



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 13, 2007

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 13, 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, and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant 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 3 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of August 15, 2007 and August 23, 2007 as circulated. Motion carried 3 – 0.

PUBLIC HEARINGS

C/U #1698 – application of **JEFFREY AND TERRIE PORTMANN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for professional office space to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 14,999 square feet, more or less, lying southeast of Savannah Road (Route 9), southwest of New Castle Street, and 1,200 feet southwest of Road 263.

The Commission found that the applicants had provided a survey of their property and a drawing of how the dwelling on the site would be converted into office space with their application.

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 9 at this location will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the North Coastal Planning Area; that an individual on-site septic system is proposed to serve the professional office space; that the proposed project is in a growth and annexation area of the City of Lewes; that the County expects the City of Lewes will provide sewer at some

future time; that the applicant should contact the City of Lewes for any questions regarding future sewer service; and that a concept plan is not required.

The Commission found that Jeffrey Portmann was present and stated in his presentation and in response to questions raised by the Commission that he is a Certified Public Accountant and operates a part-time tax practice from his residence on the site; that he is operating as a home occupation with no employees; that he proposes to hire one

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employee; that he converted his garage into three offices and created the parking lot for six vehicles in 1998; that he presently works full-time elsewhere and works part-time at home by appointment only nights and weekends; that he provides no walk-up services; that he proposes to have a full-time employee to do filing, secretarial work, and make appointments; that business hours would be from 8:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays; that he already has a sign on the site; that both neighbors are operating businesses with Conditional Use approvals; that New Castle Street is owned by the Cape Henlopen School District and that he and his neighbor have been given permission by the District to have parking lots on the street right-of-way; and that the street is closed off by fencing on the District play fields.

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. Smith stated that he would move that the Commission recommend approval of C/U #1698 for Jeffrey and Terry Portmann for a professional office on Savannah Road based upon the record made at the public hearing and for the following reasons:

1. The proposed Conditional Use is similar to other uses in the area. There are several other medical and professional offices located in this area of Savannah Road.
2. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
3. This use will benefit the safety and convenience of Sussex County residents by providing accessible professional services.
4. This recommendation for approval is subject to the following conditions and stipulations:
 1. There will only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.
 2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or towards Savannah Road.

3. The hours of operation for the business on this site shall be limited to 8:00 a.m. to 8:00 p.m. Monday through Friday and on Saturday from 8:00 a.m. to 5:00 p.m.
4. The site plan shall be subject to 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 stated. Motion carried 3 – 0.

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C/U #1699 – application of **HARRY H. ISAACS, III** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a go-kart track to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.24 acres, more or less, lying north of Road 231, 570 feet west of the centerline of Route 30.

The Commission found that the applicant had provided a survey/site plan of the site with the application.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service “A” of Reynolds Pond Road will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the North Coastal Planning Area; that an individual on-site septic system is proposed to serve the go-cart track; that the proposed project is not in an area where the County expects to provide sewer in the foreseeable future; and that a concept plan is not required.

The Commission found that seven letters in support of the application had been received by the Department prior to the public hearing referencing support for a facility that provides enjoyment for the children racing; that the main concern of the applicant is safety on and off the track; that the applicant asked all participating to respect each other and the property; that the site is clean; that the use is very family oriented; that the use provides a place for children to recreate and cheer for their friends; that the track is very family oriented.

The Commission found that Harry H. Isaacs, III and Zack Crouch were present and stated in their presentations and in response to questions raised by the Commission that the go-kart track has existed for approximately 5 years; that it originally started out as a track for recreation for family and friends; that the applicant and his family reside in their home on Reynolds Pond Road in front of the track; that presently everyone parks within the trees near the track; that they propose to remove 2 large buildings on the site by March 2008 to

allow for the creation of a parking lot; that they would like to be able to operate the track on one evening a weekend with their choice of either Friday, Saturday or Sunday night; that no racing would occur after Midnight; that normally the racing is over by 10:00 p.m.; that the applicant runs a clean operation; that the use occupies the children and creates fun for the entire families; that typically there will be no racing during winter months; that the track normally opens at 6:00 p.m. for driver meetings; that the only restroom facilities on site will be six or more porta-toilets; that the closest ambulance services are approximately 4 to 5 miles away in Milton and Ellendale; that a public address system is utilized for announcing races, not for music; that there is not any need for signage; that

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the age of the racers runs from 5 years to 50 years; that the only concession is presently a vendor with a mobile unit; and that the track is lighted within a wooded area behind the home of the applicant.

