



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF FEBRUARY 9, 2006

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 9, 2006 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Burton, Mr. Gordy, Mr. Johnson, Mr. Smith and Mr. Wheatley, with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director, and Mr. Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the agenda as amended by removal of Subdivision #2005-17, the application of Darin A. and Don Lockwood, since it was withdrawn by the Applicant.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of January 26, 2006 as amended and the Minutes of February 1, 2006 as circulated.

OLD BUSINESS

CU #1636 - - application of **SUSIE HUDSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for small business offices with warehousing to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.0 acres, more or less, lying north of Route 9 (Lewes-Georgetown Highway), 700 feet west of Road 282, and being Lots 2, 4 and 6 of Stamper Farms Subdivision.

The Commission discussed this application which has been deferred since January 26, 2006.

Mr. Johnson stated that he would move that the Commission recommend denial of C/U #1636 for Susie Hudson to operate small business offices with warehousing based on the record made at the public hearing and for the following reasons:

- 1) I do not believe that the application is consistent with the character of the surrounding property in the subdivision.

- 2) The purpose of this application is to allow a Conditional Use to operate small business offices with warehousing on an otherwise residential property. While there is some limited business or commercial zoning or uses along Route 9, a majority of the area in the immediate area is residential. This use would be out of character with the adjacent and surrounding properties in the subdivision and would promote a trend away from the residential character of the area.
- 3) DelDOT has stated that the proposed use would encourage more traffic in an area that is already operating at unacceptable levels of service.

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- 4) Although the Applicants stated that the intended uses are limited, I believe that there are other locations that are currently zoned for business or commercial use that are available and better suited for the intended use.
- 5) The application does not promote the health, safety, convenience and general welfare of the neighborhood or community.
- 6) The proposed uses are not consistent with the purposes of the AR-1 District as set forth in the County Zoning Code.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 5 – 0.

Subdivision #2005-11 – application of **PNH HARMON, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 125.91 acres into 178 lots (Cluster Development), located south of Road 297 (Mount Joy Road), 1,680 feet east of Road 305.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 11 for PNH Harmon, L.L.C. based upon the record and for the following reasons:

1. The Development is designed in accordance with the Cluster Development Ordinance. The proposed Cluster design is superior to a standard subdivision with 42% of the project as forested space that will remain undisturbed on the site. Also, the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed. And, a standard subdivision could conceivably result in 274 lots with little or no open space. The Applicant has only proposed 178 lots while preserving a significant amount of open space. For these reasons, the Development is superior to a standard subdivision.
2. The project will not have an adverse impact on the neighboring properties or community.
3. There will not be any adverse impact upon traffic in the area by this Development.

4. The lots will be served by central sewer and water.
5. The site's design has a minimal impact on wetlands and no wetlands are included within any lots, and there will be buffers from the wetland areas.
6. Storm Water Management Ponds will be installed on the site, which will improve drainage on the property and the neighborhood. The Developer or Homeowners' Association will use Best Management Practices in maintaining these Ponds and they will be integrated into the community as an amenity.
7. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.

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8. Amenities will be provided, including a community center, pool, playground area and basketball and volleyball courts.
9. This approval is subject to the following conditions:
 - There shall be no more than 178 lots within the Subdivision.
 - The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, and other common areas.
 - The storm water management system shall meet or exceed the requirements of the State and County. Best Management Practices shall be used in the maintenance of the system and the system should be considered as an amenity to the project.
 - All entrances shall comply with all of DelDOT's requirements. In addition, the applicant shall comply with all of DelDOT's other requirements, including any multi-modal trail along Mount Joy Road.
 - Street lighting shall be provided, and the location of the streetlights shall be shown on the final site plan.
 - Multi-modal paved walkways shall be installed fronting all lots within the Subdivision, and shall connect with the amenities of the Subdivision.
 - As stated during the Applicant's presentation, the Applicant shall maintain as many existing trees as possible. The undisturbed-forested areas shall be shown on the Final Site Plan.
 - No wetlands shall be included within any lot lines.
 - As stated by the Applicant, additional trees shall be planted along Mount Joy Road and within the site. These trees shall be shown on the Final Site Plan.
 - Amenities, including a community center, swimming pool, playground area and equipment, basketball courts and a sand volleyball court shall be constructed and open to use by the residents of the development within 2 years of the issuance of the first certificate of occupancy.
 - The restrictive Covenants governing the project must be amended to include the Agricultural Use Protection Notice. The Notice shall be amended to provide specific reference to the presence of the nearby poultry processing plant spray irrigation.

