

THE MINUTES OF THE REGULAR MEETING OF JULY 25, 2019

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, July 25, 2019, in the County Council Chamber, Sussex County Administration 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. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director of Planning & Zoning, Mr. Jamie Whitehouse – Planning & Zoning Manager and Ms. Lauren DeVore – Planner III.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to approve the Agenda as submitted. Motion carried. 5-0.

OLD BUSINESS

None

PUBLIC HEARINGS

Mr. Robertson described the procedures for the public hearings before the Planning and Zoning Commission.

2019-10 – Lands of Timmons – Ralph A. Timmons, Jr.

A standard subdivision to divide 161.68 acres +/- into 7 single-family lots to be located on certain parcels of land lying and being in Dagsboro Hundred, Sussex County. The property is lying on the north and south side of Nine Foot Road (Route 26), approximately 1073 feet east of Hickory Hill Road. Tax Parcels: 233-14.00-10.00 & 10.02. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were comments from the Sussex Conservation, comments from the Sussex County Engineering Department of Utility Planning Division, Soil Feasibility Study, and a Subdivision Plan.

That the Commission found that Mr. Ralph A. Timmons, Jr. was present on behalf of his application. Mr. Timmons stated that he and his brother would like to subdivide the land; and that he would be placing some of the parcels into Agricultural Land Preservation.

Ms. Wingate asked Mr. Timmons if some of the parcels would have access off of Timmons Lane; which Mr. Timmons stated that they would; that Ms. Wingate asked if Timmons Lane was Mr. Timmons' personal driveway and if he maintains it his self; which Mr. Timmons stated he does maintain Timmons Lane; that Ms. Wingate asked if Timmons Lane would be a shared lane and if the cost of maintenance of the road would be shared; which Mr. Timmons stated there a is family living on Timmons Lane and they would have a maintenance agreement; that Ms. Wingate asked if all the parcels would have mounds and whether septic systems had been approved for the

proposed parcels; and which Mr. Timmons stated yes that there would be septic systems of some sort on each parcel.

Ms. Cornwell stated that the applicant is also asking for a waiver from the street design standards and the forested landscape buffer. Ms. Cornwell asked if there would be any impact on wildlife in the area and if there are any wetlands on the property; which Mr. Timmons stated that there is a pond in the center of the parcel; that Ms. Cornwell asked if this would have any impact on traffic; which Mr. Timmons stated this would not have any impact on traffic on area roadways; that Ms. Cornwell asked if this would have any impact on the schools or businesses in the area; which Mr. Timmons stated there would be no impact on the local schools or local businesses in the area; Ms. Cornwell asked if all the parcels were going to be residential or would some of the new parcels be put into Agricultural Land Preservation; which Mr. Timmons stated he would be placing some of his parcels in Agricultural Land Preservation; that Ms. Cornwell asked if this proposed subdivision would have any impact on environmental issues or any impact on the agricultural uses; and which Mr. Timmons stated there would be no environmental impact, no impact to the agricultural uses, and no negative impact on the property.

Mr. Robertson asked the Commission if this is for seven single-family lots or is it for larger agricultural parcels; which Ms. Cornwell stated the proposed application is for seven lots that are all zoned AR-1 and they would have the ability to have a dwelling on them; Ms. Cornwell stated that Mr. Timmons had stated that some of the parcels would go into Agricultural Land Preservation; Ms. Cornwell stated that there are no minor subdivisions left to subdivide and some of the parcels are on Timmons' easement and that there could be no more than three lots off of the easement.

The Commission found that Mr. Jonathon Timmons spoke in favor of the application; that Mr. Timmons had a question about having a maintenance agreement; that Ms. Cornwell stated if the Commission does approve the subdivision, the Commission can make it a requirement that there is a maintenance agreement between all the property owners for the upkeep and maintenance of the road; and that Mr. Timmons would like to have a maintenance agreement.

The Commission found that no one spoke in opposition to the application.

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

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/Z 1885 - 36191 DWB, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Baltimore Hundred, Sussex county, containing 1.015 acres. The property is lying on the north side of Lighthouse Road (Route 54), approximately 850 feet west of Zion Church Road. 911 Address: 36191 Lighthouse Road, Selbyville. Tax Parcel: 533-19.00-15.00.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, the results from DelDOT Service Level Evaluation request confirming a Traffic Impact Study (“TIS”) was not required for the rezoning, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department of Utility Planning Division, an exhibit booklet, and a Survey.

The Commission found that Mr. Tim Willard, an Attorney with Fuqua, Willard, Stevens, and Schab, and Mr. Darryl Breasure and Mrs. Andrea Breasure principal of 36191 DWB, LLC were present on behalf of the application; that Mr. Willard stated the proposed application is consistent with the land uses, and area zoning, and the Comprehensive Plan; that Mr. Breasure owns the commercial property to the right and it is known as Breasure Auto Repair, Auto Services; that Mr. Breasure owns the commercial property to left and it is Breasure Carpet Services; that there is RPC Zoning (“Residential Planned Community”) in the area and Americana Bayside RPC is down the road; that at the corner of Zion Church Road and Route 54 is commercial property; that part of the zoning in the area is zoned commercial and part of it is an RPC; that a lot line adjustment has been approved and recorded to make the parcel a 1-acre parcel; that Mr. Breasure would like to expand the use for the auto repair service; that C-3 Zoning (“Heavy Commercial District”) does allow for repair and service; that the business has been there for approximately 30 years and it has been successful; that there are townhouses located behind the property that are zoned MR (“Medium Density Residential District”); that there is a carpet business located next door; that the property was formally used to sell lighthouses with a Conditional Use; that there was no Traffic Impact Study (“TIS”) requested by DelDOT; that sewer is available and the applicant may have to pay for more sewer capacity; that the property is still on well and there is a possibly to be able to hook-up to the water tower; that across the street is the Church Camp Meeting Association and it is adjacent to the Methodist Church; that a letter of support was read and submitted into the record; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the Coastal Area; that the Coastal Area is a growth area; that the the proposed Change in Zone is consistent with the uses in the area; and that Mr. Breasure affirmed the testimony that was given.

Ms. Wingate asked if there is a water main in front of the property; which Mr. Breasure stated the property is next to a water tower and he is awaiting a letter from Tidewater Utilities to be able to connect; Ms. Wingate asked about the septic and sewer; and which Mr. Breasure stated the sewer is served by the Sussex County sewer.

The Commission found that no one spoke in favor to or in opposition to the application.

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

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to defer action for further consideration. Motion carried 5-0.