The Commission found that Susan Davis and Chris Lovengutt were present in support of this application and stated that the applicant has done a wonderful job creating a fun, safe instructional environment for local youth to learn all aspects of racing; that children seem to prefer racing at this facility over other facilities because they feel at home; that it is a place for family, friends and neighbors to come out and cheer for the kids and their friends; that the community has come together and been supportive and helpful of each other at the facility; that the applicant teaches the children that it is important to have good moral character, such as being respectful of other peoples property, leaving the surroundings just as nice as they had found it, showing respect for authority and for each other, good work ethic by making sure the kids help with their karts, as well as good sportsmanship; that the sport is not just for the boys, it also includes girls and adults, providing a strong bond for parents and children sharing their time together; that the lighting does not bother the neighbors since within a wooded area; that the access seems adequate; and that they have no objections to the application.

The Commission found that Harry H. Isaacs, Jr. was present in support of the application and expressed how proud he is of his son and the way that the facility is operated; that kids that race are supported by their families; and that the State Agricultural Lands Preservation Foundation had no objection to the facility since it is a Conditional Use and not a change of zone and no objection to the removal of the 2 buildings for the creation of the proposed parking lot.

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. Gordy stated that he would move that the Commission recommend approval of C/U #1699 for Harry H. Isaacs, III, for a go-kart track based upon the record and for the following reasons:

1. The use will not adversely affect any neighboring or adjacent properties.
2. The activity is of a public character that benefits residents and families of Sussex County that participate in the sport of go-kart racing.
3. This recommendation is subject to the following conditions:
 - 1) The use shall be limited to go-kart racing only.
 - 2) The hours of operation shall be one day per weekend, in other words, only Friday, Saturday or Sunday nights. On the night of operation, the hours of operation shall be between 5:00 p.m. and Midnight.

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- 3) All lighting shall be directed so that it does not shine onto neighboring properties or State Route 30.
- 4) The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

C/U #1752 – application of **MICHAEL ORNDORFF** to consider the Conditional Use of land in a GR General Residential District for multi-family dwelling structures (16 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 4.1 acres, more or less, lying northeast of Road 358 (Sandy Cove Road) and northwest of Road 357 (Cedar Neck Road).

The Commission found that prior to the meeting the applicant had provided revised site plans and an Exhibit Booklet, and that the Exhibit Booklet contained a Site Data Sheet, site information, references to water services, sanitary sewer services, and stormwater management, and appendices with utility commitment letters, preliminary site plan, existing land development plan, addressing approval, quitclaim deed and exhibits, response to 99-9C of the Subdivision Ordinance, an abbreviated environmental site assessment, a summary of endangered species and natural heritage assessments, site photographs, and declarations of covenants, conditions and restrictions.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service “B” of Sandy Cove Road will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District; that the project exceeds system

design assumptions of 14.04 EDUs for the combined parcels and that the Engineering Department recommends against approving a project that exceeds 14.04 EDUs; that approval of projects at greater than system design assumptions has a negative impact on sewer system capacity and hastens the need to perform upgrades; that design assumptions were calculated on the basis of 1.0 EDU for the single-family residential parcel and 4.0 EDUs per acre for parcel 88 at 3.26 acres; that the proposed project will require a developer installed collection system in accordance with County standard requirements and procedures; that the County Engineer must approve the connection point; that the Engineering Department requires that a Sewer Concept Plan be submitted for review and approval; that Ordinance 38 compliance shall be required; that the current System Connection Charge Rate is \$4,088.00 per EDU; that parcel 88 has been provided with an

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8-inch connection from Cedar Neck Road and that is the preferred connection point for the project; that parcel 80.06 has been provided with a 6-inch lateral along Sandy Cove Road that is not adequate for more than 4 units; that conformity to the South Coastal Area Planning Study Update of 2005 will be required; that the existing dwelling on parcel 80.06 must be properly disconnected and inspected by the County prior to removal, demolition, site work or issuance of a building permit; that one-time system connection charges will apply; that the County does not provide water to these parcels; and that a concept plan is required. The Engineering Department provided a Checklist for preparing concept plan drawings.

The Commission found that a letter was received from Gary Roser and Maureen Feeney Roser in opposition to this application expressing concerns about the recent development in the area; density and growth in the area; the impact on infrastructure and the quality of life in the area; that they assumed when they purchased their property, that the field would be developed, but developed with a similar use to the single family uses in the area, not multi-family; that every parcel adjacent to the site is developed as single-family homes on relatively large lots; that development of the site as single-family lots would be consistent with the character of the area; that they are not opposed to low-density townhomes, but the density; that if the use is approved, they request that appropriate deed restrictions be placed on the property to protect existing single-family properties surrounding the site; that the deed restrictions might include deeper building setbacks, perhaps 20-feet instead of 10-feet; preservation of all trees currently providing a buffer between properties; and a restriction requiring individual trash receptacles, rather than dumpsters; and that these restrictions may minimize the negative impact of the development.

