



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF MARCH 8, 2007

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 8, 2007 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. Rodney Smith, and Mr. I. G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of January 25, 2007, February 20, 2007 and February 22, 2007 as circulated. Motion carried 4 – 0.

### PUBLIC HEARINGS

Mr. Robertson explained how the public hearings would be conducted.

**C/U #1679** – application of **HERKER PROPERTY MAINTENANCE CO.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office and warehouse building with an apartment to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 2.0 acres, more or less, lying north of Route 54, 0.3 mile east of Road 354.

Mr. Lank advised the Commission that the applicants provided an Exhibit Booklet which contains an Executive Summary, a copy of the application form, a copy of the deed to the property, a copy of the Tax Map of the area, a copy of the location map and data sheet, a copy of the Service Level Evaluation request, a copy of the DelDOT Support Facilities Report, a copy of the site plan, a Brochure on Herker Property Maintenance Company, building contractor information, and preliminary building plans.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "C" of Omar Road 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 the site are mapped as Pepperbox loamy sand; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; and that the Pepperbox soils are considered Prime Farmland if irrigated.

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The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the Dagsboro/Frankford Planning Area "B", and that an individual on-site septic system is proposed to serve the parcel.

The Commission found that the applicants submitted two letters in support of their application from WAWA, Inc. and Mercantile Peninsula Bank.

The Commission found that George Herker was present with David Rutt, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that they propose to construct an office/warehouse with an apartment above to operate their maintenance business; that the company does property maintenance, landscaping, pressure washing, parking lot services, high reach lighting services, painting and general contracting services for area businesses; that the business serves Home Depot, Wawa, Coldwell Banker, and other businesses in the area; that the business has been operational for 30 years; that this site will provide services from Smyrna to the Maryland/Virginia State line on the Delmarva Peninsula; that there are no tax ditches affected and no drainage improvements reported necessary by the Conservation District; that the site is not located in a flood zone; that the site is wooded; that they propose to maintain a natural wooded buffer from the adjoining Baker property; that there are no wetlands on the site; that they proposed a wet stormwater management pond with a dry hydrant for fire protection for use by the local fire service; that the building will be erected by a local contractor; that when the apartment is completed it will probably be occupied by an employee; that there are similar buildings in the general area; that equipment and vehicles will be stored inside at night and on weekends; that there will not be any fuel storage on the site; that some stone, mulch, sand and gravel will be stored in bins within a security fence to the rear of the building; that the fencing will be inside of the 30-foot wooded buffer; that there will be no on-site fabrication or manufacturing; that employees include a manager, 4 to 6 service personnel, office staff and sales staff; that they anticipate minimal traffic, other than employee traffic; that the building will have a security system; that the building will be served by on-site water and septic; that business hours on weekdays will be from 7:00 a.m. through 7:00 p.m. with some emergency hours

on weekends; that the maximum number of service vehicles on site will be six (6); that the use will serve a need for businesses in the area; that the company has a good track record for services; that the existing septic system will be abandoned and replaced with a new system; that they may receive deliveries of stone, mulch, sand and gravel every other week; that they plan on retaining all trees within the wooded buffer and to utilize native species when doing planting and replanting; and that they will be revising the site plan to show the 30-foot wide buffer.

The Commission found that Mr. Rutt submitted eleven (11) proposed conditions for consideration.

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

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

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1679 for Herker Property Maintenance Co. for an office and warehouse building with an apartment based on the record and for the following reasons:

1. The proposed Conditional Use is similar to other uses in the vicinity of the property.
2. The use as a property maintenance facility promotes local employment and is desirable for the general convenience and welfare of the area.
3. The project, with the conditions and stipulations placed upon it will not have an adverse impact on the neighboring properties or community. Also, it will not create an excessive amount of traffic or noise, since most of the business activity will occur off-site.
4. This recommendation for approval is subject to the following conditions and stipulations:
  1. There may be one directionally lighted sign on the site, not to exceed 32 square feet in size on each side. No back-lit signage shall be permitted.
  2. The hours of operation for the site shall be from 7:00 a.m. to 7:00 p.m.
  3. The days of operation for the site shall be Monday through Friday, except in the event of emergencies.
  4. There shall be no outside storage on the premises, except raw materials such as sand, stone and mulch. Such storage shall be screened from view from neighboring properties and shall be inside a fenced in area.
  5. Any security lights shall only be installed on the buildings and shall be directed downward and away from impacting neighboring properties.
  6. The applicant shall comply with all DelDOT requirements, including entrance permits.
  7. All vehicle storage and maintenance will be inside the building.
  8. There shall be no on-site manufacturing of any fixtures for customers.