2018-34 – Keastone Bay – Baywood, LLC and Sussex Realty Company

A Coastal Area/cluster subdivision to divide 310.97 acres +/- into 675 single-family lots to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The property is located on the northwest and southeast sides of Green Road, approximately 360 feet northeast of Banks Road. Tax Parcels: 234-17.00-170.00, 172.00, 173.00, 174.00, 234-18.00-

68.00, 234-24.00-1.00 & 234-24.00-2.00. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were comments from the Technical Advisory Committee (“TAC”), a number of comments from different Agencies including DNREC, the Sussex Conservation District, the Sussex County Engineering Department of Utility Planning Division, the State of Delaware Preliminary Land Use Service (“PLUS”) and response to the PLUS comments, an Exhibit Booklet, and a Preliminary Subdivision Plan. There were also several letters received in opposition to the application.

That the Commission found that Mr. Jim Fuqua, an Attorney with Fuqua, Willard, Stevens, and Schab, Mr. Robert Tunnell III, property owner with Baywood, LLC, Mr. Jason Palkewicz with Solutions IPPEM, and Ms. Betty Tustin with the Traffic group were present of behalf of the application; that Mr. Fuqua stated there was an Exhibit Booklet submitted into the record that contains a summary of the proposed subdivision and supporting documents; that the supporting documents included the applicant’s State of Delaware Preliminary Land Service (“PLUS”) response, the Section 99-9C Subdivision Report, and the Environmental Assessment and Public Facilities Evaluation Report; that this is an application for a proposed cluster subdivision located in the Coastal Area; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the Coastal Area which is a growth area; that the land is zoned AR-1 (“Agricultural Residential Zoning District”); that there is no Change in Zone being requested; that the application proposes 651 single-family lots and recreational areas; that the parcel of land contains 310.9 acres; that the proposed development would be called Keastone Bay; that the land borders Banks Road and is also located on the north and south sides of Green Road; the land is located southeast of Route 24; that the site is located adjacent to several residential developments; that a portion of the land is cleared farmland and the remainder is wooded; that there is approximately 325-feet of the northern boundary of the site that borders Hopkins Prong; that the County’s Comprehensive Plan is the County’s official policy guide for future land-use related decisions; that the plan is long range in nature and provides a framework for County residents and decision makers to conceptualize how the County should look and function through the year 2045; that one of the most important factors in the preparation of the Plan was the future population projected from the Delaware Population Consortium; that the Consortium is a co-operated organization comprised of the State, County, and local Government Representatives; that the Consortium determined that the permanent resident population of Sussex County in 2015 was approximately 215,000 people; that the Consortium projects the permanent resident population in 2035 (approximately 15 years from now) would be approximately 254,000 people; that would be an increase of 39,000 people; that at the request from the Planning and Zoning Commission, the Consortium also prepared seasonal population projection for the County; that the Consortium determined that there were 99,000 seasonal residents in 2015; that the Consortium projected 125,000 seasonal residents in 2035; that is an increase of 21,500 seasonal residents; that the net result of this is that in 15 years' time, in 2035 there are projected to be 60,500 more permanent and seasonal residents in Sussex County that there were in 2015; that the Comprehensive Plan recognizes the level of growth and that the Coastal Area is a growth area; that the Comprehensive Plan recognizes that a range of housing types should be permitted in the Coastal Area including single-family homes, townhouses, and multi-family units; that a base density of 2 dwelling units per acre is appropriate throughout the Coastal Area; that in addition, Medium-Density and High-Density of 4 to 12 units per acre can be

appropriate in certain locations; that the Plan does state that the clustering option is encouraged as well as central water and sewer facilities; that in addition to the Comprehensive Plan the Sussex County Zoning Ordinance provides that land located in the Coastal Area can be developed by using a cluster option which permits a minimum lot size of 7,500-square feet with developments served by central water and sewer; that the density of a cluster subdivision in the Coastal Area is determined by the density permitted by the underlying Zoning District; that the land is zoned AR-1 and permits family dwellings on individual lots at a permitted density of 2.17 lots per acre; that the proposed development would be served by central water and sewer; that the proposed 651 single-family lots would have a density of 2.09 lots per acre; that is less than the permitted density; that no townhouses or multi-family units are proposed; that the proposed development would be served by central water provided by the Long Neck Water Company; that central sewer would be provided by the Inland Bays Preservation Company, LLC; that the Sussex County Engineering Department provided comments and recommends service by the Inland Bays Preservation Company, LLC; that the Sussex County Engineering Department would require the design and construction of the collection system to meet the Sussex County Sewer standards and specifications; that the stormwater management facilities would be designed and constructed in accordance with DNREC current sediment and stormwater regulations (effective February 2019); that there would be inspections performed before construction, during construction, and after construction of the stormwater management including stormwater quantity and quality control; that a soils report was performed by Hillis Carnes Engineering Associates Inc. to determine the appropriate location for stormwater areas based on the depth of groundwater and infiltration rates; that a wetlands delineation was performed by JCM Environmental and it was determined that the wetlands on the site were limited to 1.8-acres; that the wetlands are located on the northern section of the site immediately adjacent to Hopkins Prong; that there are no other wetlands located on the remainder of the site; that the proposed site design does provide a minimum buffer of 100-feet between the wetlands and any lot lines; that under the FEMA Flood Hazard Maps, a small portion of site is located in the Zone A which is the area near Hopkins Prong; that all the lots themselves would be located in Zone X outside of the 100-year floodplain; that the State Historic Preservation Office (“SHPO”) noted in the PLUS comments about two sites of interest; that one of the sites was a dwelling on the northwest portion of the site and the dwelling was estimated to have been built in approximately the 1940s or the 1950s; that the dwelling is in disrepair and it is planned to be demolished; that the applicant is agreeable to permitting SHPO to review and catalog the building or site before it is removed; that the second site identified by SHPO was referred to as the ‘Lawson Agricultural Complex’ and is located north of Green Road; that the site is located on another property and is not located on the site of the proposed subdivision; that a TIS was previously done for an almost identical sized subdivision on the same parcel back in 2005; that because of changes in the area surrounding the site and DelDOT’s regulations, that DelDOT did determine that a new TIS would be required; that the Traffic Group was retained to perform the new TIS; that per DelDOT’s instructions there were nine area intersections studied; that the development and proposed entrances were evaluated for capacity and Level of Service; that traffic counts were undertaken in accordance with DelDOT’s requirements and growth factors for 10 approved or proposed area developments were incorporated into the data; that the TIS was completed by the Traffic Group and submitted to DelDOT on May 1st 2019; that the TIS is currently under review by DelDOT; that it is anticipated that DelDOT would require or refer to what are known as ‘standard improvements’ which would likely involve dedication of additional Right-of-Way along the road frontages to provide a 30-foot Right-of-Way from the center line of Banks Road and on

