is located in a Development District and a Town Center District. The purpose of the Developing District is to concentrate development in areas where public water and wastewater systems are available. These areas are partially developed and contiguous to existing Municipalities. The purpose of the Town Center District is to concentrate growth around existing Municipalities while protecting their character by planning compatible development; that according to the 1990 Western Sussex Land Use Plan; the site is located in the Town Center District where planned or desired town expansion or area of influence are projected; that according to the Town of Bridgeville Comprehensive Plan: the site is located in a growth area. There has been relatively little development in the area surrounding Bridgeville in the last decade. One obvious exception is the growing commercial node at the intersection of Routes 13 and 404. This area currently contains a cluster of gas stations, a restaurant, and convenience stores. A shopping center with a grocery store is currently proposed for this area. In addition, several other automobile oriented commercial uses are proposed along the Route 13 corridor in the Bridgeville area. Bridgeville treats wastewater from the Town of Greenwood, as well as from the emerging commercial node and provides some water service to areas outside the town limits. The State Strategies recognize that growth is occurring in this suburban area and supports infrastructure investments that enhance the quality and viability of new development in Developing Areas. This area includes the northern portion of the Passwaters farm, the cluster of commercial uses at the Routes 13/404 intersection, and the Route 13 corridor from Route 404 to Redden Road. The Strategies would indicate that additional new growth would be directed to this area, and the State would support that growth with needed transportation and other investments. The Plan provides relevant planning principles that include that the Town should continue to coordinate with DelDOT's Corridor Capacity Preservation Program to develop a plan for service roads along the Route 13 corridor. The land use strategies included in the Plan should support the service road planning effort. The primary tools of the Route 13 Program include improved local road networks and combined entrance points. Combining entrance points and utilizing the local road network to provide access will decrease the points of entrance and exit, or conflict points, on the Route 13 corridor. This improves the safety of the overall transportation network and decreases the interruptions to traffic flow on the corridor. By improving the existing local road network and creating new roads to improve the network, local Bridgeville traffic will be able to access development along the Route 13 corridor without using Route 13 for each trip. The Plan recommends realignment of Route 13/404 intersection

since the intersection currently has the worst levels of service, and it is also a safety hazard due to its unusual alignment. It is recommended that the intersection be reconstructed as a 90-degree intersection to improve the intersection's function, safety, and capacity. This option is preferred by the Town to an overpass, which would be too costly, would negatively impact access to adjacent properties, and would limit the Town's access to the growing commercial node. Pedestrian access would be difficult or impossible if an overpass is constructed. The Plan also encourages DelDOT to implement the Corridor Capacity Preservation Program along the Route 13 corridor in Bridgeville, which will involve providing service roads along the corridor, enhancing safety, providing better access to properties, and creating a local street network that will link the uses on the highway corridor with the Town; that according to the Office of State Planning Coordination, the parcel is located in the developing and secondary developing areas with only a tip of the parcel in the rural areas of the Strategies, that developing areas are where the State would normally want commercial development, and that according to DelDOT this development is being pursued in a manner that is congruent with DelDOT plans for highway improvements in the area; that the application is consistent with the Sussex County Comprehensive Plan, the Strategies for State Policies and Spending, and the Bridgeville Comprehensive Plan; that the Bridgeville Wastewater Treatment Plant Manager has advised that the plant has an average daily flow of approximately 190,000 gallons per day and the capacity for an additional 60,000 to 100,000 gallons per day; that the Bridgeville Water Department has advised that the Department could adequately supply the water needed for the project; that the State DNREC did not acknowledge the fact that the site has been farmed for years and that they are not aware of any wetlands on the site; that the State Department of Agriculture must not have reviewed the Sussex County Comprehensive Plan, the Strategies for State Policies and Spending, or the Bridgeville Comprehensive Plan when they commented on the application; and that in summary: the application meets all of the referenced plans, central water and sewer will be provided, the application provides rights-of-ways for improvements to correct a dangerous intersection and service roads, and enhances the roadways in the area.

The Commission found that Gordon Meade of Davis, Bowen, and Friedel, P.A. was present on behalf of the applicant and stated in response to questions raised by the Commission that DelDOT initiated the road realignment based on DelDOT consultants plans; that the realignment was initiated due to the number of accidents at or near the intersection of Routes 13 and 404; that the site will not be suitable for farming once the realignments are created; that the proposed service road locations are also based on DelDOT plans; that existing business uses will not be affected by the realignments; that the WAWA site was added to the site plan for reference; that the entrance will have rights-in only; that DelDOT has advised them that they would like to start engineering for the intersection within the next couple of years; that existing utility lines may be able to

remain in the existing rights-of-way of Route 404; and that approximately 10 acres of rights-of-way are being dedicated to DelDOT.

