



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF OCTOBER 13, 2005

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 13, 2005 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Acting Chairman Wheatley presiding. The following members of the Commission were present: 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. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Agenda as circulated.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the Minutes of September 22, 2005 as amended.

OLD BUSINESS

Subdivision #2004-22 – application of **TERRANCE BABBIE** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 47.57 acres into 62 lots, (Cluster Development) located at the southeast corner of the intersection of Route 38 (Jefferson Road) and Road 229 (Smith Road).

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2004 – 22 application of Terrance Babbie for Sandstone based upon the record and for the following reasons:

1. The preliminary application has been substantially reduced from 62 lots to 49 lots, a reduction of 21%.
2. The project is located within an AR-1 Residential District.
3. The Subdivision is designed in accordance with the Cluster Development ordinance. The proposed Cluster design is innovative and superior to a standard subdivision of $\frac{3}{4}$ acre lots. Out of 47.56 acres, 49 lots are being proposed, with 9.37 acres (20%) of dedicated open space, not including an additional 4 acres for storm water management.

4. All the items in Section 99-9C of the Subdivision ordinance have been favorably addressed. 2 distinct open spaces are being conveniently provided. Sidewalks and a multi-modal path system are being provided. The project provides a dedicated Conservation easement that leaves the existing woods intact to benefit wildlife and the environment, which should also reduce the amount of runoff generated.
5. The project will be a restricted residential development and will not have an adverse impact on neighboring properties or the community.

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6. Additional landscaping and extended buffers along with rail and picket fence have been proposed to further the project's appearance and to provide additional screening.
7. The proposed subdivision is designed to address the purpose and standards of Section 99-9C of the Subdivision ordinance and the requirements of the AR Clustering Ordinance. It provides for a total environment and design, which preserves the natural environment.
8. This motion for approval is subject to the following conditions:
 - a. There shall be no more than 49 lots within the Subdivision.
 - b. 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.
 - c. The storm water management system shall meet or exceed the requirements of the State and County. Landscaping shall be utilized around the system to deter nuisance species such as geese.
 - d. All entrances shall comply with all of DelDOT's requirements. Stub road access to adjacent property will be provided as requested by DelDOT.
 - e. Sidewalks will be provided on at least 1 side of all streets.
 - f. Street lighting will be provided, and the location of the streetlights shall be shown on the final site plan.
 - g. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
 - h. Agricultural buffers shall be provided in accordance with the Subdivision ordinance.
 - i. Final site plan shall be subject to the approval of the Planning and Zoning Commission.
 - j. The recreation area shall be moved from the Route 38 area.
 - k. As provided by the applicant, all wooded areas shall be preserved, and these wooded areas shall be shown on the Final Site Plan.
 - l. The area subject to the conservation easement shall be shown on the Final Site Plan.

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

Motion carried 4 – 0.

Subdivision # 2004-44 – application of **FRAN GONZON** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 161.91 acres into 205 lots, (Cluster Development), located south of Road 227, east of Road 226, and north of Road 231.

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Mr. Johnson stated that he would not be participating in this application since he was not at the public hearing.

Mr. Gordy stated that he would move that the Commission grants preliminary approval of Subdivision #2004 – 44 for Fran Gonzon 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. For instance, clustering has been used to preserve wooded areas and create active open areas where a community area including a pool and clubhouse with game courts will be located. In addition, the dense wooded area will remain undisturbed and become subject to a Conservation Easement. There are also sidewalks and walking trails promoting interconnectivity within the project. Also, the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.
2. The applicant has proposed 205 lots within the project, which is a permissible density within an AR-1 subdivision on the land.
3. The project will not adversely effect neighboring or adjacent properties. In fact, the project is bounded by state roads on three sides.
4. The subdivision will include amenities such as the following: A pool and clubhouse with game courts, sidewalks, and walking trails and active open space.
5. The lots will be served by individual wells and septic systems and DNREC has issued a Septic Feasibility Statement.
6. The site's design has a minimal impact on wetlands and no wetlands are included within any lots.
7. The proposed subdivision meets the purposes and standards of the subdivision ordinance.
8. This recommendation is subject to the following conditions:
 - a. There shall be no more than 205 lots within the Subdivision.

- b. 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.
- c. The storm water management system shall meet or exceed the requirements of the State and County.
- d. All entrances shall comply with all of DelDOT's requirements.
- e. Street lighting shall be provided and the location of the streetlights shall be shown on the final site plan.
- f. Sidewalks shall be installed on both sides of all streets within the subdivision.
- g. As stated during the applicant's presentation, the applicant shall maintain as many existing trees as possible and the dense wooded area shall remain undisturbed and become a conservation easement. The specific area covered by the conservation

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Easement shall be shown on the final site plan.

- h. No wetlands shall be included within any lot lines.
- i. Within two years of issuance of the first building permit, the developer shall construct a community swimming pool and clubhouse.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried 3 votes to none, with Mr. Johnson not participating, to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 3 – 0 – 1.

Subdivision #2002-39 – application of **CHRISTINE REECE AND WILLIAM CUGNO** to consider the Subdivision of land in a MR Medium Density Residential District in Indian River Hundred, Sussex County, by revising an existing open space parcel into a building lot, located southwest of Fairfield Road, 250 feet north of Route 24, within Fox Hollow Subdivision.