both sides of Green Road; that a creation of a 15-foot permanent easement next to the new Right-of-Way line along the two roads and construction of a Shared Use Path within the easement area is also likely required; that the improvements to Green Road are to provide 11-foot travel lanes and 5-foot shoulders on the site frontage on both sides; that the improvements to Banks Road would be 11-foot travel lanes and 5-foot shoulders along the site's frontage; that Green Road would slightly be realigned to flatten the curve in the road and that this was originally approved by DelDOT in 2011 and would be done as part of the now-proposed Green Road improvements; that the Applicant did receive a summary of the proposed recommendations from DelDOT; and that Mr. Fuqua stated that Mr. Brockenbrough from DelDOT was present at the hearing to correct any misunderstandings as to DelDOT's position.

Chairman Wheatley explained to the public that as part of the State and County's ongoing efforts to improve inter-governmental coordination, a DelDOT representative was present for this public hearing; that their presence is primarily to advise the Planning and Zoning Commission on technical matters; that DelDOT is not present to support or oppose any particular application on the agenda; that should the Commission identify a technical question for DelDOT to answer, that they would invite Mr. Brockenbrough to respond when the time is appropriate.

Mr. Fuqua stated the Applicant does not yet have the final approval letter from DelDOT; that the proposed development would have two entrances on Green Road; that entrance A which is the southern entrance would have a separate northbound left, through and right-turn lane; that at entrance B which is the north entrance would have a shared northbound left through lane and a separate right-turn lane; that at Banks Road, Green Road and Back Nine Way there would be a separate right-turn lane added to southbound Green Road; that at Banks Road and Route 24 the developer would be required to enter into a traffic signal agreement for installation of a signal when warranted by DelDOT; that at Holly Lake Road and Route 24 it is recommended that the developer be required to add a separate right-turn lane on eastbound Holly Lake Road and this is currently a shared left and right-turn lane; that this would create a left-lane and a right-lane; that DelDOT currently has a project proposed at Route 24 Long Neck Road and Indian Mission Road intersection to construct various operational and safety improvements; that the developer would be required to contribute to the project as determined by DelDOT; that at School Lane and Bay Farm Road intersection, DelDOT is recommending possibly a single lane roundabout; that the Traffic Group had recommended that, based on the TIS, a traffic signal would be appropriate; that the Applicant does anticipate that the Planning and Zoning Commission would likely wish to leave the record open for receipt of the DelDOT letter and then allow for a period of time for written comments; that the property is located in the Indian River School District; that the fire service would be provided by the Indian River Fire Company; that there is a wide variety of retail service and businesses along Route 24 and Long Neck Road; that a prior subdivision had been filed by Baywood, LLC for the same property; that the prior application was designated as Subdivision 2005-72 for a subdivision to be called Bridlewood; that the original subdivision application requested 679 single-family lots and an equestrian center; that the equestrian center and its acreage was subsequently removed from the application; that it was determined that a Conditional Use was required for the equestrian center; that the number of lots was reduced to 597 lots; that the Planning and Zoning Commission unanimously approved that subdivision subject to conditions on January 18, 2007; that copies of the Minutes from January 18, 2007 were submitted into the record; that a recession began which resulted in the project coming to a halt and as a result the subdivision had

expired; that the proposed application is a revival of the previously approved subdivision but with modifications that improve the site design and impact; that the proposed application is for 651 single-family lots which is less than the permitted AR-1 density; that the lots will vary in size from 8,420 square feet to 18,720 square feet; and that the average lot size is 9,279 square feet.

Mr. Robertson stated the application was advertised for 675 single-family lots and the application is now for 651 single-family lots; which Mr. Fuqua stated that was correct and he would explain the difference in numbers.

Mr. Fuqua stated the development would have two entrances each to both the northern and southern sections; that no emergency access is required; that the development would be tree-lined along Green Road and Banks Road with bordering open space stormwater ponds; the Applicant would construct a shared use path along the properties frontage on both sides of Green Road and along the frontage on Banks Road; that the entrances would be designed and constructed in accordance with DelDOT requirements; that development's internal streets would be private and built to the Sussex County standards with curbs and gutters; that there would be sidewalks on both sides of the streets and streetlights; that the streets would be tree-lined; that the school bus stops would be located near the entrances of the development; that the specific location and design of the school bus stops would be coordinated the School District; that there would also be central community mailbox facilities; that the recreational component would include a clubhouse containing meeting rooms, an office, a kitchen, and a fitness center; that the clubhouse building would be a minimum of 4,000 square feet; that the recreational amenities would include an outdoor pool with a deck area, a children's splash pad, a playground, four bocce courts, four pickleball courts, and two tennis courts; that on the north side of Green Road at Hopkins Prong, the Applicant proposes a park area with a pavilion for gathering and picnics, a pier for crabbing, fishing, and kayak launching; that there would also be a kayak storage area; that no motorized boat launching is permitted; that the pier would be subject to permitting approval by DNREC; that the reduction in the overall number of lots stems from the content of the County's staff review letter of the Preliminary Subdivision Plan, that staff suggested in the letter that an opportunity existed to add smaller pocket parks to the design as an alternative to having one centrally located amenities feature; that the Applicant recognized that this was an excellent ideal but rather than add small parks instead of the central amenity, decided that the pocket parks would be added as an addition to the recreational amenities originally proposed; that as a result of this a total of 24 of the originally requested single-family lots were deleted from the Preliminary Site Plan and were replaced with a dozen neighborhood parks throughout the development; that the neighborhood parks, which would have an average size of approximately 17,500 square feet; that the parks would be tree-lined and would have benches, gazebos, or a covered sitting area; that each park would have its own character; that there would be one neighborhood park for every 54 homes which creates a very uncrowded and convenient place for nearby residents; that the Applicant is requesting that the core recreational complex be completed prior to the issuance of the 151st residential Building Permit; that the neighborhood parks would be constructed as each section of the subdivision is developed; that the pier and park on the north side of Green Road would be developed when that section of the development is developed and would be subject to DNREC permitting; that the development exceeds the Sussex County Code requirement regarding the provision of buffers; that there would be a voluntarily 50-foot minimum buffer adjacent the entire perimeter of the development; that all lot lines would be no closer than 50-foot to the boundary of