9. The applicant will establish and maintain a thirty (30) foot vegetated buffer along Route 54 and the property boundary with lands NOF the Bakers. Inside the vegetated buffer a security fence will be constructed and maintained. The vegetated buffer will use the “Right Tree for the Right Place” guidelines of the State of Delaware Forestry Department.
10. There shall be no parking in the front yard setback.
11. Any stormwater management pond shall be located away from the front setback.
12. A copy of the septic feasibility letter shall be provided prior to site plan review.

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13. The Final Site Plan shall be subject to review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy 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.

**C/U #1710** – application of **SUSSEX COUNTY ASSOCIATION OF REALTORS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a real estate education center and associate parking to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 2.66 acres, more or less, lying at the southwest corner of Route 9 and Park Avenue (Truck Route 9).

Mr. Lank advised the Commission that the applicants provided an Exhibit Booklet which contains a cover letter, a map depicting zoning in the area, a copy of Ordinance No. 1207 for C/U #1220 for professional offices, two aerial photographs, a portion of the USGS Quad Map for the area showing the location, a soils map, a site plan, and a copy of a site evaluation for septic for the site.

Mr. Smith stated that he shall not be participating in this public hearing.

The Commission found, based on comments received from DelDOT, that the Level of Service “E” of U. S. Route 9 and the Level of Service “C” of U.S. Route 9 Truck Route 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 the site are mapped as Pepperbox-Rosedale complex; that the applicants shall be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage

improvements; and that the Pepperbox-Rosedale complex soils are considered Prime Farmland if irrigated.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the Georgetown Growth Area and that an individual on-site septic system is proposed to serve this project.

The Commission found that Ruth Briggs King, Executive Vice President of the Sussex County Board of Realtors, was present with Eugene Bayard, Attorney, and Ken Christenbury of Axiom, LLC and stated in their presentations and in response to questions raised by the Commission that they are actually applying for an extension to

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C/U #1220 which was an application for professional offices approved in 1998; that in 1998 there were approximately 800 Realtors in the association; that today there are approximately 1,500 Realtors; that an automotive repair business exists to the east; that an antique business exists to the west; that the area has a mixture of residential and some business uses; that a septic system exists behind the existing office building; that a new septic system may be necessary for the expansion; that there are 2 small stormwater management ponds on the site and that they may have to enlarge the ponds or add an additional pond; that there are no wetlands on the site; that there will be a connection between the two buildings across decking; that parking is adequate to serve the existing use and the expansion; that the expansion is proposed to provide educational classes and continued education classes for the association members; that the facility can also be utilized by other groups for meetings, fund raisers, seminars, etc.; that the space is needed due to the number of new members; that they currently have a staff of four (4); that they provide a multi-listing service; that they plan on developing a smart technology facility for internet classes; that normal business hours are from 8:00 a.m. to 5:00 p.m. with some night and weekend classes; that the use is of a public or semi-public nature; that the use will serve the area; that parking will comply with all regulations; that a landscape plan will be provided with the site plan; and that they request that the same conditions and stipulations that were placed on C/U #1220 be placed on this application.

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 #1710 for the Sussex County Association of Realtors for a real estate education center and associate parking based on the record and for the following reasons:

1. This application is for a reasonable extension of Conditional Use No. 1220. The use will not change under this application.

2. The application continues the public nature of the use of the property. The Applicant's use is a benefit to many Sussex County residents.
3. The use is consistent with other uses in the area and will not adversely impact neighboring properties or area roadways.
4. This recommendation is subject to the following conditions:
  1. The entrance shall remain restricted to Truck Route 9 (Road 321).
  2. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall include a Landscaping Plan.

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Motion by Mr. Gordy, seconded by Mr. Burton 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. Smith did not participate in the vote.

**C/Z #1608** – application of **MASSEY'S LANDING PROPERTIES, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying at the eastern end and on both sides of Long Neck Road (Route 23), to be located on 56.85 acres, more or less.

