



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF MAY 24, 2007

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 24, 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. Ben Gordy, Mr. Michael Johnson, and Mr. Rodney Smith with Mr. Vincent Robertson – Assistant County Attorney, Mr. Shane Abbott – Assistant Director and Mr. Richard Kautz – Land Use Planner.

Mr. Abbott advised the Commission that Item Number 4 under Public Hearings was withdrawn on May 4, 2007.

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of May 10, 2007 as circulated. Motion carried 4 – 0.

OLD BUSINESS

Subdivision #2006 – 9 - - application of **R.W. DURHAM & ASSOCIATES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 125.79 acres into 116 lots, located northwest of Road 506, 2,100 feet southwest of Road 498.

The Chairman referred back to this application, which has been deferred since May 10, 2004.

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

PUBLIC HEARINGS

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

Subdivision #2006 – 10 - - application of **LACROSSE HOMES OF DELAWARE, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 213.64 acres into 320 lots, (Cluster Development), located north of Road 70 (Gordy Road), 1,500 feet west of Road 72 (Wooten Road) and on both sides of Road 462 (Trussum Pond Road).

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of October 25, 2006 will be made a part of the record for this application; that the

Applicants submitted an Exhibit Booklet on May 18, 2007 that will be made a part of the record; and read three letters that were received from Del and Bonnie Daigle, M. Richard Roller, and Michael and Sharon Lowe in opposition to this application.

Randy Duplechain, P.E. with Davis, Bowen and Friedel, Inc. was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that this application is for 320 cluster lots; that the site is located north of Gordy Road, west of Wooten Road and on both sides of Trussum Pond Road; that access to the site is from Trussum Pond Road and Gordy Road; that the streets will be public and built to DelDOT specifications; that curbing, streetlights and sidewalks on both sides of all streets will be provided; that the amenities will include a centralized clubhouse, swimming pool, basketball court, and tot lot, that these amenities will be on the south side of the project; that a soccer/lacrosse field and tot lot will be located on the north side of Trussum Pond Road; that there is 24 acres of active open space provided; that there is a total of 64 acres of open space on the south side of the project and 11 acres on the north side; that the open space requirements of the zoning code have been met; that Tidewater Utilities will provide and operate central sewer and water to the project; that DNREC has issued a septic feasibility statement; that a traffic impact study was conducted and submitted to DelDOT; that the entire perimeter of the site will have a 30-foot forested buffer; that the buffer will be a mix of trees and shrubs; that walking trails will be provided; that the applicants will be able to provide a school bus stop if one is needed and required; that the storm water management ponds will be wet ponds; that the applicants will utilize Best Management Practices; that the application was reviewed by the State through the PLUS process; that the project has been reduced from over 400 lots to 320 lots; that the applicants responded to the PLUS comments and they are found in Exhibit G of the Exhibit Booklet; that the wooded area on the site will not be disturbed; that there will a 50 foot buffer from the wetlands; that this project is superior to a standard subdivision in that open space is provided, nice amenities are proposed and that the site is in a residential area; that the average lot size is 9,000 square feet; that the project is close to the Town of Laurel; that the restrictive covenants have been submitted, reviewed and approved; that the dwellings will be stick built homes; that the passive open space includes the buffers and storm water management areas; that DelDOT is going to require repaving of Gordy Road from the entrance of the project to Wooten and Trussum Pond Roads; that 11 foot lanes with 5 foot shoulders will be required; that the density of the project is 1.5 lots per acre; that there are very little wetlands on the site; that the applicants will comply with all agency requirements; that the central wastewater treatment will be a raid infiltration basin system; that the treatment plant is located away from James Branch; that the project will be built over a period of time; that the applicants hope to build 70 to 80 dwellings per year; that there are not any tax ditches on the site; that the storm water ponds will be less than 6 feet in depth; that a 10 foot safety bench is required for the ponds and the slopes are 4:1; that the ponds will not have any negative

affects on existing wells; and that the treatment plant is located on ground about 10 feet higher than the branch.

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

The Commission found that Lewis Lowe, Kelly Hastings, Shakan Toppin and Michael Lowe were present in opposition to this application and advised the Commission that there are concerns about the entrance locations; that there are wetlands on the northwestern side of the site; that DelDOT needs to do a traffic study on the roads in the area; that the site stays wet; concerns about the location of the treatment plant being close to James Branch; that the project will cause too much traffic to the area roads; that there will be negative impacts on the Laurel School District; that the storm water management ponds will affect area wells and be large mosquito ponds; and that the project will cause negative impacts to Trussum Pond with pollutants.

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

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

Subdivision #2006 – 11 - - application of **RAJUN CAJUN HOMES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 10.98 acres into 10 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 524, 250 feet southwest of Nichols Street within Lakewood Subdivision.

Mr. Abbott advised the Commission that Technical Advisory Committee Report of November 22, 2006 will be made a part of the record for this application.

The Commission found that Kevin Smith of Kercher Engineering, Inc. was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that this application is for 10 lots located on 10.98 acres; that all of the lots are greater than 0.75-acres; that his firm took over this project from a surveyor in Salisbury; that the preliminary plan does not have topography provided; that there may be wetlands on the site; that the applicant is not present; that this site is adjacent to other subdivisions in the area; that the applicant will maintain as many trees as possible; that they will comply with all regulations; that the dwellings will be stick built or modulars; that there will not be any negative impacts to the school district; that the length of the cul-de-sac street is over 1,200 feet in length; that speed limit signs will be posted; that the lots in this development are larger than the existing lots in the area; that the restrictive covenants have not been submitted; that a septic feasibility statement has not been issued;

that they have applied for a Letter of No Objection from DelDOT but have not received one yet; and that the site is not adjacent to farmland.