the property; that within the 50-foot buffer would be the required 20-foot landscaped or forested buffer; that in the north section near Hopkins Prong there would be a 100-foot minimum buffer between any wetland area and any lot line; that the total open space of the development including buffers, wetlands, recreational areas, parks, and other common areas would be approximately 136.5-acres which is 43% of the site; that the maintenance of the development including the streets, entrances, buffers, landscaping, stormwater areas, recreational amenities, and other common areas would either be the responsibility of the developer or would be delegated to the communities Homeowners Association; that it is anticipated that the development would be constructed in approximately 12 phases; that the Applicant proposes a voluntary condition to restrict Building Permits to no more than 100 Building Permits in any 12-month period, starting with the issuance of the first residential Building Permit; that proposed Findings and Conditions which include the condition of the limitation of Building Permits have been submitted into the record; that this Site Plan for the development was one of the last ones that Mr. Frank Kea designed; that in Mr. Kea's memory the community is to be called Keastone Bay; and that the proposed development fully complies the Sussex County Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.

Mr. Mears asked Mr. Fuqua to confirm whether the development would be built in 12 phases with 100 Building Permits per year and whether this would translate to seven to eight years of construction; which Mr. Fuqua stated it is proposed to be a maximum of 100 Building Permits per year; that the DelDOT study actually projects the development being built out until 2034; that Mr. Mears asked Mr. Fuqua to describe how the proposed development is better than the previous development that was previously approved; which Mr. Fuqua stated the Equestrian Center involved a lot of horse trails that ran through the development that was not favorable to a lot of people; that the incorporation of the neighborhood parks in the development is a place where the neighbors can gather together; that this is an improvement; that Mr. Mears asked about the 50-foot buffers and whether these increase to 100' in places; which Mr. Fuqua stated the only required buffer is a 20-foot landscape buffer in a Coastal Area cluster subdivision; that the 50-foot buffer greatly exceeds what is required and the Applicant would also incorporate the landscape buffer; and that the minimum is a 50-foot buffer and in a lot of places it is much greater.

Ms. Wingate asked about the traffic improvements and whether DelDOT is going to require the Applicant to undertake improvements to Green Road and Banks Road to widen the roads; that she had noted in DelDOT's comments that the requirements would likely in a minimum of widening of the road and shoulders; that there are no shoulders now; that she would like to know if there would be a timeline for this given that the Applicant is willing to 100 lots per year and if DelDOT would tie in their requirements for the improvements with what is being proposed; that Mr. Fuqua stated that Green Road is just a small road with no shoulders; that one of the requirements from DelDOT is that there would be 11-foot travel lanes with paved shoulders; that Ms. Wingate stated the improvements would allow for some bike traffic; that Ms. Wingate stated that one of the comments in the Exhibit Booklet refers to an efficient stormwater management system that also acts as an amenity and she asked whether the stormwater management ponds are supposed to be wet ponds; that Mr. Palkewicz stated the majority of the ponds would be wet; that Mr. Palkewicz stated the plans did previously receive approval from DNREC; and that the stormwater ponds have been since been re-designed per the latest regulations and would act as an amenity.

Mr. Hopkins asked about the Population Consortium statistics referred to and if they were a group

that analyzes and determines the future population; that Mr. Fuqua stated that the Consortium represents the Members of the Government including the State and local County Governments; that Mr. Fuqua stated he was not sure if the University of Delaware was involved in the program; that the Consortium creates the projections for planning proposes for all levels of Government; that the Land Use Plan does consider that information and it has always been part of the prior Plans; that the Planning and Zoning Commission did recognize that the 2015 seasonal numbers in Sussex County because it is a resort area; that Sussex County does have a seasonal population; that Mr. Hopkins asked if the Delaware Population Consortium anticipates what is coming in the future; that Mr. Fuqua stated it is a planning instrument; that the projections are that there would be an increase in the population; that a majority of the people that are moving to Sussex County are retirees or pre-retirees; that Mr. Robertson stated that consideration of population change is required as part of the Comprehensive Plan process; and that Chairman Wheatley stated Sussex County is required to use this information in the development of the Comprehensive Plan.

Ms. Stevenson asked who the development would be marketed to and what is the likely price range; which Mr. Tunnell stated that there is no price range at this time; that it would probably be marketed to retirees and pre-retirees; that historically the the communities the Applicant has developed have included 50% of the homes as seasonal homes and 50% as permanent residences; that price would be in the low 300,000 to start; Ms. Stevenson asked where is the closest fire station; which Mr. Tunnell stated the fire station is on Banks Road; and that Mr. Fuqua stated this proposed development would not anticipate a large number of school children.

Mr. Whitehouse asked Mr. Fuqua about the 12 phases and if all the pocket parks would be phased in each phase or whether the pier on the northern side would be part of a specific phase; which Mr. Fuqua stated the parks would be built as that section is being built; that there could be two pocket parks in one section; and that the pier portion would be completed depending on DNREC permitting.

Mr. Robertson asked Mr. Brokenbrough with DelDOT, if he agrees with everything Mr. Fuqua stated at the public hearing and if Mr. Brokenbrough would like to add any information or clarify and matters; that Mr. Brokenbrough stated he would like to clarify that the letter that Mr. Fuqua was referencing was a Preliminary letter; that DelDOT has a consultant that reviews the Applicant's TIS; that Mr. Brokenbrough had asked the consultant about the letter stating what they had found; that the letter is not completed; that Mr. Brokenbrough asked the consultant if they could give him some initial information on what have they found so far; that they may not agree with those recommendations outlined; that having read the recommendations, they sound reasonable but Mr. Brokenbrough would like to take a closer look; for example: the developer's consultant found deficiencies with five out of the nine intersections studied and the DelDOT consultant found deficiencies with six; that deficiencies mean motorists would have to wait longer for a signal than is desirable or, where there is no signal, there would be difficulty making a turn; that Mr. Robertson asked Mr. Brokenbrough to explain to the audiences about deficiencies and whether there are five intersections with deficiencies or six intersections with deficiencies and whether DelDOT is going to require the developer to either improve or contribute to improvements on all five/six or just some of these; that Mr. Brokenbrough stated that DelDOT generally require improvements at intersections but sometimes, for example at a un-signalized intersections, there are times that nothing can really be done; that when all the appropriate turn lanes have been added