- Addressing and street names shall be subject to the approval of the Sussex County Mapping and Addressing Department.
- The Final Site Plan shall be subject to the approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve this application as a preliminary for the reasons, and with the conditions stated. Motion carried 5 – 0.

Subdivision #2005-13 – application of **LYNN AND KAREN MCCOLLEY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek

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Hundred, Sussex County, by dividing 39.60 acres into 46 lots (Cluster Development), located southwest of Road 202, 1,000 feet northwest of Road 206.

Mr. Burton stated that he would move that the Commission conceptually approve Subdivision #2005 – 13 for Lynn and Karen McColley based upon the record and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision within the AR-1 zone. The Applicant is seeking clustered lots with a minimum area of ½ acre.
2. A subdivision on this site is consistent with neighboring and adjacent properties and will not have an adverse impact on the neighboring properties or community and there are other residential development in the area.
3. The lots will be served by individual wells and septic systems. A Statement of Feasibility has been presented for the septic systems.
4. Due to the existing nature of the site no significant grade changes are expected, and the property is currently cleared so there will not be any tree removal.
5. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
6. This motion is for approval of the Subdivision concept only, since the Commission is not satisfied that the preliminary site plan, as presented, is superior to a standard subdivision as required by the AR-1 Clustering Ordinance. Generally, the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed. However, the Applicant has not maximized the amount of open space or improved the overall design of the subdivision. Instead, it looks like clustering was used to maximize the number of lots, without any other significant design improvement.
7. This conceptual approval is subject to the following conditions:
 - A revised preliminary site plan must be submitted and must reflect a design that is superior to a standard subdivision, including the provision for more open space. The site plan should also provide for a bus stop at the entrance and a playground.

- The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, storm water management facilities, and other common areas.
- The storm water management system shall meet or exceed the requirements of the State and County. Best Management Practices shall be used in the construction and maintenance of the system and if required by State or County agencies proof of a positive outfall of the Storm Water Management System must be provided.
- All entrances shall comply with all of DelDOT's requirements.
- The Applicant shall submit a revised Preliminary Site Plan in compliance with the conditions of this conceptual approval, to be considered by the Commission at a future meeting under "Old Business".

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Motion by Mr. Burton, seconded by Mr. Gordy and carried 3 votes to 2, with Mr. Johnson and Mr. Wheatley opposed to the motion, to approve this application as a concept for the reasons and with the conditions stated. Motion carried 3 – 2.

PUBLIC HEARINGS

C/Z #1588 – application of **ALAN S. RIECK** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying southwest of Route One, 170 feet southeast of Best Lane and 200 feet north of Red Mill Pond, and being Lots 2,3 and 4 of Red Mill Manor Subdivision, to be located on 38,929 square feet, more or less.

The Commission found that the Applicant had submitted an Exhibit Booklet containing a tax map showing the zoning in the area, photographs of businesses in the area and the site, a copy of the Guidelines for Non-Residential Uses from the Land Use Element from the 2002 Comprehensive Plan Update, a DelDOT letter dated March 31, 2005, a statement by C. David Jamison, professional engineer, referencing that access would be permitted from Route One, a copy of the Sussex Conservation District comments, and a site plan.