The Commission found that Michael Orndorff was present with Bruce Rogers, Attorney, and Gary Cuppels of ECI and stated in their presentations and in response to questions raised by the Commission that they propose to develop 16 units on 4.10 acres; that approximately 2.0 acres of open space will be provided; that the project is a fill-in type of project surrounded by existing developments and parcels; that the applicant proposes to

develop the site; that Sussex Shores Water Company will provide central water; that Sussex County will provide public sewer; that they propose to plant additional trees in buffer areas; that a wet pond is proposed; that a gazebo and tot-lot will be provided; that the site is designed to conform to the existing natural features of the site; that there are no jurisdictional wetlands on the site; that the project is designed to be environmentally friendly and blend into the surrounding landscape and architecture; that the project is located in a rapidly growing portion of the County; that the project design will insure rapid absorption in the housing market; that the site access is off of Sandy Cove Road, not Cedar Neck Road, so as to mitigate any traffic impact on Cedar Neck Road, resulting in a safer vehicular point of access and ingress; that DelDOT has established to location for the entrance on Sandy Cove Road; that numerous letters have been received in

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support of the application; that the applicant has met with several of the neighbors in the community; that it is their opinion that neighbors would support 16 townhouses, rather than 16 mobile homes; that the zoning of the area is GR General Residential with a mix of single-family, multi-family, mobile homes, and camping; that a 2004 E-mail from the County Engineering Department referenced that capacity was available for 4 EDUs per acre on both parcels; that traffic counts were less in 2007 than in 2004 according to DelDOT traffic counts; that amenities will include street lights, sidewalks, and curbing; that stormwater management will meet or exceed the requirements of the Sussex Conservation District; that the perimeter of the site will be buffered with existing trees or additional trees; that the units will contain garages; that it is assumed that the majority of the buyers will be second home buyers; that there should not be any negative impact on the Indian River School District; that signage would be lighted with landscape lighting; that DelDOT may require a multi-modal path; that the wet pond is proposed to protect drainage of the site and to act as a landscape amenity; that individual trash containers will be permitted, not dumpsters; that the plan minimizes grading; that the plan minimizes the impact on woodlands; that the site presently contains 27,000 square feet of woodlands and that 6,500 square feet will be removed; that the homes will be constructed on-site; that the units will be condominium designed townhouses; that planting of the buffers will be developed as phases progress; and that the wet pond is approximately 25-feet from the property line.

The Commission found that Mr. Rogers submitted copies of petitions and letters in support of the application containing 42 signatures.

The Commission found that Mr. Rogers submitted suggested proposed Conditions of Approval and suggested proposed Findings of Facts.

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

The Commission found that Virginia Johnston, William Johnston, Clarence Collins, and Jean Coggins were present in opposition to this application and stated that it is realized that the Cedar Neck area is a growth area; that the area around the site is developed with

single-family homes; that the height and stories of the proposed building will impact the community which contains single-family homes; that removal of the wooded portion of the site will cause a loss of wildlife; that they have a fear of renters, not owners; that they would not object to a single-family development with no elimination of the wooded area; that they question what price the homes may sell for and the height of the units; that they oppose development of the site with multi-family structures or mobile homes; that they will loss their privacy; that they are concerned about run-off from the site; that they question when construction may start if the project is approved; that must of the homes in the area are one-story single-family homes; that traffic is a major concern; that a fence along the perimeter may be appropriate since they have concerns about trespassing; that

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the area is saturated with homes and they may be a need to give this area a rest; and that they have concerns about evacuation if there is a major storm.

The Commission found that Mr. Johnston submitted a petition containing 15 signatures of residents living on Cedar Neck Road and Sandy Cove Road in opposition to this application.

The Commission found that Mr. Rogers and Mr. Cuppels responded that the price of the proposed homes would be whatever the market will bear; that they assume that the homes will be prices in the \$300,000.00 range; that the buildings will not exceed 3-stories in height; that the site presently drains through a pipe under Sandy Cove Road to a ditch and out to the canals; that there will be no more run-off from the site than presently existing; that State stormwater laws do not permit discharging more run-off than that which presently exist from a site; and that the development sign will have landscape lighting only.

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

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to defer action for further consideration and to allow Mr. Burton and Mr. Johnson time to review the record and listen to the tape of the public hearings if they so choose. Motion carried 3 – 0.