Mr. Johnson stated that he is waiting for a legal opinion from Mr. Berl – Assistant County Attorney.

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

Motion carried 4 – 0.

Subdivision #2004-48 – application of **CHARLES GUY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County, by dividing 57.81 acres into 38 lots and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 534, 625 feet northwest of Road 546 and railroad.

Mr. Smith stated that he would move that the Commission grants preliminary approval of Subdivision #2004 – 48 for Charles Guy based upon the record and for the following reasons:

1. The proposed subdivision meets the purposes of the subdivision ordinance.
2. The land is zoned AR-1 which permits low density single family residence or development of a density of approximately 2 lots per acre. The proposed subdivision density is less than the density permitted by the existing AR-1 zoning.
3. The developer proposes to develop 38 lots just outside of Seaford and the lots will vary in size from $\frac{3}{4}$ of an acre to 3 acres.
4. The proposed subdivision will be a restricted residential development consistent with

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the area and will not adversely affect nearby uses or property values.

5. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
6. The proposed subdivision is integrated into the existing terrain and surrounding landscape, and preserves natural features.
7. Thirty (30%) percent of the project is open space and storm water management areas and buffers will be incorporated into the project to separate it from the railroad.
8. This preliminary approval is subject to the following conditions:
 - a. 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.
 - b. The storm water management system shall meet or exceed the requirements of the State and County.
 - c. No wetlands shall be included within any lot lines.
 - d. All entrances shall comply with all of DelDOT's requirements.
 - e. The Final Site Plan shall change the reference from "outlots" shown on the preliminary plan to open space.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 4 – 0.

Subdivision #2004-49 – application of **OAK CREST FARMS, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 51.42 acres into 21 lots and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 306, 1,425 feet west of Road 303.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2004 – 49, for Oak Crest Farms, Inc, Harmony Woods, with a variance from the maximum allowed cul-de-sac length of 1,000 feet, based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The proposed subdivision density is less than the density permitted by the existing AR-1 zoning. Average lot size is 2 acres. 21 lots are proposed on the 51-acre parcel.
3. The proposed subdivision is integrated into the existing terrain and surroundings. Although almost all wooded, the large lot sizes will allow for the majority of the trees to be undisturbed.

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4. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
6. DNREC has indicated that the site is suitable for individual on-site septic systems.
7. The cul-de-sac is necessary given the particular shape of the property. Also given the limited number of proposed lots, the cul-de-sac will not negatively affect the subdivision, traffic, or emergency vehicle access.
8. This recommendation is subject to the following conditions:
 - a. There shall be no more than 21 lots within the subdivision.
 - b. All lots shall be accessed via the interior development road.
 - c. The applicant shall cause to be formed a homeowners' association to be responsible for the perpetual maintenance of streets, roads, any buffers, storm water management facilities, erosion and sedimentation control facilities, and other common areas.
 - d. The storm water management system shall meet or exceed the requirements of the State and County.
 - e. All entrances shall comply with all of DelDOT's requirements.
 - f. Sidewalks will be provided on at least 1 side of the street.
 - g. The proposed storm water management area shall be moved to the interior of the development instead of the proposed location at the entrance.
 - h. Final site plan shall be subject to approval of the Planning and Zoning Commission.

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

Motion carried 4 – 0.

Subdivision #2004-50 - application of **PGS PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred,

Sussex County, by dividing 67.39 acres into 74 lots (Cluster Development), located south of Road 433, 0.5 mile east of Road 412.

Mr. Gordy stated that he would move that the Commission grants preliminary approval of Subdivision #2004 – 50 for PGS Properties, 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 28% of the project as open space protecting forested areas on the site. Also, the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed. For instance, 70, ¾ acre lots would result in little or no open space.
2. The applicant has proposed 74 lots within the project, which is less than the allowable density for an AR-1 subdivision on this land.
3. The project is consistent with neighboring and adjacent properties and will not have an adverse impact on the neighboring properties or community.
4. The lots will be served by individual wells and septic systems. DNREC has approved the project for individual septic.
5. The site's design has a minimal impact on wetlands and no wetlands are included within any lots, and there will be a 100-foot buffer from the wetland areas.
6. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
7. This approval is subject to the following conditions:
 - a. There shall be no more than 74 lots within the Subdivision.
 - b. 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.
 - c. The storm water management system shall meet or exceed the requirements of the State and County.
 - d. All entrances shall comply with all of DelDOT's requirements.
 - e. Street lighting shall be provided, and the location of the streetlights shall be shown on the final site plan.
 - f. Walking paths shall be installed on at least one side of all streets with the Subdivision.
 - g. 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.
 - h. No wetlands shall be included within any lot lines.
 - i. As stated by the applicant, forested buffers shall be installed along all property lines and 6-foot high fence shall be constructed along the Smith, McCabe and Reynolds property lines.

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Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 4 – 0.

Subdivision #2004-14 – application of **BARBARA F. CAIRNS** to consider the Subdivision of land in a GR General Residential District in Indian River Hundred, Sussex County, by dividing 5.22 acres into 3 lots, located east of Road 279, 1,170 feet north of Road 277.