The Commission found, based on comments received from the Sussex County Engineering Department Planning and Permits Division, that the project is located within the West Rehoboth Expansion Area; that the sewer planning study assumption is 1.0 EDU per parcel (3.0 EDUs total) reflecting a residential parcel in a residential subdivision (Red Mill Manor); that the Engineering Department opposes this rezoning because of the potential for increased wastewater flow from business uses; that the proposed business zoning and commercial use is not located on residential lands previously identified for commercial use by Sussex County Planning and Zoning; that the proposed use does not conform to the Comprehensive Plan; that capacity would be

available for 3.0 EDUs or retail space of 9,000 square feet; that the current System Connection Charge Rate is \$3,716.00 per EDU; that the location and size of laterals or connection points shall be determined by the County Engineer; that the parcels are not currently served with a lateral; that there is no gravity collection line adjacent to the parcels; that extension of sewer lines to serve the parcels will be at the property owners expense; and that conformity to the West Rehoboth Expansion Area Planning Study will be required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras sandy loam which has slight limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after

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completion of construction; that the Sassafras soils are considered Prime Farmland; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that nine (9) letters in opposition to this application had been received from residents in Red Mill Manor and that the letters are a part of the record for this application.

The Commission found that Alan S. Rieck was present with Tim Willard, Attorney, and Ken Christenbury of Axiom Engineering, L.L.C. and that they stated in their presentations and in response to questions raised by the Commission that they are requesting rezoning from AR-1 to B-1; that the original application to DelDOT referenced AR-1 to C-1; that the lot is presently overgrown with brush; that there are no wetlands on the site; that several commercial and business uses exists along Route One in close proximity; that the Land Use Element of the Comprehensive Plan Update indicates in the Guidelines for Non-Residential Uses that additional commercial uses will be needed in the Environmentally Sensitive Developing Areas and that these uses should be limited to neighborhood shopping and businesses to serve the rapidly expanding population; that according to DelDOT direct access to the Route One corridor may be permitted if reasonable alternative access (either to an existing secondary road or through an adjacent property) is not available, and that the Department will only issue entrance permits for direct access to the corridor for proposed land uses that generate 200 vehicular trips per day or less per parcel; that the site does not have access from the street in Red Mill Manor; that the Applicant should be allowed use of the property; that future redesign of Route One for additional lanes would provide a service road to the site; that the site will be limited to less than 200 vehicular trips per day based on DelDOT regulations; that the proposed office space will generate less than 200 vehicular trips per day; that the proposed building contain 8,500 square feet which complies with the comments presented by the County Engineering Department; that infiltration of storm water will be provided and will be subject to the review and approval by the Sussex

Conservation District; that no deed restrictions have been found that would affect these lots; that a P.L.U.S. review is scheduled for February 22, 2006; that the location of the entrance is conceptual and has not been approved by DelDOT; and that the limitation on trips per day will limit the use to offices.

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

The Commission found that Joann Bateson was present in opposition and expressed concerns about safety, property values, and commercial uses next to her residential lot.

At the conclusion of the public hearings, the Commission discussed this application.

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Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to defer action until they have received the comments from P.L.U.S. and the responses from the Applicant to P.L.U.S. Motion carried 5 – 0.

C/U #1588 – application of **REDDEN DEVELOPMENT GROUP, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a business use office park to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 12.0388 acres, more or less, lying at the southwest corner of U.S. Route 113 and Route 40.

Mr. Lank provided the Commission with copies of the P.L.U.S. comments dated January 17, 2006 in reference to this project and which are a part of the record for this application.

The Commission found, based on comments received from DelDOT, that the Department did not recommend a traffic impact study; that the Department has concerns regarding access to this property; that the proposed development will be subject to the following policy: “State policies will encourage the preservation of a rural lifestyle and discourage new development. No new or expanded direct access to the corridor will be permitted in these areas. Access will be permitted to existing secondary roads. No expanded access will be permitted in these areas. With regards to future subdivisions, our position will remain the same. We will oppose the subdivision through the County process.” As part of the program, DelDOT will only allow the respective land to access the adjacent secondary road.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Elkton sandy loam, Fallsington sandy loam, Klej loamy sand and Pocomoke sandy loam; that the Klej soils have slight to moderate limitations for development; that the Elkton, Fallsington and Pocomoke soils have severe limitations; that the Applicant will be required to follow recommended erosion and

sediment control practices during construction and to maintain vegetation; that all of the soil types are considered of Statewide Importance; that the Fallsington and Pocomoke soils are considered Prime Farmland; and that all of the soil types are considered Hydric or Hydric in depressions; that there are no storm flood hazard areas or tax ditches affected; that it may be necessary for some on-site and off-site drainage improvements because of the poorly drained and very poorly drained soils; and that there may be regulated wetlands on-site.