The Commission found that Steve Cannon, speaking on behalf of the neighboring Cannon property owners, stated that the Cannon family is in support of the application and has no objection to the rezoning proposed.

The Commission found that there were no parties present in opposition to the application.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved since the application conforms to the 1997 Sussex County Comprehensive Plan, the 1999 Strategies for State Policies and Spending, and the recently adopted Bridgeville Comprehensive Plan; since DelDOT proposes to realign the intersection of U.S. Route 13 and Route 404 and create service roads; and since the realignment of the intersection and the creation of service roads on the site will make it difficult to farm the site.

Motion carried 4 - 0.

C/Z #1458 -- application of **BAYWOOD, LLC AND TUNNELL COMPANIES, L.P.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural 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, land lying on both sides of State Route 24, south and west of Road 298, north of State Route 23 (a.k.a. Long Neck Road) and on both sides of Route 5, to be located on 722.316 acres, more or less.

The Commission found that the applicant had submitted, prior to the meeting, a packet of information that included a Master Plan drawing of the proposed project, a color Master Plan drawing of the project, a brochure on the Baywood Greens Golf Course and a yardage guide for the Golf Course, aerial photographs of portions of the site, copies of the cover and article on the golf course from the Mid-Atlantic Golfer magazine, a conceptual drawing of the proposed information, sales and design center for the project, conceptual drawings of the proposed clubhouse, conceptual drawings of the townhouse buildings, conceptual drawings of the proposed single family homes, a summary relating to housing demands, a review of the land utilization for the project, information on wastewater service, water service, and other utility services, a letter from Sheaffer International, L.L.C. relating to sewer, a letter and report from Andrews, Miller &

Associates, Inc. relating to stormwater management, a letter from McCrone, Inc. relating to wetlands delineation, a letter from Environmental Consulting Services, Inc. relating to the Condition of the Sea Level Fens, a traffic outline, an aerial of the general area of the project, letters from DelDOT relating to traffic and a traffic impact study for the project, a report on the application's compliance with the 1997 Comprehensive Plan, a copy of a Baywood General Lease and Acknowledgement, and a brochure on Phase I of the project, with text and photographs relating to neighborhood planning characteristics, design guidelines, statements of intent, proposed homes, and architectural elements.

The Commission found that a copy of the Traffic Impact Study prepared by Davis, Bowen & Friedel, Inc. had been made a part of the record.

The Commission found, based on comments received from DelDOT, that the Department had completed its review of the traffic impact study for the project and found that the project consists of an expansion of the golf course and residential development; that the proposed expansion would take place north of the signalized intersection of Route 24 and Route 5 on both sides of Route 24; that a total of 726 dwellings area presently approved for approximately 405 acres; that the proposed expansion would change the number, location, and types of dwellings currently planned and would add 330 more dwellings for a total of 1,056 dwellings on 721 acres; that access is proposed via driveways to Route 24, Route 5 and Banks Road; that the existing and expansion property is currently zoned AR-1; that the site is to be fully developed by 2020; that the traffic impact study does not make any recommendations regarding roadway and intersection improvements; that according to the traffic impact study, the unsignalized intersections, including the site driveway, would operate satisfactorily during each scenario, except for the summer Saturday peak hour; that the Department agrees; that if the County should find it appropriate to grant the proposed rezoning, the Department recommends that the following items be incorporated into the plans associated with the RPC zoning overlays: 1) The applicant should be required, by notes, to enter signal agreements with DelDOT whereby the applicant would wholly or partially fund the installation of traffic signals at the following locations when DelDOT determines that the signals are warranted and installs them: a) Route 24 and Banks Road; b) Long Neck Road and Baywood Greens Entrance; and c) Route 24 and Baywood Greens Entrance. At Route 24 and Banks Road, the agreement should cover an equitable portion of the costs of installation. At the two entrances, the agreement should cover all costs of both installation and operation. 2) The plan should include sidewalks, acceptable to DelDOT, along the site frontage on Route 24 and on Long Neck Road; 3) The plan should include such other pedestrian, bicycle, and transit-related items as may later be identified by DelDOT as the plans for the project are developed; and 4) The rezoning and plan should in no way relieve the applicant of their current obligations to improve the intersection of Long Neck Road, Banks Road and School Lane and the intersection of Banks Road and Route 24.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State has reviewed the project; that the comments include a copy of the above DelDOT comments; that the Delaware Emergency Management Agency has noted that Route 5 and Route 24 may become congested during an evacuation for a hurricane or severe northeaster storm and any construction along Guinea Creek within the 100 year flood plain zone would need to comply with flood plain management building codes and regulations; that the State recognizes that development of the parcel has already been approved through the Conditional Use approval; that if the County requires the applicant to work with DelDOT on the improvements noted in the traffic impact study and Best Management Practices are followed to safeguard the area's wetlands and other natural resources, the State would have no objections to this proposed rezoning.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the County will not be providing sewer service to the project; that the project is adjacent to the Long Neck Sanitary Sewer District; that the proposed RPC is not within the Long Neck Planning Area; and that conformity to the Long Neck Planning Study, or undertaking an amendment will be required if the applicant should decide to extend the district boundaries of the Sewer District.