Mr. Johnson stated that he would not be participating in this application since he was not

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present for the public hearing.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2004 – 14 for Barbara F. Cairns, for the following reasons:

1. The proposed subdivision is for only 3 lots.
2. The proposed subdivision will have no adverse impact on neighboring properties.
3. The lots are suitable for on-site individual septic systems.
4. The items in Section 99-9C will not be adversely affected, and the subdivision is in compliance with the Sussex County Subdivision Ordinance.
5. This preliminary approval is subject to the following conditions:
 - a. That restrictive covenants be established to govern the maintenance of the road, and storm water management and any other common areas.
 - b. The applicant shall save as many trees as possible on the site and on the individual lots.
 - c. The applicant shall improve the road with crusher run as permitted by the Subdivision Ordinance.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried 3 votes to none, with Mr. Johnson not participating, to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 3 – 0 – 1.

Subdivision #2004-28 – application of **THOMAS BROWN** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 10.88 acres into 4 lots, located north of Road 608, 2,740 feet west of Road 607.

Mr. Johnson questioned if a church is permitted on a subdivision lot.

Mr. Robertson advised that churches are permitted in all zoning districts and would be subject to site plan review by the Planning and Zoning Commission.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2004 – 28 for Thomas Brown, for the following reasons:

1. The proposed subdivision is for only 4 lots. One of the lots is proposed to be used as a church and the other three lots are for the applicant's children.
2. The proposed subdivision will have no adverse impact on neighboring properties.
3. The lots are suitable for on-site individual septic systems.

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4. The items in Section 99-9C will not be adversely affected.
5. This preliminary approval is subject to the following conditions:
 - a. That restrictive covenants be established to govern the maintenance of the road, any storm water management and any other common areas.
 - b. That the deeds or restrictive covenants contain the following statement:
“ This property is in the vicinity of lands used by hunters and for skeet and trap shooting. It is anticipated that such hunting uses may now or in the future involve or cause noise. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal use.”

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

Motion carried 4 – 0.

Subdivision #2004-52 – application of **HOLLAND MILLS DELAWARE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 68.29 acres into 136 lots, (Cluster Development), located south of Road 260 (Walker Road), approximately 1 mile west of Road 258 (Hudson Road).

Mr. Johnson stated that he would not participate in this application since he was not present for the public hearing.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried 3 votes to none, with Mr. Johnson not participating, to defer action for further consideration.

Motion carried 3 – 0 – 1.

Subdivision #2004-53 – application of **ANTHEM DELAWARE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 75.89 acres into 151 lots, (Cluster Development), located north of Road 260 (Walker Road), approximately 1 mile west of Road 258 (Hudson Road).

Mr. Johnson stated that he would not participate in this application since he was not present for the public hearing.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried 3 votes to none, with Mr. Johnson not participating, to defer action for further consideration.

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Motion carried 3 – 0 – 1.

C/U #1619 – application of **HELENA R. DOVE** to consider the Conditional Use of land in a GR General Residential District for multi-family dwelling structures (5 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 19,723 square feet, more or less, lying northeast of Road 270A (Munchy Branch Road), ½ mile northeast of Route One.

The Commission discussed this application which has been deferred since August 25, 2005.

Mr. Johnson stated that he would not be participating in the discussion since he was not present during the public hearing.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1619 for Helena R. Dove for a multi-family dwelling structure for 5 units based upon the record made at the public hearing and for the following reasons:

- 1) It is a permitted Conditional Use in a GR General Residential District and complies with the stated purpose of the GR District.
- 2) The proposed Conditional Use will have no significant impact on traffic.
- 3) The site is located within the Environmentally Sensitive Developing Area, which includes multi-family dwellings as an approved housing type.
- 4) The project will not have an adverse impact on the neighboring properties or community. The project is generally in the vicinity of other subdivisions, manufactured home parks, retail and office uses, and a construction site. There are other multi-family dwellings between the project and Route One, as well.
- 5) This recommendation for approval is subject to the following conditions and stipulations:
 1. Only five (5) units shall be constructed upon the property.

2. The project shall be subject to the approval of the Sussex County Engineering Department. The Applicant shall be required to design, fund and construct any upgrades to the County sewer system that are necessary to serve the dwelling units.
3. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.
4. There shall be at least 3 parking spaces per unit.
5. The project shall not exceed the County's height and setback requirements.
6. All entrances and right-of-ways required by DelDOT shall be obtained by the Applicant in accordance with DelDOT determinations.

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7. Six (6) foot fencing shall be installed around the rear and side perimeter of the property with natural landscaping. The fence and landscaping shall be shown on the Final Site Plan.
8. Lighting from the parking areas shall be screened away from the neighboring properties. In addition, the lighting shall be low-intensity to prevent glare.
9. The site plan shall be subject to the approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried with 3 votes 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 3 – 0. Mr. Johnson did not participate in the vote.

C/U #1621 – application of **GREGORY AND PATRICIA WHITE** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (6 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 40,702 square feet, more or less, lying southwest of Route 26, 500 feet north of Route 54 and Road 365 at St. George's Church.

The Commission discussed this application which has been deferred since September 22, 2005.

Mr. Johnson stated that he would not be participating in the discussion on this application since he was not present during the public hearing.

