



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF JUNE 22, 2006

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 22, 2006 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the agenda as circulated.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of June 8, 2006 as circulated.

### OLD BUSINESS

**Subdivision #2003-53** – application of **SUNLAND PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 37.26 acres into 33 lots, located at the northwest corner of the intersection of Road 231 and Route 5.

Mr. Abbott advised the Commission that this is the final record plan for a 33-lot standard subdivision application; that the Commission granted preliminary approval on April 7, 2005 and a one-year time extension on April 13, 2006; that the final record plan is the same as the preliminary plan; and that all agency approvals have been received.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this application as a final. Motion carried 5 – 0.

**Subdivision #2005-19** – application of **SUSSEX COUNTY HABITAT FOR HUMANITY** to consider the Subdivision (Cluster Development) of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 15.12 acres into 20 lots, located north of Road 524, 125 feet northeast of Jewell Street within Lakewood Subdivision.

Mr. Abbott advised the Commission that this is the final record plan for a 19-lot cluster subdivision; that the Commission granted preliminary approval on September 8, 2005; that the final record plan is the same as the preliminary plan; and that all agency approvals have been received.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve this application as a final. Motion carried 5 – 0.

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**Subdivision #2005-41** – application of **KEITH PROPERTIES** to consider the Subdivision of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 22.01 acres into 6 lots, located at the end of Nature's Walk Way within Fenwick Shoals Subdivision on the south side of Route 54, east of Fenwick Farms Subdivision.

Mr. Abbott advised the Commission that this is the final record plan for a 6-lot standard subdivision application; that the Commission granted preliminary approval on June 8, 2006; that the final record plan is the same as the preliminary plan; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve this application as a final. Motion carried 5 – 0.

**Subdivision #2005-48** - application of **ZOAR ESTATES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 83.85 acres into 78 lots, (Cluster Development), located at the northeast corner of the intersection of Route 48 and Route 30.

Mr. Abbott advised the Commission that this application was deferred on June 8, 2006; that the Commission granted preliminary approval for a standard 78-lot subdivision on February 12, 2004 and granted one-year time extensions on May 26, 2005 and March 1, 2006; that this application has been redesigned as a cluster subdivision; and that all agency approvals have been received.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 48, for Zoar Estates, L.L.C., based upon the record and for the following reasons:

1. This application is for a project that received preliminary approval as a standard  $\frac{3}{4}$  acre lot subdivision in 2004. The applicant has redesigned the project under the Cluster Ordinance. The clustered design is superior to the standard design since it preserves much more open space and trees. Also, the items in Section 99-9C of the Code have been favorably addressed.

2. The subdivision density is the same as what is currently approved for the land.
3. The subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
4. DNREC has indicated that the site is suitable for septic.
5. All agency approvals have been received for this subdivision.
6. This motion is subject to the following conditions:

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- The number of lots shall not exceed 78, and there shall be at least one recreational area. The recreational area shall include a tot lot and basketball court.
- The Applicant shall prepare and record formal Restrictive Covenants governing the development and cause to be formed a homeowners' association to be responsible for the perpetual maintenance of streets, roads, agricultural buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.
- The storm water management system shall meet or exceed the requirements of the State and County.
- All entrances shall comply with all of DelDOT's requirements.
- The Restrictive Covenants shall include the Agricultural Use Protection Notice.
- There shall be streetlights and sidewalks on both sides of all streets within the subdivision and also connecting County Road 48 and any multi-modal pathways required by DelDOT. The location of the streetlights and sidewalks shall be shown on the Final Site Plan.
- There shall be a 30-foot landscaped buffer retained or installed along the perimeter of the subdivision.
- A school bus shelter shall be placed at the entrance to the subdivision, with parking for at least 4 cars and shall be shown on the final site plan.
- Street naming shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- The final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

## PUBLIC HEARINGS

**C/U #1658** – application of **BART AND BRENDA DONAWAY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for automotive repair to be located on a certain parcel of land lying and being in Dagsboro Hundred,

Sussex County, containing 1.54 acre, more or less, lying at the northeast corner of Route 24 and Route 409.