C/U #1761 – application of **SHARP ENERGY, INC.** to consider the Conditional Use of land in a MR-RPC Medium Density Residential District – Residential Planned Community for a public utility for a regional propane storage and distribution facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.529 acres, more or less, lying northeast of private easement “Maintenance Road” being northeast of Road 299 “Bay Farm Road” across from Road 299A “Trinity Road”.

The Commission found that prior to the meeting the applicants had provided an Exhibit Booklet, and that the Exhibit Booklet contained a copy of the application form, a reference to the application, an authorization letter from the Peninsula at Long Neck , L.L.C., a site plan, a plat of easement to the site, photographs of the facility, a report on regulatory compliance, a report from DNREC Division of Air and Waste Management, and suggested proposed Findings of Fact and proposed Conditions of Approval. Also provided by the applicants was a Supplement to the Exhibit Booklet which included an Operation and Maintenance and Emergency Procedures Manual, a Security Plan, an Operator Qualification Plan, a Fire Safety Analysis, and State Fire Prevention Regulations.

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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 "A" of Road 299 may change to Level of Service "B" when the site is fully developed.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the project is located in the Long Neck Sanitary Sewer District, a County operated and maintained sewer district; that wastewater capacity is available; that Ordinance No. 38 compliance will be required if the facility will generate wastewater connection to the sewer system in the Peninsula; that if the facility generates wastewater and connects to the sewer system the System Connection Charge Rate will be \$3,144.00 per EDU; that there is no connection point at this time; that an extension of the existing sewer system within The Peninsula is required if the facility generates wastewater; that conformity to the North Coastal Planning Study will be required; and that a concept plan is not required.

The Commission found that Charles Russell and Dennis Schrader, Attorney, were present on behalf of Sharp Energy, Inc. and stated in their presentations and in response to questions raised by the Commission that they are proposing to convert an existing propane gas storage and distribution facility that serves "The Peninsula" project into a regional facility; that the facility provides underground piping to "The Peninsula" project; that the facility already exists and is proposed to serve the Peninsula Lakes project; that capacity is available to serve other users within one mile of the facility; that the facility is within a fenced compound; that the tanks are partially buried in the ground and covered with an earthen berm; that signage on the fencing provides for emergency telephone numbers for contacts; that the regulator station reduces pressures; that there is a transporter access gate for company drivers to access the facility; that there are two (2) 30,000 gallon tanks on the site; that the facility is in compliance with all State and Federal regulations; that Tab 8 of the Exhibit Booklet provides some suggested proposed Findings of Fact and suggested proposed Conditions; that the Supplement Booklet provides references to the Security Plan, a Risk Management Plan, an Operation and Maintenance and Emergency Procedures Manual, an Operator Qualification Plan, a Fire

Safety Analysis, and State Fire Prevention Regulations; that the closest fire hydrant to the facility is located approximately 500-feet away at “The Peninsula” maintenance facility; that the closest fire company is the Indian River Volunteer Fire Company facility near Long Neck Road; that the company offers free training services to all fire companies on the Delmarva Peninsula; and that the Peninsula Lakes project will contain approximately 600 units.

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.

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Mr. Smith stated that he would move that the Commission recommend approval of C/U #1761 for Sharp Energy, Inc. for a regional propane storage and distribution facility based upon the record and for the following reasons:

- 1) The site is currently used and approved as a propane gas storage and pumping facility as part of “The Peninsula” MR-RPC.
- 2) This approval is necessary to allow the utility to serve customers outside of “The Peninsula” development. This is a benefit to the residents of Sussex County, since it eliminates the need for smaller propane facilities scattered around the area.
- 3) The use is regulated by Federal and State agencies, and will safely serve the area communities and residents.
- 4) There is no other similar available facility providing regional gas storage and pumping in the area.
- 5) This recommendation shall be subject to the following conditions:
 1. The applicant shall cooperate with officials of first responder fire and E.M.S. persons to appraise them of risk management and fire suppression techniques.
 2. The facility shall be operated and maintained in accordance with the requirements of the State Fire Marshal and any other Federal, State, or local government agency with jurisdiction over the use of the site.
 3. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

Subdivision #2006-30 – application of **GOSLEE MANOR, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 13.54 acres into 29 lots, (Environmentally Sensitive Development District Overlay Zone), located southwest corner of the intersection of Road 285A and Road 277.