Mr. Smith stated that he would move that the Commission recommend denial of C/U #1621 for Gregory and Patricia White for multi-family dwellings based on the record and for the following reasons:

- 1) The Applicants have not, in Mr. Smith's opinion, satisfied the County Code's requirements for such a Conditional Use, including the full protection of surrounding properties, that it is of a public or semi-public character, or that it benefits the general convenience and welfare of County residents.
- 2) The application is not consistent with the character of the surrounding property. There are no other multi-family structures similar to the Applicant's proposal in this area, and the area is not predominantly a townhouse or multi-family community.
- 3) The Applicant has proposed "clustering" 4 detached dwellings on a 40,702 square foot lot as a condominium. In an MR District, any single family dwelling not connected to a central sewer system as defined in the Zoning Code must have a lot area of $\frac{3}{4}$ of an acre. It appears that the Applicant has classified these detached

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- dwellings as multi-family dwellings solely to avoid the lot area requirements for single-family dwellings found in the Zoning Ordinance.
- 4) If approved, the project would concentrate density in an area that is not already densely developed, and it does not utilize any existing infrastructure. The project would not be served by central water or sewer. Also, this project does not provide or preserve open space.

Motion by Mr. Smith, seconded by Mr. Gordy and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 3 – 0. Mr. Johnson did not participate in the vote.

C/U #1634 – application of **THOMAS AND SYLVIA TRICE** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a public auction building to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 1.24 acres, more or less, lying on the northerly side of Route 404 (Seashore Highway), 336.79 feet southeast of Road 569 (Woodenhawk Road).

The Commission discussed this application which has been deferred since September 22, 2005.

Mr. Johnson stated that he would not be participating in the discussion on this application since he was not present during the public hearing.

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1634 for Thomas and Sylvia Trice to operate a public auction based upon the record made at the public hearing and for the following reasons:

- 1) The project, with the conditions and stipulations placed upon it will not have an adverse impact on the neighboring properties or community.

- 2) The use as a public auction is desirable for the general convenience and welfare of the area.
- 3) This recommendation for approval is subject to the following conditions and stipulations:
 1. Auction sales shall occur no more than two times per month, and only from 1:00 p.m. to 6:00 p.m. on Saturday or Sunday.
 2. No trash shall accumulate on the property.
 3. The auction shall be limited to items such as estate items, furniture, antiques and household items. No automobiles shall be sold unless they are part of an estate sale.
 4. Security lighting shall be provided with downward screening on the lights. The location of any security lighting shall be shown on the final site plan.

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5. The Applicant shall comply with all DelDOT requirements, including entrance permits.
6. There shall be no outside storage when the site is not being used as an auction.

Motion by Mr. Smith, seconded by Mr. Gordy and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 3 – 0. Mr. Johnson did not participate in the vote.

C/Z #1580 – application of **RONALD WM. WRIGHT, JR.** to amend the Comprehensive Zoning Map from a GR General Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying northwest of Route 5, 290 feet north of Road 212B, to be located on 35,093 square feet, more or less.

The Commission discussed this application which has been deferred since September 22, 2005.

Mr. Johnson stated that he would not be participating in the discussion on this application since he was not present during the public hearing.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1580 for Ronald W. Wright, Jr. to amend the Comprehensive Zoning Map from GR General Residential to C-1 General Commercial based upon the record made at the public hearing and for the following reasons:

- 1) The project will not have an adverse impact on the neighboring properties or community.

- 2) The project is in an area that is in close proximity to the Town of Milton and other commercial type uses. These include a shopping center with various uses including a restaurant, stores and other commercial and business uses.
- 3) The Applicant will meet or exceed all DelDOT requirements.
- 4) C-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for retail shopping and personal and miscellaneous service activities, and that such uses should be located along arterial roadways where a general mixture of commercial and service activity now exists. In this case, the proposed use falls within the stated purposes of the C-1 District.

Motion by Mr. Smith, seconded by Mr. Gordy and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 3 – 0. Mr. Johnson did not participate in the vote.

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The Commission recessed from 6:42 p.m. until 7:00 p.m. to start the scheduled public hearings.

PUBLIC HEARINGS

C/U #1622 – application of **EVARD B. HALL** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an antique shop and auction gallery to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 4.70 acres, more or less, lying at the southeast corner of Route 32 and Road 585 (Woodbridge Road).

Mr. Lank provided the Commission with copies of the site plan for this application.

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 585 and the level of service “C” of Route 32 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on this site are mapped as Fallsington loam and Woodstown sandy loam; that the Fallsington soils have severe limitations for development; that the Woodstown soils have slight to moderate limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Fallsington soils are considered to be of Statewide Importance and Prime Farmland and Hydric soils; that the Woodstown soils are considered to be Prime Farmland and Hydric soils in depressions; that no storm flood hazard areas are affected; that it may not be necessary for any on-site or off-site drainage improvements; and that the Bee Branch Tax Ditch borders the property, but will not be affected.