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

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the proposed action will have no significant impact on traffic.

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The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Kenansville loamy sand which has slight limitations; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the soils are considered Prime Farmland soils; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that letters were received in support of the application from Joseph and Joyce Lofland, and Irene and Robert McCormick.

The Commission found that no one was present on behalf of the application.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to defer action on this application until after the public hearings.

At the conclusion of the public hearings, the Chairman again announced this application.

The Commission found that there was still no one present on behalf of the application.

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 denied for the lack of a record of support. Motion carried 5 – 0.

**C/U #1659** – application of **ROBIN R. MAY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a retail window treatment business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.709 acre, more or less, lying northwest of Route 24, 0.3 mile southwest of Road 284.

Mr. Lank provided the Commission with a copy of the site plan submitted with the application.

The Commission found that the Applicant had submitted a packet of information which included a cover letter from James F. Waehler, Attorney, a site plan showing some proposed revisions to the site plan, a drawing of a 6' by 8' sign proposed to be erected on the site, a tax map marked to show non-conforming and Conditional Use sites along or near Route 24, photographs of the non-conforming and Conditional Use sites in the area, photographs of the site, and photographs of window treatments, lamps and lampshades.

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The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "E" of Route 24 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 Evesboro loamy sand and Fallsington sandy loam; that the Evesboro soils have slight to moderate limitations for development; that the Fallsington soils have severe limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance; that the Fallsington soils are considered of Statewide Importance, Prime Farmland and Hydric; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any off-site or on-site drainage improvements.

The Commission found that a letter was received from Stephen and Susan Brinck in support of the application.

The Commission found that Robin May was present with James F. Waehler, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that Ms. May proposes a retail sales facility for the sales of window treatments, lampshades and lamps; that the site is located in an Environmentally Sensitive Developing Area according to the 2002 Comprehensive Plan Update; that she plans on utilizing the existing structure for the business; that she will open immediately upon receipt of all necessary approvals; that her business is presently located on Route One; that she would like to erect a sign as presented; that several commercial, business, non-conforming and Conditional Use businesses exists along Route 24, including a maintenance company, stables, produce sales, an art gallery, doctors offices, a small engine repair, sales offices, and a hair salon; that the area is growing at a rapid pace; that the use will provide a service to the area; that the site is served by an on-site septic system and a well; that there should be no change in traffic; that currently the business is open from 9:00 a.m. to 3:00 p.m.; that the Applicant has spoken to her immediate neighbors and heard no objections; that the business was started by her aunt and uncle and has been in the area for approximately 20 years; that people that shop at her business

come in specifically looking for the products that she sells; that she would like to be open from 9:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 3:00 p.m. on Saturdays; that the business will not be open on Sundays; that she presently has one employee; that she presently has 5 to 7 customers per day; that she proposes to have employee parking on the west side of the structure and customer parking on the east side; that the sign will be spot lighted from the ground up; that deliveries are received by box trucks, not tractor trailers; and that the structure will be used for the business only, and not as a dwelling.

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The Commission found that Catherine Roth, an immediate neighbor, was present in support of the application and stated that she has no objections to the intended use.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of this application based on the record, since the location does not present a problem with the neighbors, since the use should not create any impact on traffic, and with the following conditions:

- 1) Business hours shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 3:00 p.m. on Saturdays. There shall be no Sunday hours.
- 2) There shall be no parking within the front yard setback.
- 3) One on-premise ground sign, not exceeding 32 square feet per side or facing may be permitted. Any lighting of the sign shall be screened from impacting neighbors or travelling motorist.
- 4) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

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

**C/U #1660** – application of **SYNAGRO-WWT, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for land application of DNREC-approved biosolids as fertilizer and as an amendment to Conditional Use Nos. 1373, 1399, and 1498 to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 88.0 acres, more or less, lying southwest of Route 321, south of Route 324 and west of Railroad.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on this site are mapped as Evesboro loamy sand, Fallsington sandy loam, and Woodstown sandy loam; that the Evesboro soils have slight limitations; that the Fallsington soils have severe limitations; that the Woodstown soils have slight to moderate limitations; that the Applicant shall be required to follow recommended erosion and sediment control practices and to maintain vegetation; that the Evesboro and Fallsington soils are considered of Statewide Importance; that the Fallsington and Woodstown soils are considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; that it may be necessary for some on-site and off-site

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drainage improvements because of the presence of poorly drained soils with seasonally high water tables; and that there may be regulated wetlands on the site.