there may not be enough traffic to justify a signal; that Mr. Brokenbrough recommended that the Planning and Zoning Commission wait for the letter from DelDOT in response to the Applicant's TIS; which Chairman Wheatley stated the Planning and Zoning Commission would likely hold the record open until they receive the letter and then the Commission would give the public 15 days to respond to the contents of the letter in writing to the Planning and Zoning Commission; that the Planning and Zoning Commission would take the information under advisement and then the Planning and Zoning Commission would make a decision at a future meeting once this has all been completed; that Ms. Wingate asked Mr. Brokenbrough if the Applicant is willing to limit the Building Permits per year to 100, whether DelDOT would then try to tie in the improvements to have all the improvements moving forward regardless of the number of Building Permits issued; that the roadways would then be better and this would then be delivered well ahead of the anticipated traffic numbers; that Mr. Brokenbrough stated that DelDOT typically sets improvement targets in line with the number of Building Permits; that Ms. Cornwell stated, as part of any phasing plan and if it the subdivision were approved, there are normally multiple agencies that would review the plans, including the phasing plan, and that DelDOT is one of the approvers in that process; that Ms. Cornwell stated she is one of the reviewers for any Phasing Plan and that DelDOT reviews the Phasing Plan as well; that DelDOT does try to make sure it is consistent with their agreements with the developer; and that Chairman Wheatley stated there is an effort made to coordinate any improvements with the Phasing Plan.

That the Commission found that Ms. Terry Phelan spoke in favor of the application; that Ms. Phelan stated she is in favor and that the Tunnell's provide great homes; that she feels this project would outshine anything on Route 24; that she stated that a traffic signal is needed at Route 24 and Banks Road; that she asked what types of homes would be in the proposed development – manufactured or stick-built; that the corner that is located at the entrance to Winding and the bridge also need to be addressed; that Chairman Wheatley stated the Planning and Zoning Commission has not seen the final report from DelDOT; that it is not unusual for DelDOT to require improvements that do not physically touch this project; that the widening of Banks Road would make a nice pull-off for residents; that Ms. Cornwell stated that the type of homes, given that the property is Zoned AR-1, would be either modular or stick-built and that manufactured homes would not be permitted; that Mr. Robertson asked Mr. Brokenbrough if he could comment on the likelihood and potential timing of a traffic signal being put in at Banks Road and Route 24; which Mr. Brokenbrough stated that the consultant is recommending a light in the future at Route 24 and Banks Road; that Mr. Brokenbrough could not address the timing of the traffic signal due to the volume of traffic determining when a signal is warranted; that this threshold may already be met; that Mr. Robertson asked if the developer would be obligated to contribute towards the signalization at the intersection and whether DelDOT would anticipate the impacts of this proposed development on the intersection; which Mr. Brokenbrough stated that there may be a traffic signal agreement but there is not one at the present time; Ms. Cornwell stated that she believed the Applicant had stated that they were anticipating a traffic signal agreement.

That the Commission found that Mr. Phillip Watkins spoke in favor of the application; that Mr. Watkins stated he is okay with the building of 100 homes per year as this would take over six years to do; that he has concerns with the safety on Route 24, particularly in relation to ambulances, and that the infrastructure needs to be put in prior to construction of the development; that he wanted to know where the preserved lands were set aside; that Chairman Wheatley asked if Mr. Fuqua or

Mr. Palkewicz could explain where the open spaces are to be located; that Mr. Fuqua stated the open space is the total of everything that is not a road or lot area; and that the open space comprises the recreational areas, parks, open space around the stormwater area, the 50-foot voluntarily buffer, which is around the entire perimeter and that all of this goes toward the calculated amount of open space.

Mr. Whitehouse advised the Planning and Zoning Commission that there are approximately a dozen people sitting outside in the lobby listening to the public hearing; that he had asked if any of them would like to come forward and speak; and that Chairman Wheatley asked Mr. Whitehouse to encourage them to come into the Council Chambers and join the public hearing.

That the Commission found that Mr. Tom Hinderbeter spoke in favor to the application; that Mr. Hinderbeter stated that he agrees that Mr. Tunnell does do a great job; that he thinks that the development would be a nice development; that the area needs to be relieved of all the traffic congestion before projects are constructed. That he thinks that the County needs to do more to deliver improvements to traffic flow.

That the Commission found that Ms. Connie Hale spoke that she is not in favor of or in opposition to the application; that Ms. Hale stated that she has concerns with growth in the area; that the proposed development does look beautiful; that she believes that the buffers and open space are not enough; that she would like to be able to get out of the area if there is a mandatory evacuation; that the 5-foot shoulders should be all the way from Route 24 to Long Neck Road; and that she would like an archeological report undertaken prior to any decision being made. That to address these issues, the developer may have to reduce the number of lots.

That the Commission found that Ms. Sharon Joseph spoke in favor of the application; that Ms. Joseph stated that she has concerns with the ability of existing farmers being able to get to the land on Green Road and whether Green Road is going to be maintained; that Chairman Wheatley stated that all public roads in Delaware are maintained by the State of Delaware; that it would still be the State's responsibility; that a lot of the discussion about the road centers around the improvements and who is going to pay for the improvements; that if the Subdivision does receive approval, the developer is likely going to have to contribute to the improvements that are made at Green Road; that the improvements would have to be carried out to the State's standards and the State would supervise the improvements; that the State would have to approve the improvements and accept it into their system and then it would become part of the State road; and that Ms. Joseph wanted to be assured that residents could still access Green Road.

That the Commission found that Ms. Terry Cellini, who lives in Winding Creek Village, spoke in opposition to the application; that Ms. Cellini stated there is a disconnect between the State, the County Council and the Planning and Zoning Commission in terms of approval of new developments and how it impacts the infrastructure; that there is a need for a Public Facility Ordinance ("APFO"); that under the APFO, it is a growth Ordinance where the development is restricted or cannot be approved if it is determined that the roads, schools, emergency services, and water and sewer systems cannot accommodate the growth; that the APFO also requires that when the TIS is reviewed by DeIDOT, that if there has to be improvements to the infrastructure to accommodate the proposed growth then that financial burden would be placed on the developer

and not the taxpayers; that a majority of the people coming to Sussex County are retirees and are on fixed incomes; that the retirees cannot afford tax increases; that the developer's Attorney stated that this would not impact the Public Schools because it is mainly retirees moving into the County; that she has concerns with the local referendums relating to financial increases relating to school districts and whether this accords with the arguments being presented as to impacts on schools; that she raised a question as to whether traffic studies were undertaken during the season when the traffic is heavier and if not it should, it should be done during this period because this is when traffic accidents are typically occurring; that she has concerns that most DelDOT projects are not expected to begin until 2021; that she has seen school buses having to wait for three traffic light cycles just to make a turn; that retirees should not be burdened to provide infrastructure; that Mr. Fuqua stated the TIS was submitted to DelDOT on May 1st and the study was done over the period of the prior year; that it is done per DelDOT's specifications; that traffic counts are done at peak hours and there are summer time numbers; that it also includes factors into other proposed or approved projects that DelDOT is aware of; that the TIS is done at the Applicant's expense; and that the improvements are the developers responsibility and the developer would be paying for the improvements.