Mr. Lank advised the Commission that the applicants provided a revised site plan and an Exhibit Booklet which contains references to the local and regional context of the site, an overview of existing site conditions, proposed land use, compliance with zoning requirements, subdivision considerations relating to Section 99-9C of the Subdivision Ordinance, a copy of the PLUS response, a copy of the Technical Advisory Committee Comments, an Environmental Assessment & Public Evaluation Report, regional, local and Tax Maps, a copy of deeds and legal descriptions, FEMA maps, tax ditch maps, topographic and wetlands maps, site plan renderings, a lot size chart, a report on rare, threatened and endangered species, a water company willing and able to serve letter, a sanitary sewer capacity verification, a copy of the application, a copy of the addressing approval, a restrictive covenant draft, proposed conditions, a traffic impact study and report from DelDOT, and addresses for public services.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Broadkill mucky peat, Brockatonorton-Urban land complex, Evesboro loamy sand, Hammonton loamy sand, Klej loamy sand, and Runclint loamy sand; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the

applicant will be required to observe all State and Federal Wetland requirements; that it may not be necessary for any off-site drainage improvements; that the applicant will be required to observe all State sediment and stormwater requirements; that no tax ditches are affected; that the Hammonton loamy sand soils are considered Prime Farmland; and that the Klej loamy sand soils are considered farmland of Statewide Importance.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance No. 38 construction will be required; that the current System Connection Charge Rate is \$3,078.00 per EDU; that an 8-inch gravity sewer main is available along the south side of Long Neck Road; that the existing 6-inch lateral serving Parcel 31.04 is not adequate for

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the project and installation of a suitable connection is required; that conformity to the North Coastal Area Planning Study will be required; that a previous requirement for the developer to evaluate Pump Station 70 has been accomplished; that the evaluation determined that there is adequate capacity in the pump station and the Division's concerns have been addressed; that a disconnection permit including Sussex County on-site inspection and payment of System Connection Charges is required prior to issuance of a building permit; and that submission and approval of a sewer Concept Plan is required before submission and review of construction plans.

Mr. Lank advised the Commission that the Technical Advisory Committee comments were received by the July 26, 2006 cut-off date and are part of the record.

Mr. Lank advised the Commission that an updated response to the PLUS report was forwarded to the Office of State Planning Coordination on February 16, 2007 by Land Tech Land Planning, LLC.

Mr. Lank advised the Commission that a copy of the Declaration of Covenants, Conditions and Restrictions of Massey's Landing Residential Planned Community have been submitted and are a part of the record.

The Commission found that several Faucett family members were present on behalf of the applicants with James Fuqua, Attorney and Jeff Clark of Land Tech Land Planning, LLC and that they stated in their presentation and in response to questions raised by the Commission that the site is on both sides of Long Neck Road and adjacent to the State Boat Ramp site; that the State Boat Ramp Site was formerly owned by the Faucett family; that they propose to develop 120 single family detached homesites and duplexes; that 48 single family homesites and 48 duplex lots are proposed on the north side of Long Neck Road and 24 duplex lots are proposed on the south side of the Long Neck Road; that sewer capacity is available for the project according to the County Engineering Department; that the maximum density could have been 206 units and that this

application only includes 120 units; that shopping and service uses are in close proximity to the project site; that recreational uses, in close proximity, include boating with access at the State boat ramp and golf; that a homeowners association will be created to maintain the roads, streets, open spaces, stormwater management areas, etc.; that DelDOT has advised them that they will be required to enter into agreements to participate in several intersection improvements, and to make improvements along Long Neck Road and at entrances as determined by DelDOT; that the County Comprehensive Plan references that residential planned communities are encouraged in the Environmentally Sensitive Developing Area; that the State Strategies encourage planned communities; that the Public Water Company will provide central water; that the County will be providing sewer services; that the site plan complies with Section 99-9C of the Subdivision Code; that the use complies with the nature of the area which is highly developed, primarily

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with manufactured homes on lease lots; that the Fairfield at Long Neck project has a density of 8 units per acre; that this project proposes to be developed at 2.1 units per acre; that the site is an in-fill project surrounded by Pot Nets Dockside, Pot Nets Coveside, Pot Nets Seaside, Massey's Landing Manufactured Home Community, and the State boat ramp facility; that the Faucett family owns the Massey's Landing Manufactured Home Community and has owned this site since 1938; that views from the site are outstanding overlooking Rehoboth Bay and Indian River Bay; that all wetlands have been delineated; that perimeter lots are all single family lots; that a minimum setback of 50-feet will be provided from State Wetlands; that no homesites contain an wetlands; that the streets will be private; that the entrances will meet or exceed DelDOT standards; that sidewalks will be provided in front of all lots; that street lighting and street trees will be provided; that the community facilities include a swimming pool with related parking, a bus shelter, and floating docking for use by kayak users and canoes; that the wooded areas will include tot-lots and park areas; that all motor boat launching will be done at the State boat ramp site; that they originally intended 125 units; that the site plan has been revised per PLUS comments; that they eliminated the large townhouse units proposed originally; that the original proposed ponds have been replaced with manmade wetland and stormwater management features; that there are no historic features on the site; that there have been no rare or endangered species found on the site; that it has been reported to them that there are no environmental issues relating to the spoil site on the site; that the lagoons were dredged out many years ago; that the application is appropriate for this area of medium density residential uses and activities; that the area has developed around the site; that there should be no negative impact caused by this project; that the manmade wetland features will be approximately 3 to 4 feet in depth and will be planted with wetland vegetation; that the forested edges of the lagoons will maintain in trees, with some clearing of brush and briars; that there will not be a street connection from the stub street near Lot 96 to Long Neck Road; and that they may fence the area along Long Neck Road for safety reasons.