There was a consensus of the Commission to consider this application and C/U #1661 concurrently since the applications were basically the same.

For the benefit of the record Mr. Lank read the legal description of C/U #1661 since it was also being discussed.

**C/U #1661** – application of **SYNAGRO-WWT, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for land application of DNREC-approved biosolids as fertilizer and as an amendment to Conditional Use Nos. 1372, 1400, and 1499 to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 220.0 acres, more or less, lying northeast of Route 48, northeast of Railroad, southwest of Route 318, and on both sides of Route 432.

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

The Commission found that the Applicants had submitted a packet of information for each application which included a cover letter, copies of the application forms, vicinity maps, site plans, copies of the tax maps for the sites, copies of the deeds to the parcels, and copies of the Operation Plans for both applications. The Operation Plans included references to the types of equipment, the types of seals on the biosolids transportation vehicles, transportation routes, days and hours of operation, truck cleaning facilities, procedures for spreading and incorporation, spill control and reporting, and record keeping.

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The Commission found that Jack Kimbels of Synagro-WWT, Inc. was present and stated in his presentation and in response to questions raised by the Commission that the biosolids will be applied to the farms as an agricultural fertilizer as allowed by DNREC permit AGU 0024/94B; that approved biosolid sources are Vlastic Foods, the Town of Harrington, the Town of Laurel, the Town of Georgetown, the Town of Selbyville and Mountaire; that they have been applying biosolids to these farms for over 15 years; that the primary source of biosolids is Vlastic Foods; that DNREC permits must be renewed every five years; that Synagro WWT, Inc. has run a clean, safe and environmentally sound operation on the Baxter Farms for years; that the biosolids are applied in liquid form by a Terragator vehicle which knifes a row in the ground, followed by injection of the biosolids into the ground, and then covers the row; that the process is done at the same time by the same vehicle; that they operate under the guidelines of the Operation Plans that have been approved by DNREC and a nutrient management plan; that they provide a pre-operation report to DNREC, flag the boundaries of the area to be treated, and then DNREC inspects and monitors the sites periodically; and that they would like to have the County eliminate the need to come back every five years since the DNREC permit has to be renewed every five years.

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

At the conclusion of the public hearings, the Commission discussed these applications.

In reference to C/U #1660:

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

In reference to C/U #1661:



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

**C/U #1662** – application of **KIMBERLY ELLIOTT** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for the sale of crafts and garden related supplies to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 1.29 acres, more or less, lying north of Route 54, 0.6 mile east of Road 453.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended.

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

The Commission found that Kimberly Elliott was present and stated in her presentation and in response to questions raised by the Commission that she had previously received approval from the Board of Adjustment for a commercial greenhouse and small nursery on the site; that they have no intent to sell mulch or pavers; that they would like to sell produce, flowers, country crafts, landscape materials, bird feeders, jams and jellies, and natural soaps; that they have no intent to sell seasonal items, i.e. Christmas trees; that the business is a family run operation; that they already have a sign on the greenhouse; that she is open from April 1 to November 15 each year; and that business hours are from 9:00 a.m. to 6:00 p.m. seven (7) days per week.

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 #1662 for Kimberly Elliott to operate a garden supply and craft business based upon the record and for the following reasons:

- 1) This application with the conditions and stipulations placed upon it will not have an adverse impact on the neighboring properties or community.
- 2) The operation of a garden supply and crafts business will not generate a significant increase in traffic.