The Commission found that Joe Cockran was present with John Murray of Kersher Engineering and that they stated in their presentations and in response to questions raised by the Commission that he and his partners are contractors in separate businesses, excavation and mechanical, custom homes and plastering; that they would like to

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establish satellite offices in Sussex County; that each partner would have an office and warehouse; that they would construction additional offices and warehouses for other contractors; that several contractors have voiced interest in acquiring office space and warehousing; that there will be no manufacturing on the site; that there will be no storage of hazardous materials; that they do not propose any retail space; that they propose to erect eight (8) steel and block buildings containing approximately 9,900 square foot each; that each building would have a fenced in storage area; that all dumpsters would be located inside of the fencing; that typical hours would be from 7:00 am to 5:00 pm Monday through Saturday with no Sunday hours; that central septic and central water would be provided for the project; that there would be minimal personnel on site; that the buildings would be sold as condominiums with deed restrictions; that his business serves the resort area and inland; that all of his equipment would be stored indoors; that there may be some wholesale sales of construction materials; that the anticipated business users would be HVAC contractors, small contractors, plumbing contractors and suppliers (wholesale), electricians and electrical suppliers (wholesale), and similar users; that the fencing around the storage areas would be cyclone type fencing with privacy slats; that if the County opposes the outside storage, there will be no outside storage; that they would like to be able to park some vehicles within the front setback and that they will comply if the parking is not permitted in the front setback by revising their site plan; that they do not plan on having a property manager on site; that they have no estimate as to how many employees there will be since they have not yet determined who the users will be; and that all of the users will be independent operators.

Mr. Robertson advised the Applicant that the County may place conditions on Conditional Uses.

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 this application.

Mr. Burton stated that he would move that the Commission recommend denial of C/U #1637 for Redden Development Group, LLC to operate small business offices with warehousing based on the record made at the public hearing and for the following reasons:

- 1) I do not believe that the application is consistent with the character of the surrounding property.
- 2) The purpose of this application is to allow a Conditional Use to operate small business offices with warehousing on an otherwise agricultural and residential property. While there is some limited business and commercial zoning or uses along Route 113, a majority of the area in the immediate area is agricultural or residential; This use would be out of character with the adjacent and surrounding

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- properties and would promote a trend away from the agricultural and residential character of the area.
- 3) Although the Applicants stated that the intended uses are limited, I believe that there are other locations that are currently zoned for business and commercial use that are available and better suited for the intended use.
 - 4) The application does not promote the health, safety, convenience and general welfare of the neighborhood or community.
 - 5) The proposed uses are no consistent with the purposes of the AR-1 District as set forth in the County Zoning Code.
 - 6) The Applicant's plans are very non-specific with respect to what uses are proposed. As a result I do not have enough information to justify the approval of a Conditional Use.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 5 – 0.

C/U #1638 – application of **LAVENDER FIELDS AT WARRINGTON MANOR, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a store for the sale of lavender and lavender products and related items to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5.0 acres, more or less, lying northwest of Road 290, 0.75 acres south of Road 262 and southeast of Road 291.

Mr. Lank provided the Commission with copies of the site plan for the project and a written description of the Applicant's intent.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "A" of Road 290 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand and Sassafras sandy loam which have slight limitations for development; that the Applicants will be required to follow recommended erosion and sediment control practices if there is any additional construction and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance; that the Sassafras soils are considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that Sharon Harris was present on behalf of this application and stated in her presentation and in response to questions raised by the Commission that they

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propose a cottage store for the sale of their farm products, vases, bottles, wreaths, soaps, candles, etc.; that some, but not all, of their products are raised on the premise; that they grow lavender on site; that lavender only blooms between April and November; that they plan on being open during the season of April to December, by appointment only, during day light hours seven (7) days per week; that a horse farm, a tree farm and a day care are in close proximity to the site; that they grow 24 varieties of lavender; that they also have a herb garden; and that they are remodeling the house.