The Commission found that Evard Hall was present and stated in his presentation and in response to questions raised by the Commission that the primary use of the application will be the antique shop; that he does not plan on having any more than 4 to 6 auctions on the site per year; that he is an appraiser by trade; that he has no objections to a limitations be imposed on the number of auctions per year; that 8 parking spaces already exists at the shop; that adequate space is available on the site for enough parking for any auction; that the auctions will be held on Friday or Saturday; that the antique shop would be open for business 4 days per week (Thursday through Sunday); that business hours are planned to be from 9:00 a.m. till 5:00 p.m. on Thursday and Sunday and 9:00 a.m. till 8:00 p.m. on Friday and Saturday; that auctions are planned to be from 10:00 a.m. till 8:00 p.m.; that he does not do any refinishing on the site; that he would like to erect a lighted sign, not exceed 32 square feet; that security lighting already exists; that the only vehicles that would be sold at auction will be vehicles that are a part of an estate sale; that

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there will be no outside storage; that he occupies the dwelling on the premises; that the shop on the site is presently used for lawn and garden supplies; and that other business uses in the area include farms, lawn and garden, a gunsmith, and a cabinet shop.

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. Gordy stated that he would move that the Commission recommend approval of C/U #1622 for Evard Hall to operate a public auction and antique shop based upon the record made at the public hearing and for the following reasons:

- 1) The project with the conditions and stipulations placed upon it will not have an adverse impact on the neighboring properties or community.
- 2) The use as a public auction and antique shop is desirable for the general convenience and welfare of the area.
- 3) This recommendation for approval is subject to the following conditions and stipulations:
 1. Auction sales shall occur no more than four (4) times per year, and only from 10:00 a.m. to 8:00 p.m. on Friday and Saturday. The antique shop shall be open for business four (4) days per week, Thursday and Sunday from 9:00 a.m. till 5:00 p.m. and Friday and Saturday from 9:00 a.m. till 8:00 p.m.
 2. No trash shall accumulate on the property.
 3. The auction shall be limited to items such as estate items, furniture, antiques and household items. No automobiles shall be sold unless they are part of an estate sale.
 4. Security lighting shall be provided with downward screening on the lights. The location of any security lighting shall be shown on the final site plan.

5. The Applicant shall comply with all DelDOT requirements, including entrance permits.
6. These shall be no outside storage when the site is not being used as an auction.
7. One (1) lighted on-premise ground sign, not exceeding 32 square foot per side or facing may be permitted.
8. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated.

Motion carried 3 – 0. Mr. Johnson did not participate in the vote.

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C/U #1623 – application of **DAWSON & BEDSWORTH ELECTRICAL CONTRACTORS, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an electrical contracting business to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 4.64 acres, more or less, lying northwest of Route 9, 2,700 feet southwest of Road 446.

Mr. Lank provided the Commission with copies of the site plan for this application.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the present level of service “D” of Route 9 at this location will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on this site are mapped as Kalmia sandy loam, Pocomoke sandy loam and Woodstown sandy loam; that the Kalmia soils have slight limitations for development; that the Pocomoke soils have severe limitations; that the Woodstown soils have slight to moderate limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Kalmia soils are considered to be Prime Farmland; that the Pocomoke soils are considered to be of Statewide Importance and Prime Farmland and Hydric soils; that the Woodstown soils are considered to be Prime Farmland and Hydric soils in depressions; that no storm flood hazard areas are affected; that it may not be necessary for any on-site or off-site drainage improvements; and that no tax ditches will be affected.

The Commission found that Jeff Dawson and Gregory Bedsworth of Dawson and Bedsworth, Electrical Contractors, Inc. were present with Mark Gosgrove, Attorney, on behalf of this application.

The Commission found that Mr. Cosgrove presented the Commission with a small exhibit packet containing a copy of the contract of sale and deeds to the property.

The Commission found that the gentlemen stated in their presentations and in response to questions raised by the Commission that the site contains 4.6 acres; that the dwelling on the premises was converted into an office; that the old two story chicken house on the site was converted into a warehouse for the storage of tools, materials and supplies; that they purchased the property at auction in October of 2003; that on-site water and septic exist on the site for the office; that there is no need or plans for additional parking on the site; that the front of the property is screened with numerous trees; that they plan to install additional screening; that they have 18 employees of which 2 do clerical work in the office; that the other 16 employees are on work crews off-site; that the company has 11 vehicles; that the company provides industrial services for poultry plants and does wiring

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for poultry houses; that the only outside storage will be vehicles since the ceiling in the warehouse, formerly the chicken house is too low; that they receive deliveries daily by UPS or similar carriers; that twice a week they may receive deliveries by semi-tractor trailers; that the driveway and parking lot provides adequate maneuvering space for turning around so that no vehicles back out onto Route 9; that a medical office, a shopping center, a body shop, an auto repair and other business uses are in close proximity; that the business is in operation 7 days per week from 6:00 a.m. to 7:00 p.m.; that on the weekends half of the employees work at poultry plants doing wiring, etc. while the plants are shutdown and for emergencies; that they would like to erect a 32 square foot unlighted sign; that security lighting already exists on the site; and that they have a dumpster on the site for waste materials.