- 3) This recommendation for approval is subject to the following conditions and stipulations:
1. The hours of operation will be from 9:00 a.m. to 6:00 p.m. Monday through Sunday.
  2. The months of operation shall be from April 1<sup>st</sup> through November 15.
  3. No lighting shall shine on neighboring homes or on Route 54.
  4. The operation will be for the sale of crafts and garden supplies, including produce.
  5. The Final Site Plan shall be subject to review and approval by the Planning and Zoning Commission.

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Motion by Mr. Gordy, seconded by Mr. Johnson 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 5 – 0.

**C/U #1691** – application of **PERDUE FARMS AGRIRECYCLE, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an amendment to conditions of approval of Conditional Use No. 1314 for a micro-nutrient plant with related truck entrance and rail spur for the processing and handling of poultry litter to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 228.88 acres, more or less, lying west of U.S. Route 13A and north of Road 485.

Mr. Lank provided the Commission with a copy of a letter from Perdue AgriRecycle, LLC and a copy of Ordinance No. 1354, the decision of the Sussex County Council on Conditional Use #1314. The letter references the Conditions of Approval for Conditional Use #1314 that the Applicant wishes to delete or amend.

The Commission found, based on comments received from the Sussex Conservation District, that there are 12 soil types on the site and that the soils vary from having slight limitations for development to severe limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that 7 of the soil type are considered of Statewide Importance; that 3 of the soil types are considered Prime Farmland; that 8 of the soil types are considered Hydric in depressions to Hydric; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on a letter from Judy McKinney-Cherry of the Delaware Economic Development Office, that agriculture contributes to Delaware's and the

Delmarva Peninsula's economy; that the poultry industry remains a key driver in our agricultural community contributing over \$686 million annually; that the Applicant is currently operating an expanded schedule that includes Sunday production; that this added production is critical to support our agricultural community but has a limited date at which time production will be reduced; that the Office shows support for on-going Sunday production; that she understands that the Applicant has proven to be a good neighbor and that the Sunday schedule has not diminished the quality of life for the adjacent property owners.

The Commission found that Wayne Hudson of Perdue AgriRecycle was present and stated in his presentation and in response to questions raised by the Commission that the use has been in operation for 5 years in the production of fertilizers; that rail service is

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restricted to daylight hours; that trucking services are restricted; that due to fuel cost, they do not know when trucks will arrive; that placement of fertilizer on farms is weather restricted; that the business supports farms, horticulture, golf courses, and lawn and garden uses; that they hope to be able to load trucks and rail cars at other times than daylight hours; that the product is shipped in bulk in watertight containers; that they cannot load or unload trucks and rail cars at the same time; that the watertight containers keep the product dry; that the bags are sealed using vacuum trucks; that the agricultural bags can contain up to 1 ton of product; that the storage container bags may weigh up to 200 tons; that they operate the plant around the clock but are limited to their loading and unloading; that they have been operating on Sundays due to a fire emergency during fertilizer season; that they do not load or unload on Sundays; that all loading and unloading is done under roof; and that they unload approximately 12 trucks per day and load 12 to 15 trucks and 2 to 4 rail cars per day.

The Commission found that Jerry Taylor was present in support of the application and stated that he was the leader of the group in opposition to the original application; that the Applicants have been a good neighbor to his business across from the site and his home; that he has never seen any problems with traffic; that there has never been any reported spillage; that all trucks are covered; that the employees of the Applicant will not permit a truck to come onto or leave the site unless it is covered; that the Applicant has been very cooperative; and that the only impact on the environment has been a positive impact.

The Commission found that Russell Ebron was present in opposition to the application, submitted a list of complaints that he filed with DNREC in reference to the project, and stated that he filed multiple complaints in reference to emissions and operating with doors open, Sunday operating hours, odors, lighting and noise; that the Delaware Economic Development Office letter states that they understand that the Applicant has proven to be a good neighbor and that the Sunday production schedule has not diminished the quality of life for the adjacent property owners, but does not state that they know for a fact that the Applicant has been a good neighbor; that the lights on the

rear of the building are directed toward this home; that it seems funny that the letter written to the County Administrator is dated the same day as the fire; that he opposes any Sunday hours; that some DNREC citations were issued in reference to violations of their permit; and that most of the residents in the area are new residents.