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 this application.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1638 for Lavender Fields at Warrington Manor, LLC to operate a store for the sale of lavender and lavender products and related items based on the record made at the public hearing and for the following reasons:

- 1) Part of this application is applicable to the agricultural residential area since some of products are grown on the property.
- 2) The project with the conditions and stipulations placed upon it will not have an adverse impact on the neighborhood or community.
- 3) The operation of this business will not generate a significant increase in traffic or noise.
- 4) This recommendation is subject to the following conditions:
 1. There may be one unlighted sign not to exceed 32 square foot per side or facing.
 2. Hours of operation shall be from 10:00 am to 5:00 pm with other hours by appointment seven (7) days per week.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2005 – 14 - - application of **THE COMMUNITIES OF BEAVER CREEK , L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 77.07 acres into 154 lots (Cluster Development), located east of Route 5, 1,700 feet north of Route 9.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on May 18, 2005 and that the report will be made a part of the record for this application; and that the Applicants submitted an Exhibit Booklet on February 8, 2006.

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Mr. Robertson advised the Commission that he has reviewed the Booklet and found it to contain items that are in the application file and advised the Commission that the Exhibit Booklet may be considered as a part of the record.

The Commission found that the Gene Bayard; Attorney, Rick Clendaniel; Developer, Rebecca Michaels and Kevin Burdette of McCrone, Inc. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that this application is the redesign of a project that was already approved; that the site fronts Route 5; that this phase is separated from Phases 1 and 2 by Beaver Dam Creek; that this site has been redesigned using the Cluster Design Ordinance; that this design create more open space than the previous plan; that this application was reviewed by PLUS; that a stub street has been provided to the parcel to the north of this site; that forest removal will be limited; that buffers have been provided adjacent to the wetlands; that a landscaping will be provided along areas that are not forested and along Route 5; that the lots are a minimum of 250 feet from Route 5; that this area will be used as open space and for rapid infiltration basins; that brick pillars and fencing are proposed along Route 5; that wastewater will be provided by Artesian Water Company and the treatment plant is currently under construction within Phase 1 and 2; that Artesian will also provided central water to the project; that a deceleration land and left turn lane will be required by DelDOT on Route 5; that a bus stop is proposed at the entrance of the project; that the items referenced in Section 99-9C of the Subdivision Ordinance are referenced in the Exhibit Booklet; that a covered bridge will connect this phase to Phases 1 and 2; that there are only three lots that do not back up to open space and this is because they are corner lots; that sidewalks are proposed on at least one side of all streets; that street light will be provided throughout the project; that walking and multi-modal paths will be provided; that the previous approved application was for 100 lots and that this one is for 154 lots; that the developers will comply with all of DelDOT's recommendations; that the streets will have curb and gutter; that the one cul-de-sac street creates privacy and

a view of the pond; that the cul-de-sac is acceptable for Fire Prevention Regulations; and that the applicants own other parcels in the area.

The Commission found that no parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action for further review. Motion carried 5 – 0.

Subdivision #2005 – 15 - - application of **TRAVIS VENTURES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred,

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Sussex County, by dividing 28.00 acres into 15 lots, located at the east end of a 50' private road, and east of Road 298A.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on June 15, 2005 and that the report will be a part of the record for this application.

The Commission found that David Travis and Dan McCann; Surveyor, were present on behalf of this application and advised the Commission that their soil scientist has left the country; that they are acquiring another soil scientist to complete the soils work; that the project will need a major redesign; and requested that the application be allowed to be withdrawn at this time.

Mr. Robertson advised the applicant's that they should withdraw this application and that if the Commission is favorable, a revised application could be filed and the hearing would be scheduled as soon as possible.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to accept the withdrawal of this application and stated that a new application would be expedited if the applicant chooses to go forward with a new design as long as a new fee is paid. Motion carried 5 – 0.

Subdivision #2005 – 16 - - application of **JOSEPH L. WARNELL** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 199.06 acres into 187 lots (Cluster Development), and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located south of the intersection of Road 207 and Road 214, and north of Road 38, 3,385 feet north of Road 224.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on June 15, 2005 and that the report will be made a part of the record for this application; that on February 3, 2006 the applicants submitted an Exhibit Book that will be made a part of the record; that a letter in support of this application has been received from the Christian Tabernacle Academy; and that a letter in opposition to this application has been received from Debbie and Ed Kee and that these will also be made a part of the record.