The Commission found that prior to the meeting the applicant had provided an Exhibit Booklet, and that the Exhibit Booklet contained an Executive Summary, boundary survey references, a description of the cluster development concept, a development of the project concept, responses to 99-9C of the Subdivision Ordinance, references to compliance with the requirements of the AR-1 and ES-1 Districts, a portion of the State Strategies Map, a portion of the Comprehensive Plan Map, a color rendering of the subdivision, a Wetlands Jurisdictional Delineation Report, a tax map of the area, a boundary survey, a surrounding development aerial map, an aerial map, an Assessment of Cultural Resource Potential Report, an Ability to Serve Letter from Tidewater Utilities, Inc., a DNREC Wastewater Treatment Plant Approval Letter, a Groundwater Recharge Map, an Open

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Space Management Plan, a Phase One Environmental Assessment, and an Endangered Species Report.

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of January 24, 2007 will be made a part of the record for this application and that letters in opposition to this application were received from Kevin Cross, Lucinda and Peter Issel and Randy Maull and that the letters are a part of the record.

The Commission found that James Fuqua; Attorney, along with Frank Kea of Caldera Properties and Jason Palkewicz, P.E., with McCrone, Inc. were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that an Exhibit Booklet was previously submitted into the record; that the booklet addresses the items referenced in Section 99-9C of the Subdivision Code and an Environmental Sensitive Developing District Overlay Zone report; that the site contains approximately 13 acres; that 29 lots are proposed; that this site was part of the land in the purchase of the Marine Farm property but was not included in the Marine Farm rezoning application; that this site is separated from the Coastal Club MR/RPC by Gosling Creek and wetlands; that no road connections to the Coastal Club are proposed; that north of this site is an approved conditional use application for an equestrian facility; that this site is located at the southwest corner of the intersection of Robinsonville Road and Jimtown Road; that the site is zoned AR-1; that central sewer and water will be provided by Tidewater Utilities; that there is an existing utility easement from this site to the Coastal Club site; that the sewage from this project will be treated at the Coastal Club site; that the wastewater treatment plant was designed to handle this project; that the Land Use Plan references this site in the Environmentally Sensitive Developing Area; that 5.-acres of 37.5% of the site will remain as open space; that a wetlands delineation has been performed and approved by the Army Corps of Engineers; that there are not any wetlands on the site; that no lots are located in a flood plain; that the site is located in the Cape Henlopen School District and Lewes Fire Department fire protection area; that services will be provided by Delaware Electric Cooperative, Verizon and Mediacom; that there are shopping and medical facilities in the area; that the site is approximately 1 mile from

Plantation Road; that DelDOT did not require a traffic impact study; that the entrance to the site is off of Robinsonville Road; that the streets will be private and built to County specifications; that additional right of way will be required to be dedicated to public use; that the site is located in a growth zone; that the project is compatible to other developments in the area; that 30-foot forested buffers are proposed along the boundary lines and Robinsonville Road and Jimtown Road; that an amenity area will include a park area, with a playground, tot lot, a facility for gatherings, park benches, a picnic area and a shade structure; that there is an utility lot for a pump station; that none of the lots have direct access to the County Roads; that streetlights and sidewalks on at least one side of the streets will be provided; that the site plan does not show a bus stop at this time but there will be room for one subject to the local school district's review; that the minimum

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lot size is 7,500 square feet; that the lots range in size from 9,000 to 10,000 square feet; that this is a small subdivision request; that no stub streets are proposed; that 25% of the existing trees will remain; that there are no drainage issues for this site; and submitted proposed findings and conditions of approval.

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

The Commission found that Warren Walls, Cindy Issel and Roselyn Allen Echols were present in opposition to this application and advised the Commission that the roads in this area cannot handle any more traffic; that the area roads have not been upgraded; that hunting activities occur on the adjoining parcel including a shooting range; that they have concerns about the proposed Western Parkway being studied by DelDOT and its' possible location; that development in this area has to stop; that removal of trees will cause drainage problems; that the Coastal Club had to delete 20 lots and now the developers are asking for 29 more lots; that the site is part of a wetlands waterway; that the cumulative impacts to the area need to be considered; questioned if there is any type of easement to Jimtown Road; that the project may negatively impact the Cape Henlopen School District; raised concerns about a bike path along Jimtown Road; and that by removing 75% of the trees, wildlife habitat will be lost.

Mr. Fuqua responded that there are no easements of any type to Jimtown Road; that DelDOT is requiring additional lands to be dedicated along Robinsonville and Jimtown Road only along this site; that there will be a 30-foot buffer from Jimtown Road; that the wooded areas will remain except for selective clearing; that there are no wetlands on the site; that there are numerous plans for the Western Parkway; and that trees need to be removed for sitting dwellings.

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 and to allow Mr. Burton and Mr. Johnson time to review the record. Motion carried 3 – 0.

Meeting adjourned at 9:05 p.m.