Mr. Robertson clarified the process for consideration of a TIS, that DelDOT reviews the information that the Applicant and their engineers' have prepared; that DelDOT does not just take the Applicant's word as to what the traffic impact is; that DelDOT may accept or reject the information presented; that DelDOT also looks at the road improvements that the developer may think they require; that this is all by DelDOT standards and not DelDOT's opinion; that DelDOT has set guideline standards of what road improvements need to be made based upon trip generation and the number of lots; that DelDOT has the final say on what improvements need to be done; that there are bonds for the entrances; that if DelDOT does not approve the TIS, the project does get stopped; that if the developer stops doing road improvements that they would not be able to continue obtaining Building Permits; that the Planning and Zoning Commission has an interest in DelDOT's role in the roads of Sussex County; that when the Planning and Zoning Commission went through the Comprehensive Plan process they spent a lot of time looking at the population in Sussex County; that the Planning and Zoning Commission realized that there was a possibility that the population of Sussex County was potentially being under-counted; that the Planning and Zoning Commission took a look at how many people own homes here, how many people live here, how many people have second homes here, and how many people just come here for a weekend and stay in a hotel; that all of this data is taken into consideration in the Comprehensive Plan; and that the Planning and Zoning Commission is hopeful this is a new turning point in dealing with DelDOT and coordinating with DelDOT to achieve road improvements.

That the Commission found that Ms. Cathie Barnes spoke in opposition to the application; that Ms. Barnes stated she lives in Winding Creek Village; that Winding Creek Village is a 236 lot development that has been in existence since the 1970s; that all the other parcels are at least a ½ acre or larger except for Shawn's Hideaway; that the proposed subdivision would double the amount of traffic and it would have an impact on Banks Road; that she would like to have improvements on Banks Road; that there is a volunteer fire department on Banks Road and Long Neck Road and the volunteers have issues using the roads; that she has a problem with the density; that she has concerns with the loss of 88% of the trees on the property and the loss of filtering between the land and Hopkins Prong; that there are other developments for over 1,000 homes in

the area and there is no ability to accommodate them; and that the buffer zones are great when you are in the back of one's property and there would only be a 30-foot buffer between the proposed development and Winding Creek Village property.

That the Commission found that Mr. Phillips spoke in opposition to the application; Mr. Phillips stated he lives in Winding Creek Village and that he thinks the timing is peculiar with the new introduction of a new pumping station in Winding Creek Village; that he asked where the solid waste would go; which Mr. Tunnell stated that the sewer for the proposed community would not be inter-connected to any sewer or future plans in Winding Creek Village; and that this would be a completely separate sewer district and would inter-connect with Baywood.

The Commission found that Mr. Sam Hayes spoke in opposition to the application; that Mr. Hayes stated he lives in Herring Creek and had concerns about Waters Edge Trail and what are the provisions relating to access; that Mr. Palkewicz stated that he believed Mr. Hayes was speaking in reference to the connection with the existing homes; that there is an existing easement and a new road would be constructed along the proposed road over the existing easement to serve the existing lots; that Mr. Hayes asked if he had the right to the existing easement; that Ms. Stevenson and Chairman Wheatley asked how do the residents get to their house now; which Mr. Fuqua stated that there is a dirt road now that comes off of Green Road that goes back to the existing lots to the north; that it would be incorporated into the road of the subdivision; Chairman Wheatley asked whether the dirt road that is there now would become a road through the subdivision; which Mr. Fuqua stated it would be road that comes through the subdivision but it may not be precisely at where it is now; that Mr. Tunnell stated that when a survey was done, the current dirt road was not built into the proper easement; that the new road would move slightly to be included in the easement to the homes; and that Mr. Palkewicz stated that there would be no lots fronting the road.

The Commission found that Mr. Steve Kolbe spoke that he is not in favor or in opposition to the application; that Mr. Kolbe stated he is a resident in Winding Creek; that he has concerns with the impact on the aquifer; that many of the homes in Winding Creek are having water issues with the seawater encroachment into their wells; that he asked about the addition of the proposed community with the sewer drains, water run-off, the natural absorption of the water into the ground, and how would it affect the water table; and which Mr. Tunnell stated the project is in the CPCN territory of the Long Neck Water Company and there would be no domestic drinking water wells on the site; and that the wells would be on another property and then pumped to the project.

That the Commission found that Mr. Arthur Robbins spoke in opposition to the application; that Mr. Robbins submitted a letter into the record; that he stated he lives in Winding Creek Village; that even with a reduction to 651 units, that this is still more than a 100% increase in the population; that the only means of access is from Banks Road; that he counted the lots allowed along the stretch down to the bridge and there are 644 properties that are not all yet built on; that this does include Shawn's Hideaway, and includes the 236 lots in Winding Creek, and that this is a total of 644 lots; that the addition is 651 and that is just over 100% increase and it is going on to a footprint of less than 1/3 of the total are; that the total area, not counting the wetlands at the east end, is 986-acres and the new property is 312-acres with more than a 100% increase in households; that the PLUS report that was prepared identified 6,566 trips per day; that he assumes that, based on that number, current residents are doing around 6,000 trips on Banks Road; and that he has concerns with traffic

on Banks Road; that the entire length of Banks Road is an issue with traffic with around 13,000 vehicle trips per day along that road.