The Commission found that Mr. Fuqua submitted proposed Findings of Facts and proposed Conditions for the application.

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.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

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**C/Z #1621** – application of **TODD A. FRITCHMAN** to amend the Comprehensive Zoning Map from a GR General Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying southeast of Hebron Road (Road 273) 350 feet northeast of Harmon Street and being Lots 9 and 10 within Shockley Subdivision, to be located on 10,000 square feet, more or less.

Mr. Lank advised the Commission that the applicant provided some drawings and an Exhibit Booklet which contains a synopsis, a tax map of the area, photographs of the area, a land use map, a copy of the Sussex County Online Map showing zonings, a drawing of Lots 9 and 10 of Shockley Subdivision, photographs of proposed fencing, surveys of the lots, photographs of the lots, background information, references to variances granted with documents, building and agency approvals, copies of approvals and permits, letters of support, telephone call references in support, and e-mail correspondence.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the existing Level of Service “A” may change to a Level of Service “B” when the site is fully developed.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Greenwich-Urban land complex; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it may not be necessary for any off-site drainage improvements; and that the applicant shall be required to observe all State Sediment and Stormwater requirements.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is not available for the project; that the sewer planning study assumption for each parcel is 1.0 EDU, being 2-0 EDU total, reflecting residential parcels in a residential subdivision; that the Department opposes this rezoning because of the potential for increased wastewater flow from commercial uses; that the proposed commercial zoning and commercial use is not located on residential lands previously identified for commercial use by the County Planning and Zoning Department; that the proposed use does not conform to the Comprehensive Plan; that the current System Connection Charge Rate is \$3,911.00 per EDU; that the location and size of laterals and connection points will be determined by the County Engineer; that each parcel is served with one 6-inch sanitary sewer lateral; that a lateral upgrade, at the property owners expense, could be required; that the property owner of Parcel 17.01 was notified by certified mail in May of 2006 of an illegal disconnection of an improvement

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previously located on the parcel; that as of this date, the violation has not been corrected; that correction of the violation requires a disconnection permit, disconnection by a licensed plumber and inspection by the County; and that conformity to the West Rehoboth Expansion Area Planning Study will be required.

The Commission found that 4 letters voicing support had been received by the Department from area residents and neighbors.

The Commission found that Todd Fritchman was present with Glenn Mandalas, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that the site is currently zoned GR General Residential; that they are proposing to rezone the site to CR-1 Commercial Residential; that the site was zoned C-1 until 1997 when Robert Ames received approval to rezone the site to GR; that one of the lots was purchased with the understanding that the site was C-1 General Commercial; that a commercial building has been built on Lot 9; that they have received no written opposition; that they have received several letters of support; that the applicant purchased Lot 9 in 2004 for a warehouse and staging facility; that they are currently using the site; that their contract on Lot 10 is subject to rezoning approval; that in September 2004 the County Board of Adjustment granted a variance for the front yard setback for their commercial building; that in November 2006 additional variances were granted for side and rear yard setbacks; that the building on Lot 9 is an asset to the neighborhood and well maintained; that they propose to utilize Lot 10 for staging and storage of equipment; that they are planning on erecting a 6-foot high cast iron fencing, planting native species and creating a small conservation display/water feature as a model of the work that they do along the front of the site; and that all surfaces of the site are planned to be pervious, green technology surfaces, not impervious surfaces.

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/Z #1621 for Todd A. Fritchman based on the record and for the following reasons:

1. This application returns this property to it's original commercial zoning. CR-1 zoning is appropriate since the original C-1 District is now a closed district.
2. This is basically in-fill. Everything around this property is zoned commercial.
3. This application will not adversely affect the neighborhood or area roadways.
4. The property is within a County operated sanitary sewer district, and it is within a Development District according to the County Comprehensive Land Use Plan.