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

Mr. Gordy stated that he would move that the Commission recommend approval of C/U #1628 for Dawson and Bedsworth, Electrical Contractors, Inc. to operate an electrical contracting business based upon the record made at the public hearing and for the following reasons:

- 1) The proposed Conditional Use is generally similar to other uses in the vicinity of the property.
- 2) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 3) The operation of an electrical contracting business will not generate a significant increase in traffic or noise, since the majority of the work will be conducted off-site.
- 4) The proposed Conditional Use provides a service to the Sussex County Agricultural Industry.

- 5) This recommendation for approval is subject to the following conditions and stipulations:
1. All trucks and trailers associated with the electrical contracting business shall only be parked in the designated parking area as shown on the site plan.
 2. There will only be one unlighted sign on the premises that shall not exceed 32 square foot per side or facing.
 3. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or towards Route 9.
 4. No outside storage, except for vehicles and trailers, shall be allowed on the premises.
 5. The hours of operation for the business on this site shall be limited to 6:00 a.m. to 7:00 p.m. 7 days per week, except for emergencies.
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6. The site plan shall be subject to approval of the Planning and Zoning Commission.
 7. The dumpster shall be designated on the site plan and shall be screened from view from neighboring properties.

Motion by Mr. Gordy, 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 and stipulations stated. Motion carried 4 – 0.

Subdivision #2004-54 – application of **LBI CONSTRUCTION** to consider the Subdivision of land in an AR-1 Agricultural Residential District and GR General Residential District in Indian River Hundred, Sussex County, by dividing 67.92 acres into 115 lots, (Cluster Development), located west of Road 288 (Wil King Road), approximately 1,620 feet north of Road 280-B (Conley Chapel Road).

Mr. Lank advised the Commission that the Technical Advisory Committee Report of February 16, 2005 would be made a part of the record for this application.

Mr. Abbott advised the Commission that the applicants submitted an Exhibit Booklet that contains Site Data, Site Information, Water Service, Sanitary Sewer Service, Storm Water Management System, and Appendices that will be made a part of the record for this application.

The Commission found that James Fuqua; Attorney, Paul Jones of LBI Construction, Gary Cuppels and Ken Kullman of ECI Corporation were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the project is for 115 lots on 67.89 acres; that the site is located west of

Road 288 and north of Road 280-B; that the proposed density is 1.8 lots per acre; that Tidewater Utilities will provide central water and sewer to the site; that the wastewater treatment disposal system will be designed to Sussex County Ordinance No. 38 standards and will be operated by Tidewater Utilities; that the wastewater disposal system will be a rapid infiltration system; that DNREC has issued a septic feasibility statement; that a wetland delineation has been performed; that an Assessment of Cultural Resource Review has been conducted; that a Phase 1 Environmental Site Assessment Report has been conducted; that the site is located approximately 1.5 miles from the shared Lewes and Rehoboth Beach Fire Station off of Route 24; that the site is located within the Cape Henlopen School District; that there are commercial uses in the vicinity for shopping needs; that a homeowners' association will be established for dues and fees; that there is one entrance to the site located across from the entrance to Chapel Green; that the entrance and location will be constructed to DelDOT requirements; that the site is zoned both AR-1 and GR; that the AR-1 portion of the site contains 54 acres more or less, and

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that the GR portion contains 9.7 acres more or less; that 150 lots are permitted by the zoning code; that the Comprehensive Land Use Plan permits low density single-family residential developments; that the lots in the AR-1 portion are designed to meet the Cluster ordinance requirements and that the lots in the GR portion of the site are a minimum of 10,000 square feet; that the streets make up approximately 9.1-acres; that 50% of the site is open space that includes a pool, community center, and playground; that the design protects the natural features such as wooded areas; that the contains wooded areas, cut-over timber and cleared lands; that the design meets the intent of the Cluster Ordinance; that there are not any wetlands on the proposed lots; that the project is consistent with the uses and residential densities in the area; that there are other large residential developments in the immediate area such as Conley Chapel Village, Chapel Green, Lochwood, etc., and submitted a copy of a map depicting other residential developments in the area; that the size of the storm water management areas will help mitigate drainage problems in the area since the existing developments lack storm water management facilities; that the applicants will reforest approximately 29% of the site; that a single boulevard entrance is proposed and will comply with all of DelDOT's requirements; that DelDOT did not require a traffic impact study; that the open space areas will be maintained by a homeowners' association; that this design is superior to a standard subdivision plan in that it provides over 50% of open space, that it preserves the natural features and meets the requirements of Section 99-9C of the Subdivision Ordinance; that it fits into the nature of the area; that ground water recharge will be maximized; that the project has been reviewed by the State through the PLUS process; that the current owner will retain a 4.2 acre parcel; that a stub street will be provided to an adjacent parcel; that the wastewater treatment plant will be landscaped and buffered; that walking trails can be provided; that sidewalks will be provided on at least I side of all streets; that the reforested area will be approximately 50 feet in width; that trees that are natural to the area will be planted; that the ponds are necessary for storm water

management and to correct drainage problems in the area; and submitted into the record proposed findings of approval and proposed conditions of approval.

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

The Commission found that Victoria Gillingham, William Gillingham, Larry Purdy and Bob Woods, all area residents, were present in opposition to this application and advised the Commission that the entrance is in a bad location since there are numerous traffic accidents along this road; that a traffic impact study should have been required; that there are severe drainage problems along Wil-King Road; that there is only one entrance proposed to the project; questioned the proposed width of the forested buffer; that the buffer should be kept as wide as possible; and that the project should have interconnectivity with the other developments in the area.