The Commission found that Zach Crouch; Engineer with Davis, Bowen & Friedel, Inc. and Joseph Warnell were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the site is located northeast of Johnson Road; that the site contains 4 parcels; that 3 of the parcels are zoned ZR-1 and the other is zoned GR; that the parcels will be combined into 1; that

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the lots located in the GR area will all be greater than 0.75 acres; that the site contains 199.06 acres and that 187 lots are proposed; that the streets consist of 23.9 acres; that multi-modal paths are connected throughout the project; that the developer will purchase playground equipment for the Christian Tabernacle School; that 3 storm water management ponds are proposed on the north side of the site and that 4 are proposed on the south side of the site; that the site is suitable for individual septic systems and that DNREC has issued a septic feasibility statement; that on-site wells are proposed; that fire protection will be provided by the Ellendale Fire Company; that telephone service will be provided by Verizon; that electric will be provided by Delmarva Power; that cable TV will be provided by Comcast Cable; that propane gas service will be provided by Sharp Energy; that the storm water management system will meet all State and County requirements through a combination of best management practices; that the streets will be built to County specifications; that the wetlands have been delineated and forwarded to the Army Corps of Engineers for a jurisdictional determination; that the applicants meet with PLUS and have responded to their comments which are found in Exhibit F of the Booklet that was submitted; that the design of the project complies with the Cluster Ordinance and the Comprehensive Land Use Plan; that all lots are greater than a ½ acre; that none of the lots contain any wetlands; that they did not request the maximum density allowed; that buffers from the wetlands have been provided; that the proposed density is 0.94 lots per acre; that the site could possibly be affected by the 113 North/South Bypass; that DelDOT is not sure what option they are going to pick; that the City of Milford is expanding south towards this project; that an amenity area is not provided since the lots will be larger and the residents can have their own recreation; that if a central sewer system were utilized, it would drive up the cost of the project; that sidewalks are not proposed but street lights are; that there are bald cypress trees in the area; that a homeowners' association will be formed; that restrictive covenants have been submitted; that selective clearing will be addressed in the covenants; that White Cedars grow in the pond and in the wetland areas; that this design is superior to a standard subdivision in that

it protects the environment; that the creeks and pond will provide for recreational activities; that hiking and biking trails will be provided; that there is open space around the wetlands; that if the lots were $\frac{3}{4}$ acres, there would not be much open space; that Delmarva Power maintains the land under the power line right of way; that the community and adjoining school will be interconnected and the amenities will be shared; that the homeowners' association will maintain liability insurance; and that the school is unlikely to be relocated due to funding issues.

The Commission found that Skip Pikus of Milford, Robert Ross of Milford, Amy Willing a resident of Johnson Road, William Fox a resident of Johnson Road, and Dave Wilson of Lincoln were present in support of this application and advised the Commission that the applicant is a conscientious developer; that the applicant resides on an adjacent parcel; that the site contains 3 different ingress/egress areas that will help to alleviate traffic problems in the area; that some residents like larger lots; that they hope the 113 project

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will not affect the project; that the project will be good for the Lincoln area; questioned who will be the contractor of the project, the sizes of the proposed homes; that a central sewer system should be utilized; that the applicant has integrity in developing projects; that the area residents support the application; and that this area should continue to be developed residentially.

The Commission found that Ed Kee an adjoining property owner was present in opposition to this application and advised the Commission that the PLUS comments were negative about this project; that traffic, air pollution, and wetlands are a concern; that he is opposed to the proposed density of the project; that the large number of individual septic systems will have negative impacts on the ponds and wetlands; that the buffers from the wetlands should be increased; that trespassing could become a problem; and that other developments do not justify having another development.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to defer action for further review. Motion carried 5 – 0.

Subdivision #2005 – 17 - - application of **DARIN A. AND DON LOCKWOOD** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 126.40 acres into 25 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located northwest of Road 257, 0.85 mile west of Road 258.

This application was withdrawn on February 9, 2006.

Meeting adjourned at 9:52 pm.