The Commission found that a letter was received from Michael Tyler, President of the Citizens Coalition, Inc. in opposition to the application and referencing that the application is neither in the development district nor does it follow the spirit and the intent of the Comprehensive Plan, and requesting that the application be denied at least until the new Comprehensive Plan is approved and until the Route 24 planning effort has had time to review the implications that such a large and dense development would have on this part of the County; and that they believe that these efforts will provide even more reason why this development is inappropriate for this area.

The Commission found that John Sergovic, Jr., Attorney, Frank Kea, Consultant, Jerry Friedel and Dawn Riggi of Davis, Bowen & Friedel, and Rob Tunnel, Developer, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the Tunnell family acquired the properties over the last ten years from 11 property owners; that in 1994 and 1995 they applied for a Conditional Use for a 726 lot manufactured home park with a golf course; that the golf course was created within and around the boundaries of the manufactured home park; that they now propose to revise the layout of the manufactured home park by developing a residential planned community overlay over the park and the additional lands along Route 24; that 413 single family lots will remain in the manufactured home park; that 157 townhomes are proposed to be built in replacement of the other manufactured home park lots; that 93 additional single family lots are proposed to be created east of Route 24 and south of Road 298; that 212 single family lots and 181 townhomes are proposed west of

Route 24 and north of Route 5; that the total number of units proposed will be 1056; that the project opened in the summer of 2000; that the project has received several awards; that the project is designed as a golfer/pedestrian friendly neighborhood; that they propose a new clubhouse, pro shop, lounge, and banquet facilities; that the golf course has received preliminary approval for an additional 9 holes; that the project is being designed with a traditional neighborhood design; that there is a demand for low maintenance home sites; that access is available to the golf course cart paths to pedestrians; that open space and parks are scattered throughout the project; that the townhomes are proposed to create accommodations for retirees; that curbed asphalt streets with street lighting, street trees, and landscaping are proposed; that roadways parallel the golf course in several locations so that everyone can enjoy the views of the golf course; that cart paths are 10-feet wide and sidewalks are 5-feet wide; that the roadways, cart paths and sidewalks create interconnectivity throughout the project; that the proposed architecture of the single family homes is similar to homes built in the 1940's and 1950's with front porches and dormers; that the townhomes have similar design; that all new lots will maintain a minimum of 7,500 square feet; that the proposed neighborhood is designed as a planned community focusing on lifestyle, housing variety, open space, and amenities; that the layout utilizes creative housing concepts and housing clusters; that central wastewater and central water systems are proposed; that wetlands have been delineated and that there are no wetlands in the proposed residential areas; that there are 9 acres of non-tidal wetlands in the proposed 9 holes of the golf course; that fire protection will be provided by the Indian River Volunteer Fire Company; that other utility companies that will serve the project include Delaware Electric Cooperative, Verizon, and Media Comm; that streets will be designed and built to exceed County requirements; that stormwater will be retained and treated for quality; that there should be little or no impact on the Indian River School District since they anticipate that the majority of the residents will be retired; that trees will be selectively cleared to maintain buffers; that DelDOT has voiced no objections to the project; that the applicant will comply with all DelDOT recommendations; that DelDOT has budgeted \$1,771,000 in intersection improvements at Route 24 and Long Neck Road and \$1,700,000 in rehabilitation and safety improvements along Banks Road and School Lane; that the applicants plan various enhancements to the area which include intersection improvements at Long Neck Road and Route 24 at Banks Road as per the requirements of DelDOT approvals for the existing project; that the projects entrances are planned to be signalized in the future; that the intersections will have satisfactory levels of service at weekday peak hours through 2020; that the project contains 4.5 miles of streets with 5 entrances; that the project creates a sense of connectivity for the area by the location of the entrances and the street layout; that the rezoning is in compliance with the Zoning Ordinance and the purpose of a residential planned community; that the design fully addresses the Comprehensive Plan by providing design ingenuity; that a division does exist in the Comprehensive Plan for this area with the Development District being