The Commission found that Mr. Norman Barnett spoke in opposition to the application; that Mr. Barnett stated he has lived in Waters Edge Trail for 37 years; that Waters Edge is not part of the development; that he does not want any of the previous Bridlewood application findings to be a part of the record for this application; that very little work was undertaken on-site for Bridlewood and that he believed it had lapsed; that Chairman Wheatley stated that Bridlewood is not a factor to be considered for this project; that Mr. Robertson stated that there was information stated concerning the prior approvals of a subdivision for Bridlewood; that Chairman Wheatley stated that Bridlewood has little relevance to the current proposed application; that Mr. Barnett stated the equestrian center has been removed and the project is only now left with houses; that he thinks the project is a massive subdivision; that there have been significant changes since 2005; that the traffic is bad along Banks Road; that there is a drainage issue on Banks Road which floods after heavy rain and reduces traffic to one lane; that he requested a reduction to the speed limit on Route 24; that he has concerns with the lack of sewer and water in this area; that he asked how would the stormwater management affect the groundwater; that he has concerns with the open space and he doesn't see useable open space; that Mr. Fuqua stated he had referenced Bridlewood because the project had previously been approved for a subdivision and that this was a fact to which Chairman Wheatley said the Commission had acknowledged this; that Mr. Fuqua stated that the Bridlewood Subdivision had expired because it was not substantially underway in three years.

That the Commission found that Mr. Melvin Mallsley spoke in opposition to the application; that Mr. Mallsley stated he agrees with the previous statements that were made; and that he has concerns with the TIS and that the impact studies do not lead to physical improvements on the ground; that he believed that the previous Bridlewood subdivision was approved because the equestrian center opened up a lot of space in that particular development.

That the Commission found that Mr. Mike Phoebus, Vice Presidents of the Board of Governors for Winding Creek Village, spoke in opposition to the application; that Mr. Phoebus asked if the properties would be fee simple or leased; which Mr. Tunnell stated he is not sure at this present time if the lots would be fee simple or leased, and Chairman Wheatley stated it does not matter in the land use decision if the proposed lot is a rented lot or a bought lot.

That the Commission found that Mr. David Maul spoke in opposition to the application; that Mr. Maul stated he had concerns with the traffic at Banks Road and Route 24; that he has concerns with whether the lots would be fee simple or leased lots; that Chairman Wheatley pointed out that how the lots were owned is not a land use matter; which Mr. Maul stated it would impact the property values; that Mr. Maul stated he had concerns with the environmental impact on the water quality with fertilizer running off the land; that he no longer swims in Hopkins Prong; that he had concerns with the proposed increase in density and increase to traffic trips; especially from visitors travelling to visit residents of the new lots; and that he would like to see more open space.

That the Commission found that Ms. Linda Bodine spoke in opposition to the application; that Ms. Bodine stated she lives at Winding Creek Village; that she asked for the definition of AR-1 ("Agricultural Residential Zoning District"); which Mr. Robertson stated that the purpose of the

District is defined in the Zoning Code in Section 115; that Ms. Cornwell stated it is a stated purpose and not a definition.

That the Commission found that Ms. Jeanette Cosgrove spoke in opposition to the application; that Ms. Cosgrove, after reading the PLUS report, had concerns with forestry and open space; that she had concerns with forest fragmentation; that 210-acres out of 237-acres is to be cleared; that only 27 acres or 11% of the forested acres are to remain of “high value forest land”; that she had concerns with the 50-foot buffer not being very neighborly; that this development is not similar in size; that she would like bigger/deeper buffers up to 200’ as this would also improve forest cover; that the parks should be shaded by trees for the residents; that she asked where does the affluent go; which Chairman Wheatley stated that the effluent is sprayed and applied to Baywoods Golf Course; and that she would like to make sure the effluent does not go into the stormwater management areas.

That the Commission found that Ms. Lauren Lubach spoke in opposition to the application; that Ms. Lubach had concerns with school-age students and the safety of the schools which are already overcrowded; that this development would not address impacts on school capacity; that she had concerns with the road and safe school bus access to the site; that large trucks need to be able to continue to reach existing residents; that she asked about the access to the existing mailboxes on Water Edge Trail during construction; which Mr. Tunnell stated the mailboxes would be moved during construction and be re-installed in the same area after construction. Mr. Tunnell also confirmed that the existing road would be maintained.

That the Commission found that Mr. Neil Ratleff spoke in opposition to the application; that Mr. Ratleff had concerns with proposed centralized mailboxes; that Chairman Wheatley stated it is not the developer’s decision to place the mailboxes; that the Post Office typically tells the developer what kind of mailboxes are required; that newer developments are not always allowed to have curbside delivery; that Mr. Ratleff stated that older residents would have to walk quite far to collect their mail; and that Mr. Ratleff has concerns with whether the lots are to be leased or owned.

That the Commission found that Ms. Marilyn Fisher spoke in opposition to the application; that Ms. Fisher had concerns with the name of Waters Edge Trail being changed to Purebred Way; that Mr. Robertson and Chairman Wheatley stated that the Sussex County Mapping and Addressing makes the final decision on the naming of the roads; and that Mr. Palkewicz stated “Waters Edge Trail” would remain the same name.

That the Commission found that Ms. Teresa Hensel spoke in opposition to the application; that Ms. Hensel had concerns with the overcrowding of the schools; that seniors do not address the need for increases in the school tax base; and that there is a need for more doctors in the area, especially if the units are being marketed to seniors.

That the Commission found that Mr. Dennis Winzenried spoke in opposition to the application; that Mr. Winzenried stated it looks like a beautiful development, but it is too much at this time and that the local infrastructure cannot support the increase in residents; that Beebe’s local hospital was recently at capacity; that he thinks that Indian River School District is at capacity.

That the Commission found that Mr. Jeff Glowinski spoke in opposition to the application; that Mr. Glowinski had concerns with potential impacts on public safety, especially the emergency services – fire especially; that he had concerns with the decline in the number of volunteers for the fire service; that adding the proposed development would have a negative impact on the fire service; as the people moving into the area are not typically those whom are able to volunteer for the fire department; and that new developments and businesses would come and bring more traffic. That he has observed crossing guard workers on many occasions at the local school having to jump to avoid being hit.

That the Commission found that Mr. Doug Riniker spoke in opposition spoke in opposition to the application; that Mr. Riniker asked if there would be any access to Waters Edge Trail from the proposed lots within the development; that Chairman Wheatley stated that it was his understanding that there would not be any access to Waters Edge Trail; that Mr. Riniker stated he had concerns with wildlife and there being around 100 deer in the woods and where they would go; that he asked about the phasing plan; that he had concerns with septic and whether they would have the option to tie into the new sewer system; that he asked if they would be able to use the recreational amenities; which Mr. Tunnell stated that no one would be entering or exiting to Waters Edge Trail; and that the phasing would start on the south side of the development and would move to the north side.