The Commission found that Anna Mortimore was present in support of this application and advised the Commission that she and her husband sold the land; that there are existing homes in the area that are not as nice as the ones being proposed; and that she and her husband still reside on the site.

The Commission found that Scott Holt, Warren Thompson, Kurt Brown and Paul Cox, area residents, were present in opposition to this application and advised the Commission that they have concerns about the location of the proposed entrance; that they have not reviewed or seen the revised plan; that restrictive covenants have not been submitted; that the area has been neglected; that it seems that the design was just thrown together; that the drainage ditches will impact Concord Pond; that there is flooding in the area; and that the area serves as a wildlife refuge; and submitted photographs of the area.

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

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to deny this application for the lack of a complete record during the public hearing; that the requirements of Section 99-9C have not been favorably addressed, and that the preliminary plan is not in compliance with the requirements of the subdivision code in that topography has not been provided and restrictive covenants and supporting statements have not been provided. Motion carried 4 – 0.

Subdivision #2006 – 12 - - application of **SCOTT SCHAEFFER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 10.89 acres into 2 lots, a variance from the maximum allowed cul-de-sac length of 1,000 feet, and a waiver from the street design requirements, located north of Route 5, 3,200 feet northwest of Road 292.

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of November 22, 2006 will be made a part of the record for this application and that letters from Nelson Richards and Gary Quann have been received in support of this application.

Scott Schaeffer and Billy Schaeffer were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that they propose to create 2 lots; that there will not be any impacts to the existing Hunter Lane; that Hunter Lane is an existing dirt road; that they are willing to improve the lane with crusher run stone; that the applicants maintain the lane; that one of the lots will be given to Billy Schaeffer; that a site evaluation has not been approved yet; and that all of the property owners are supposed to maintain the lane.

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

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

Mr. Johnson stated that he would move that the Commission grant preliminary approval of dividing 10.89 acres into 2 and grant a variance from the maximum allowed cul-de-sac length of 1,000 feet, and that this approval is subject to the following conditions:

1. The 50-foot dirt road/right of way shall be improved with crusher run stone to Sussex County specifications.
2. An approved cul-de-sac or "T" turnaround shall be provided at the end of Hunter Lane to provide for safe vehicular and emergency vehicular traffic.
3. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission upon receipt of all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary, for the reasons, and with the conditions stated. Motion carried 4 – 0.

Subdivision #2006 – 13 - - application of **WILLIAM R. COLEMAN** to consider the Subdivision of land in a GR General Residential District in Little Creek Hundred, Sussex County, by dividing 25.50 acres into 30 lots and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located at the northwest corner of the intersection of Route 54 and Road 504.

This application was withdrawn on May 4, 2007.

Subdivision #2006 – 14 - - application of **GRAY PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 40.03 acres into 40 lots, located east of Road 461, 1,050 feet south of Route 24.

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of November 22, 2006 will be made a part of the record for this application; and that on May 18, 2007 the applicants submitted an Exhibit Booklet and Findings of Facts and Conditions of Approval that will also be made a part of the record for this application.

Jerry Gray of Gray Properties, L.L.C. along with Dennis Schrader – Esquire and John Plummer, Surveyor were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that an Exhibit

Booklet was submitted into the record; summarized the contents contained in the Exhibit Booklet; that this project is not a complicated project; that the site is near the Janosik intersection near Laurel; that the site contains 40.03 acres and is zoned AR-1; that the site is currently an agricultural site; that the proposed subdivision is a standard subdivision containing 38 single-family lots that all exceed 0.75-acres; that the site is located in a developing area based on the County Land Use Map and in a Level 2 area according to the State's Map; that the site is adjacent to a State Park and a residential subdivision; that the proposed streets will be private and built to Sussex County specifications; that on-site septic and wells are proposed; that DNREC has issued a septic feasibility statement indicating that the site is suitable for on-site septic systems; that the wetlands have been delineated and are located in the open space area; that none of the individual lots will contain any wetlands; that the site is located in a residential developing area; that storm water management will drain to James Branch through piping and grass swales; that the storm water management design has not been engineered yet and it may be a smaller area than proposed; that sidewalks will be provided on at least one side of all streets; that streetlights will be provided; that there is one entrance to the site; that the applicant conducted a traffic count; that during peak hours, there were 140 vehicles per hour; that the project probably increase traffic to 178 vehicles per hour; that DelDOT did not require a traffic impact study; that Road 461 has recently been repaved; that the site is in close proximity to Route 13 and Route 24; that the site is currently tilled; that there are no trees on the site; that the site is not located in a flood plain; that the project will increase property values in the area; that a school bus stop can be provided; that PLUS review was not required since the project is less than 50 lots; that the restrictive covenants have been reviewed and approved; that the wetlands and agricultural use protection notices will be provided; that the homes will be a minimum of 1,500 square feet for ranchers and 2,000 square feet for 2-story homes; that the homes will be stick built; that an architectural review committee will be established; that there are no tax ditches on the site; that a hunting notice for adjacent properties will be provided; that the open space will be maintained by the homeowners' association; that a tot lot will be provided; that the remaining land is being retained by Mr. Venables; and submitted photographs of the proposed dwellings.

The Commission found that William Venables was present in support of this application and advised the Commission that he sold the property to the applicants; that no double wide manufactured homes are permitted through a private deed restriction he has with the applicants; and that there is hunting permitted on the State lands with a permit.

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

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

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

ADDITIONAL BUSINESS

Mr. Robertson provided the Commission with a copy of the Rules and Procedures of the Commission and advised the Commission that the proposed revisions will be on an agenda for a future meeting for consideration by the Commission.

Mr. Kautz advised the Commission that o May 30, 2007 there will be a workshop for the proposed Source Water Protection Ordinance if any members would like to attend.

Meeting adjourned at 8:03 p.m.