easterly of Route 24 and the Agricultural District being westerly of Route 24; that the area could be considered a Rural Community District; that the overall density is less than 1.5 units per acre; that the majority of the forest lands will be preserved; that the applicants have made a significant investment to improve the area by providing an upscale golf course, quality roads, quality infrastructure, innovative housing types, recreational amenities, and affordable housing; that according to DelDOT representatives, the Route 24 and Route 5 intersection improvements should be completed by 2003; that a cart path and pedestrian bridge is proposed to cross Route 24; that the bridge location and concept has been approved by DelDOT; that the bridge is proposed to be an elevated guard rail system; that the bridge is proposed to be 17.5 feet above the roadway; that lots will be land leased; that buffers will utilize existing trees and additional landscaping similar to the tree and shrub planting activities that are underway within the existing project; that the downsizing of the manufactured home park creates better use of the land; that the layout creates more open space; that a wooded buffer will be created along the existing homes along Banks Road; that a landscaping plan will be submitted with the site plans if the use is approved; and that all additional trees planted will be from 6-feet to 8-feet in height when planted.

The Commission found that Carl Maschauer, a Baywood resident, Dick Sharp, a future resident of Baywood, and Thomas Seeds, a resident within Winding Creek Village, were present in support of the application and stated that Baywood is a nice place to live; that the project has raised the standards of living in the area by the installation of sidewalks, street lighting, open space, and recreational amenities; that a resident can walk, jog, and bicycle throughout the project; that the project is a safe place to live with 24-hour security; that the project is environmentally friendly with buffers, landscaping, stocked fish ponds, birdhouses, and plantings; and that the developer has been a good neighbor to the adjoining developments in the area.

The Commission found that Leon Hall, Glenn Hall, and Wayne Miller, residents that live along Banks Road, were present in opposition and expressed concerns about a large pile of stumps that has not been removed from the site; that a pile of stumps does not represent beautification; questioning when the applicant will make the already required improvements to Banks Road; questioning the need for additional homes in the area since many homes in the area are being offered for sale; increased traffic; that the current construction entrance should be cleared of trees due to sight easement concerns; that the safety of the local children should be considered; and that some of the wooded buffers proposed with the original applications have not been created.

The Commission found that Mr. Friedel stated, in response to additional questions raised by the Commission, that currently signal agreements exists between the applicant and DelDOT for Route 24 and Long Neck Road; that a new signal agreement is proposed for

the intersection of Route 24 and Banks Road; and that the developer will have to pay for all cost of the signals at the entrances to the project.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to defer action.

Motion carried 4 - 0.

OLD BUSINESS

Subdivision #2001-17 - - application of **COLLINS ACRES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 20.20 acre into 12 lots, located west of Road 412 at the south side of the entrance to Lakeview Estates.

Mr. Abbott advised the Commission that preliminary approval was granted on June 28, 2001; that the Commission approved a revised buffer in July of 2001; that the final record plan meets the requirements of the subdivision code; and that all agency approvals have been received.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve this application as a final.

Vote carried 4 to 0.

C/Z #1460 - - application of **BUNTING-GRAY, LLC** to amend the Comprehensive Zoning Map 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, land lying north of Route 54 and 3,200 feet east of Route 381, to be located on 219.42 acres, more or less.

The Commission discussed this application which was deferred after the public hearing on February 28, 2001.