The Commission found that Wayne Hudson, in response to questions raised by the Commission, stated that the Monday shift starts at Midnight Sunday; that it takes 12 hours to heat up the process; that most of the work being performed is maintenance activities, not production; that production is regulated by DNREC; that he, personally, has not been approached about the lighting issue and that he will have it corrected; that he will provide the staff with a copy of the license from DNREC and all attached DNREC documents; that they have to open and close the doors when receiving trucks loaded with

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raw materials; that they were cited with a violation for having the doors open in excess of 5 minutes; that they have not been fined by DNREC or EPA; and that the EPA has stated that they have a model facility.

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

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

**C/Z #1598** – application of **ELTON RAY BEAUCHAMP** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a LI-2 Light Industrial District for a certain parcel of land lying and being in Little Creek Hundred, Sussex County, land lying west of U.S. Route 13, 0.10 mile south of Road 454A, to be located on 31.2267 acres, more or less.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Elkton sandy loam, Fallsington sandy loam, and Klej loamy sand; that the Elkton and Fallsington soils have severe limitations for development; that the Klej soils have slight to moderate limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that all three soil types are considered of Statewide Importance and Hydric; that the Fallsington soils are also considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; that it may be necessary for some on-site and off-site drainage improvements because of the presence of poorly drained soils with seasonally high water tables; and that the Applicant should check for regulated wetlands.

The Commission found, based on comments received from DelDOT, that this property is subject to the Department's Corridor Capacity Preservation Program (CCPP); that an earlier CCPP review indicated that a right-in/right-out entrance on US Route 13 could be

granted provided the frontage could be secured from an adjoining property, and provided a cross access easement is recorded to that property; that the Applicant has provided that easement; that all future plans shall be required to show the easement; that the Applicant has indicated that he intends to develop a mixed use on the site with a 50,000 square foot Doric Vault plant and four (4) general commercial units; that the property is located in a Level 3 area according to the Strategies for State Policies and Spending document; that the entrance will be limited to a total of 200 average vehicle trips per day; that the vault operation will need its trip generation rate approved by an alternative means when the Department reviews the plans; that any use of the property that would exceed the 200 trip limit will require securing the means for alternative access via Route 454A; that it was determined by the Department that a traffic impact study will not be required given the

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intensity of the proposed uses; and that that decision would be reconsidered in the event there is a substantive change to the proposal.

The Commission found that the Applicant was present and provided photographs of the site, photographs of some commercial business uses in the area, and photographs of a vault facility that wants to relocate to Delaware, a memo from the Town of Delmar, a Current Land Use Map of the general area from the Town of Delmar 2005 Comprehensive Plan, and a memo from DelDOT. The memo from the Town of Delmar indicated that the site is within the Town of Delmar's Planning Area and is located within the Town's five-year growth areas and that annexation is anticipated within that time frame.

The Commission found that the Applicant stated in his presentation and in response to questions raised by the Commission that a vault company is proposed to be located on approximately 5 or 6 acres of the site; that the vault company has 10 to 12 employees; that he proposes some small store fronts along US Route 13; that he has owned the property for approximately 2.5 years; that there are several other business, commercial and industrial uses in the area; that the Town hopes to annex the property in the near future; that on-site water and septic are proposed until the site is annexed and until infrastructure is provided to the site; that he has requested rezoning of the entire site with hopes of adding additional businesses in the future; that the site is not presently contiguous to the Town boundaries; and that they did not find any wetlands on the 17 acres recently cleared.

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. Smith and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

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The Commission discussed the need for a meeting to review Old Business and Other Business.

There was a consensus of the Commission to hold a special meeting on July 6, 2006 at 3:00 p.m. in Council Chambers to review and consider Old Business items and Other Business.

Meeting adjourned at 8:26 p.m.