That the Commission found that Ms. Marcia Hilovsky spoke in opposition to the the application; that Ms. Hilovsky asked about the decision making process and whether the Commission would announce if there would be any additional public hearings and how any announcements would be made; which Chairman Wheatley stated that this would be the only Public Hearing; that this is a subdivision application; that the decision is made by the Planning and Zoning Commission; that it is an appealable decision if someone wishes to appeal to it to the Sussex County Council; that anyone can appeal the decision based upon the information within the record; that the Public Hearing is recorded, it is on the Sussex County website; that anyone can listen to the Public Hearing again and that this is the only Public Hearing; that the record is likely going to be left open for receipt of further information and comments; that the Planning and Zoning Commission would be deferring action this evening and the Planning and Zoning Commission would not make a final decision tonight; that the record would be held open to receive the DelDOT report; that the 15-day period would give the public time to review what has been placed in the record and to submit the Planning and Zoning Commission written comments; that it would be announced at an upcoming Public Hearing as to when the record will be closed; that the public can watch the Sussex County website for any information. Ms. Cornwell provided a short presentation on how to navigate the Sussex County website.

That the Commission found that Robert Lubach spoke in opposition to the application; that Mr. Lubach asked if tractor-trailers would have access along Waters Edge Road; and which Mr. Palkewicz stated the proposed round-about would be designed to allow for tractor-trailers; and that the pavement would likely terminate at the end of the community and that there would likely be a tie-in to provision a transition between asphalt and stone so that a tractor-trailer can continue to access it without impedance.

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

Mr. Robertson asked for the title of the document that the Commission is waiting for from DelDOT; which Ms. Cornwell stated that staff is waiting for the final DelDOT response to the Applicant's TIS; that Ms. Stevenson asked for clarification as to what information this letter is likely to contain; which Ms. Cornwell stated that the letter would contain DelDOT's response to the Applicant's consideration of the six intersections referred to; that DelDOT would negotiate with the property owner(s) as to exactly what is going to be done; that the 11-foot travel lanes and shoulders on Banks Road and Green Road would likely occur; that DelDOT was talking about a round-about instead of a traffic signal at one of the intersections; that a contribution to a potential traffic signal is likely needed at Banks Road and Route 24 and that the letter would likely outline what would the Applicant's contribution be to these; that DelDOT had mentioned a lot of other improvements; that Mr. Hopkins asked questions about density and traffic signals; and whether DelDOT has a simple formula for deciding when to put in a traffic signal; that Ms. Cornwell stated that DelDOT has warrants that would trigger the installation of a traffic signal and Mr. Brokenbrough had stated that he was not sure if this is warranted now or if it would be warranted sometime in the near future; that the traffic signal would have to be installed based on numbers; that if the numbers are not there, a traffic signal would not be installed until the numbers are warranted; that Ms. Stevenson asked about potential phasing and whether a limited amount of work is able to be undertaken by the Applicant prior to any DelDOT mandated improvements being delivered; that Ms. Cornwell stated that this is looked at as part of the phasing, that certain works would have to be completed by the issuance of a certain Building Permit; that Ms. Wingate stated that the realignment of Green Road would need to be completed at a specific time, in order for entrances to be put in; that Ms. Stevenson would like to know about the practicality of the 100-units per-year restriction suggested by the Applicant, and what would happen if the built half that for example in one year; that Mr. Mears stated that, even at 100 Building Permits a year, it would take over three years to build them all; that Mr. Mears asked if it was an eight-year build out; that Chairman Wheatley stated it is normally a 12-month rolling period; that it is not 100 per year and it is 100 within a 12 month period; that Mr. Mears stated that Mr. Fuqua had stated the project still could be being built up to the year 2030; that Ms. Cornwell stated that DelDOT calculated the project would take at least that long to build; that Ms. Cornwell commented that there are some large projects elsewhere in the County that are close to that level of unit delivery each year but that they often have multiple house builders in those developments; that Mr. Robertson stated that the County is in the early stages of working with DelDOT on a review of the Memorandum of Understanding that currently exists; that this so that the County can be more involved and more aware of the negotiations that occur with DelDOT after the Planning and Zoning Commission approves any Preliminary Site Approval; that there was a recent meeting held with DelDOT and Mr. Robertson had submitted some information; that Ms. Stevenson asked about the fire protection for the 600 units; that 600 units is a lot and it is an area that has issues already with police and fire protection; that Ms. Cornwell stated that letters are sent out to Technical Advisory Committee ("TAC") and they are a part of the review process; that Ms. Stevenson asked if TAC were aware of these issues; which Ms. Cornwell stated that they can comment on the application; that Mr. Robertson stated they have asked for sub-stations for emergency services on other developments in the past; that Mr. Hopkins asked if statistics are collected as to the availability of the volunteer fire service; that Ms. Cornwell stated the Planning and Zoning Office does not have a report but she believes the Emergency Operation Center and Paramedics likely have some information; Ms. Stevenson stated this is something the Planning and Zoning Commission should take into

consideration since the volunteering is down; that Chairman Wheatley stated it would be helpful to have some data when reviewing the application; and that it is not going to be 650 homes built tomorrow and that the homes would be built over the next seven to eight years.

Motion by Mr. Mears seconded by Ms. Stevenson and carried unanimously to defer action and leaving the record open to receive the DelDOT comments from the Applicant's TIS and to allow 15 business days from the announcement of the receipt of TIS results for receipt of written comments regarding the TIS. Motion carried 5-0.

OTHER BUSINESS

Sea Colony West

Revised Amenity Plan

This is a Revised Amenity Plan for the construction of a 108 square feet bathroom/storage building, picnic shelter, pickleball courts, and other site improvements to be located within the Sea Colony West Phases VII, VIII, IX, X, XI, XII, XIII, XIV. The site currently has 4 existing tennis courts that will remain. The applicant has obtained unanimous consent from the Board of Directors of Sea Colony Recreational Association, Inc. The Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 134-17.00-48.00. Zoning District: HR-2 (High-Density Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the Revised Amenity Plan with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

Angola Beach & Estates

Revised Site Plan

This is a Revised Site Plan to amend the layout of the Angola Beach & Estates manufactured home park along Lighthouse and Ships Courts. The number of lots is proposed to be reduced from 56 lots to 40 lots. The purpose of this is to allow for double-wide homes to be placed on the newly configured lots. The lots removed from this area of the manufactured home park shall be relocated to another area of the park and submitted as a separate Site Plan. The Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 234-18.00-1.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the Revised Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

Mr. Robertson clarified that the final minutes for the two Other Business items should reflect the text of the staff memo that is before the Commission and is already in the record.

Meeting adjourned at 9:26 p.m.