Mr. Lynch stated that he would move to approve the application with reasons and conditions; passed out his suggested reasons and conditions; and asked Mr. Schrader to read his recommendation. Mr. Schrader read that the proposed reasons include the following:

1. The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development District as established by the 1997 Sussex County Comprehensive Plan.
2. MR Zoning is appropriate for the proposed project site because medium density residential development is appropriate for areas where central sewer and water are available.
3. The RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large-scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
4. The subject property is in an area along Route 54 that has developed with residential projects with densities similar to or greater than the proposed project. The proposed project is in character with the nature of the area.
5. The subject recommendation is subject to the following conditions:
 - * The maximum number of dwelling units shall not exceed 343, of which no more than 56 shall be multi-family units.
 - * The maximum area of commercial development shall be 1 acre per 100 dwelling units.
 - * Residential building permits shall not exceed 60 per year.
 - * Site Plan review is required for each phase of development.
 - * The interior street design shall include sidewalks, bike paths, and rolled curbs.
 - * All entrances, intersections, roadway improvements, and Multimodal facilities shall be constructed as required by DelDOT.
 - * Recreational facilities, e.g., swimming pool, tennis courts, etc., shall be constructed and open for use by the residents at the time of the completion of the first 60 units.
 - * The RPC shall be served by an existing Sussex County sanitary sewer district.
 - * The RPC shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - * Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. If it is determined that additional areas are required for stormwater management, parking, or other use, the additional area shall be taken from lot areas, not designated State and Federal wetlands or open space areas.
 - State wetlands shall not be included in individual lots. State and Federal wetlands shall be maintained as non-disturbance areas, except as may be authorized by a valid Federal or State permit.

- There shall be no construction in any wetlands without valid permits.
- * No individual boat dock or boat launching facilities shall be permitted. A community boat launching facility may be constructed upon receipt of all applicable permits, site plan review and compliance with all applicable rules and regulations.
- * No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except such site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved based on the above reasons and conditions.

Motion carried 4 - 0.

OTHER BUSINESS

The Villages of Five Points - Village Shopping Center
Commercial Site Plan - Savannah Road

Mr. Abbott advised the Commission that the site plan is for a 72,000 square foot shopping center; that one building has 16,700 square feet; that another building has 13,600 square feet; that the Food Lion is 37,900 square feet with a 3,800 square foot area for future expansion; that 360 parking spaces are required and 395 are proposed; that the loading areas are located in front of the stores in a lane separated from the interior driveways; that the setbacks meet the requirements of the zoning code; and that final approval could be subject to receipt of all agency approvals.

Jeff Clark of Land Tech advised the Commission that this phase would be constructed concurrently with the housing phases and that the stormwater construction has been completed.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all agency approvals.

Vote carried 4 to 0.

Long Neck Business Park
Commercial Site Plan - Route 22

Mr. Abbott advised the Commission that the site plan is for a 6,473 square foot warehouse and office building; that the site is zoned General Commercial; that 12 parking spaces are proposed and that 3 are located within the front yard setback and need a waiver; that the setbacks meet the requirements of the zoning code; and that final approval could be subject to receipt of all agency approvals.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all agency approvals.

Vote carried 4 to 0.

Redfish Center
Commercial Site Plan - Route One

Mr. Abbott advised the Commission that the site plan is for a 2 story 10,000 square foot office building and a 1 story 2,475 square foot warehouse building; that the site is zoned General Commercial; that a letter of no objection has been received from DelDOT in reference to the entrance location; that 40 parking spaces are required and proposed; that 24 spaces are located within the front yard setback and need a waiver from the Commission; that 1 loading space is required and proposed; that the parking spaces also encroach into the 20 foot landscaped buffer along Route One and that the parking spaces need to be relocated or the owner needs to apply for a variance from the buffer requirement; that the building setbacks meet the requirements of the zoning code; and that all agency approvals are needed.

Jessica Nichols of Meridian Consulting Engineers advised the Commission that the buffer will be put in and that they will try to revise the parking layout.

Mr. Schrader advised that parking is not permitted in the landscaped buffer area.

Mr. Allen advised that he is not in support of the owner applying for a variance.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to defer action.

Vote carried 4 to 0.

Butch Warrington
2 Lots and 50' Easement - Road 274

The Commission reviewed a concept to create a lot with access off of a 50-foot easement.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the 2 lots as a concept.

Vote carried 4 to 0.

Ronald Souder
Lot on 50' Right of Way - Road 319

The Commission reviewed a concept to create a lot with access off of a 50-foot right of way.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the lot as a concept.

Cape Henlopen School District
C/U #1418 Site Plan - Route 24

Mr. Abbott advised the Commission that the site plan is for a 65,071 square foot 1 story middle school with athletic fields; that the setbacks meet the requirements of the zoning code; that 207 parking spaces are required and that 227 spaces are proposed; that the plan meets the conditions of approval in reference to fencing and landscaping; and that all agency approvals have been received.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a final.

Vote carried 4 to 0.

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Meeting adjourned at 10:35 P.M.