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

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Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to defer action pending further review.

Motion carried 4 – 0.

Subdivision #2004-55 – application of **J. MICHAEL WARRING – MJR INVESTORS, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 76.85 acres into 100 lots, (Cluster Development), and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located northwesterly side of Road 297 (Mount Joy Road), 1,360 feet southeast of Road 308 (Cordrey Road).

Mr. Lank advised the Commission that the Technical Advisory Committee Report of February 16, 2005 would be made a part of the record for this application.

Mr. Abbott advised the Commission that the applicants submitted an Exhibit Booklet that includes Site Data, Site Information, Water Service, Sanitary Sewer Service, Storm Water Management, and Appendices; and that the Booklet would be made a part of the record for this application.

Mr. Abbott advised the Commission that a letter in opposition to this application was received from William E. and Joan C. Norwood and was read into the record.

The Commission found that Hal Dukes; Attorney, Mike Warring; applicant, and Gary Cuppels and Ken Kullman with ECI Corporation were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the applicant has been developing projects since 1980; that he provides

quality developments; that this project has been designed using the Cluster ordinance; that 99 lots at 7,500 square feet are proposed; that 151 lots would be permitted by the zoning and subdivision ordinances; that the lots take up 18.8 acres and the remaining land is streets and open space; that 70% of the site is open space; that the site adjoins a residential development and that there are other residential developments in the area; that the site does not contain any wetlands and that this has been verified by the Army Corps of Engineers; that the site has been recently logged; that as many trees as possible will remain undisturbed; that a reforestation program will be implemented; that Public Water Supply will provide central water and that Tidewater Utilities will provide central sewer to the site; that the wastewater treatment disposal system will be built to Ordinance No. 38 standards in case the County ever takes over the sewer; that the proposed system will be batch reactor treatment; that DNREC has issued a septic feasibility statement and submitted the report into the record; that a storm water management study was conducted in the area and that the 20 acres of storm water management ponds will address a regional

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problem in the area; that there is one entrance to the site proposed; that traffic will not be a problem; that the homes will start at \$400,000.00 and will not cause any negative impacts to adjoining properties or to the area; that the project will not cause any negative impacts to farmland; that the project meets the needs of retirees in the area; that there will not be any negative impact to the Indian River School District; that a pool with a community center, tennis courts, and walking trails are proposed; that a homeowners' association will be established, that the project is compatible to the area; that there will not be any negative impacts to local waterways; that the design of the project meets the criteria set forth in the Cluster ordinance; that a standard $\frac{3}{4}$ acre lot subdivision would not provide as much open space; that a stub street to the east property is proposed; that sidewalks will be on at least one side of all streets; that street lighting and curbing will be provided; that there will be a trail network throughout the development; that the wooded area between the pond and Mount Joy Road could be made wider; and that the area is rustic in nature.

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

The Commission found that Nancy Irish, Horace Best, and Mary Street, all area residents, were present in opposition to this application and stated concerns about buffers between the property lines and the storm water management ponds; the depth of the ponds; that there are drainage problems in the area; that the ponds will cause mosquito problems; questioned if the development will contribute to emergency services in the area; whether the wastewater treatment system will have negative impacts to existing wells in the area; that traffic in the area will increase; that the site contains wetlands on it; that the State is taking additional right of way off of Route 24; that trees have been cut down on lands not owned by the applicant; whether there are any cluster developments under construction at

this time; whether or not improvements will be required by DelDOT; and if a fence will be erected.

The Commission found that Mr. Cuppels responded by advising that the closest distance from the storm water management ponds to a dwelling is 100 feet; that the ponds will be wet ponds excavated to a depth of 4 feet; that the ponds will be landscaped and be an amenity; that the wastewater disposal treatment system will be operated by a Licensed Operator; that the existing trees will remain and that more will be planted; and that no fence around the site is proposed.

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 4 – 0.

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Subdivision #2004-56 – application of **OCEAN ATLANTIC VIII, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Georgetown and Broadkill Hundreds, Sussex County, by dividing 53.39 acres into 42 lots, located north of Road 252 (Huff Road), 3,200 feet east of Road 319 (Sandhill Road).

Mr. Lank advised the Commission that the Technical Advisory Committee Report of February 16, 2005 would be made a part of the record for this application.

Mr. Abbott advised the Commission that the applicants submitted an Exhibit Booklet containing a Cover Sheet, Table of Contents, Project Team, Site Maps, Site Data, Site Layout, Reddenwood I Cross Reference, and Supporting Information and that the Booklet would be made a part of the record for this application.

The Commission found that Doug Warner and Matthew Peterson of Element Design Group and Mark Chura of Ocean Atlantic, VIII, L.L.C. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 42, $\frac{3}{4}$ acre lots are proposed on 54 acres more or less; that access to this site would be through the existing Reddenwood Phase 1 subdivision; that 3 storm water management ponds are proposed; that the site will have walking trails; that the wetlands have been delineated; that the streets will be built the same as Phase 1; that individual on-site septic systems are proposed; that a revised plan has been submitted addressing the recommendations of the Technical Advisory Committee; that they have not heard of any objections from the neighbors in Reddenwood Phase 1; that Phase 1 contains 72 lots and if this application is approved, it would be reduced by 1 lot so that the interconnection road can be made; that sidewalks are not proposed since the existing Phase 1 does not contain them; that an active walkway is proposed around the perimeter of the site; that

they will try to preserve as many trees as possible; and that no recreational amenities are planned.