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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 stated. Motion carried 4 – 0.

**Subdivision #2005-96** – application of **ARION DEVELOPMENT** to consider the Subdivision of land in an AR-1 Agricultural Residential District and a GR General Residential District in Little Creek Hundred, Sussex County, by dividing 86.43 acres into 99 lots, located north of Road 462, 1,995 feet east of Road 461.

Mr. Lank advised the Commission that the applicants provided an Exhibit Booklet and a Booklet of Appendices which contain an introduction, an Executive Summary, references to existing conditions, a design concept, a Homeowners Association organization and management structure summary, references to Section 99-9C of the Subdivision Ordinance, references to social influences, response to the PLUS comments, an open space management plan, drawing and renderings of the project, a boundary survey, soils reconnaissance reports, a soils feasibility study, a DNREC non-binding statement of feasibility, a report of soils exploration, a Phase I Environmental Site Assessment, the PLUS comments, commitment to serve correspondence from several utilities, and a copy of the Technical Advisory Committee comments.

The Commission found that Pat Montague was present with James Fuqua, Attorney, and Kevin McBride of Morris & Ritchie Associates, Inc. and stated in their presentations and in response to questions raised by the Commission that the Liddleton development proposes 99 lots on 86.43 acres; that the site is primarily farmland with wooded edges; that according to the Comprehensive Plan the site is in a Low Density Area; that according to the State Strategies the site is in a Level 4 area; that the Comprehensive Plan references that single family detached residential use is an appropriate use in the Low Density area; that commercial and service uses are in close proximity to the site; that the

site is adjacent to a manufactured home community containing 101 lease lots with a density of approximately 4.6 units per acre; that the area has a mix of residential uses, including the Sandy Ridge Residential Planned Community to the northwest; that the property is split into two zoning classifications, AR-1 and GR; that the GR District includes the first 450-feet depth of the site; that approximately 25 acres of the site is GR and 61 acres of the site is AR-1; that the proposed lots have a minimum of 0.5 acre and will support on-site wells and on-site septic; that the use is a natural transition from commercial and a manufactured home community to a more rural area as one moves to the east; that the property could yield a density of 115 units, but they have chosen to develop 99 lots; that wells are proposed, but there is a change that central water will be available from Tidewater Utilities, Inc.; that DNREC has granted a septic feasibility for the site; that there should be no negative impact on the Laurel School District; that a Homeowners Association will be established for the maintenance of roads, streets, open areas, and stormwater management facilities; that they have addressed the items in

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Section 99-9C of the Subdivision Ordinance; that the design is a neighborhood cluster; that 90% of the lots face open space; that a boulevard type entrance drive will be created; that they propose to establish a jogging loop, walkways and trails; that the amenity area includes a swimming pool, tot lot and green space; that the site contains 22.19 acres of open space; that lots to the rear of the site backs up to the James Branch Preserve; that no lots contain any wetlands; that they plan on creating landscape berms along the front of the site; that approximately 0.5 mile of multi-modal paths will be created along the front of the site; that they are proposing approximately 4,100 feet of interior walkways; that the design creates approximately 2 miles of sidewalks; that street lights will be erected at all intersections; that they will be creating buffers around the perimeter; that approximately 0.12 acre of woodlands will be lost from the street design and the necessary clearing of 2 lots to create buildable areas; that they will work with the Laurel School District to establish a location for a bus shelter; that the existing easement to the James Branch Preserve to the rear is being relocated to allow for access through the street system and a conveyance to the State; that the State has expressed some interest in obtaining some of the open space lands adjoining the James Branch Preserve; that they propose to create a buffer around the Blackwood property; that the stormwater management ponds are approximately 50 to 100 feet from the front property line; and that they will have to create some method of designating the access from the street system to the James Branch Preserve by landscaping, signage or both.

The Commission found that Mr. Fuqua submitted proposed findings and proposed conditions for consideration.

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.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

#### ADDITIONAL BUSINESS

Mr. Lank asked the Commission if they would consider placing The Villages of Elizabethtown applications on a future agenda for discussion only for consideration of a recent letter from DelDOT.

There was a consensus of the Commission to place the applications on the agenda for March 22, 2007 to discuss a February 16, 2007 letter from DelDOT.

Meeting adjourned at 8:35 p.m.