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

The Commission found that Mark Owens, Susan Westover, Thelma Foulke, Maria Foulke, and Ed Mason, all area residents, were present in opposition to this application and expressed concerns with drainage problems in the area; negative impacts to existing homes in the area; the size of any buffers near the wetlands; that there are trespassing problems in the area; that there are horses owned by residents in the area; questioned who is notified of the hearings; and that the site is heavily wooded.

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

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further review.

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Motion carried 4 – 0.

Subdivision #2004-57 – application of **BLUE RIBBON PROPERTIES, I.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District and GR General Residential District in Broad Creek Hundred, Sussex County, by dividing 38.64 acres into 30 lots, located south of Route 20, approximately 1,030 feet west of Road 485.

Mr. Lank advised the Commission that the Technical Advisory Committee Report of March 16, 2005 would be made a part of the record for this application.

The Commission found that David Bates and Steve Engel of Vista Design Group, Inc. 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 zoned AR-1 and GR; that 30 lots on 38 acres are proposed; that the site has been designed using the Cluster Ordinance options; that the lots range in size from ½ acre to 1 acre; that the proposed density is 1.16 lots per acre; that DNREC has issued a septic feasibility statement and the site is suitable for individual on-site septic systems; that the design meets the requirements of the subdivision code; that the streets will be private and built to county specifications; that on-site wells are proposed; and that a homeowners' association will be established.

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.

Mr. Smith stated that he would move that the Commission grants preliminary approval of Subdivision #2004 – 57 for Blue Ribbon Properties based on the record and for the following reasons:

1. The proposed subdivision is in an Agricultural Residential District as established by the 2002 Sussex County Comprehensive Plan Update that encourages low-density single family homes.
2. There will not be any adverse impacts on traffic, area roadways, neighboring properties, or property values.
3. This approval is subject to the following conditions:
 - a. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of roadways, buffers, storm water management facilities, and other common areas.
 - b. Storm water management and erosion and sedimentation control facilities shall meet or exceed the requirements of the State and County.

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Motion by Mr. Smith, seconded by Mr. Johnson, and carried 3 votes to none, with Mr. Gordy not participating, to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 3 – 0 – 1.

Subdivision #2004-58 – application of **NORRIS NIBLETT** to consider the Subdivision of land in an AR-1 Agricultural Residential District and GR General Residential District in Dagsboro Hundred, Sussex County, by dividing 33.29 acres into 12 lots, located north of Road 472, 2.782 feet east of Road 432.

Mr. Lank advised the Commission that the Technical Advisory Committee Report of March 16, 2005 would be made a part of the record for this application.

The Commission found that Norris Niblett; Applicant, and David Bates and Steve Engel of Vista Design Group, Inc. 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 zoned AR-1; that 12, 2 acre lots are proposed on 33.29 acres; that 3.2 acres of the site is open space; that the streets will be private and built to County specifications; that the cul-de-sac is approximately 1,400 feet in length; that individual on-site wells and septic are proposed; that DNREC has issued a septic feasibility statement; that there are other residential subdivisions in the immediate area; that they have not thought about a school bus stop but there is adequate room for one if required; that the minimum size of the homes will be 1,400 square feet; that the dwellings will be stick built or modular homes;

that no double wide manufactured homes will be permitted; and that there is room to create a bubble type traffic calming device to break up the length of the cul-de-sac.

The Commission found that Connie Davis, an adjoining property owner, was present and expressed concerns about traffic accidents in the area; questioned if her property is going to be impacted by this application; that she likes her privacy; and that as long as a poultry or hog operation is not proposed, she has no problems with the application.

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

Mr. Gordy stated that he would move that the Commission grants preliminary approval of Subdivision #2004 – 58 for Norris Niblett based on the record made and for the following reasons:

1. The proposed subdivision meets the purposes of the Subdivision Ordinance.
2. The land is zoned AR-1 and GR, which permits low-density single family residence or development of a density of approximately 2 lots per acre. The proposed density is less than the density permitted by the existing AR-1 and GR zoning.

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3. The developer proposes to develop 12 lots and the lots will exceed 2 acres in size.
4. The proposed subdivision will be a restricted residential development consistent with the area and will not adversely affect nearby uses or property values.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
6. The proposed subdivision is integrated into the existing terrain and surrounding landscape, and preserves natural features.
7. This preliminary approval is subject to the following conditions:
 - a. 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.
 - b. The storm water management system shall meet or exceed the requirements of the State and County.
 - c. No wetlands shall be included within any lot lines.
 - d. All entrances shall comply with all of DelDOT's requirements.
 - e. The final site plan shall show a bubble type traffic-calming device so that a variance from the maximum allowed cul-de-sac length of 1,000 feet is not needed.

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

Motion carried 4 – 0.

Meeting adjourned at 11:00 p.m.