



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 24, 2009

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 24, 2009, in the County Council Chambers, County Administrative Office Building, in 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. Rodney Smith, Mr. I.G. Burton, III, and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Shane Abbott – Assistant Director.

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

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to defer action on the Minutes of August 27, 2009. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to defer action on the Minutes of September 10, 2009 since they were just received. Motion carried 4 - 0.

OLD BUSINESS

C/Z #1690 – application of **L.T. ASSOCIATES, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural 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 at the southeast corner of Road 268 (Kings Highway) and Road 267 (Gills Neck Road), to be located on 45.77 acres, more or less.

This item was removed from the original agenda on September 14, 2009.

C/U #1785 – application of **DAVID J. AND ERIN E. DEKOWSKY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structures (12 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 15.16 acres, more or less, lying east of Mastif Way, a private road, 800 feet north of the intersection of Sound Church Road (Road 394A) and Sand Cove Road (Road 394).

The Commission discussed this application which has been deferred since August 13, 2009.

Mr. Smith stated that he would like to thank the Applicant for providing the Environmental Impact Assessment Study and the response from PLUS; that he sees the use as an infill; and that he still has some concern about density.

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

PUBLIC HEARINGS

Subdivision #2008-5 – application of **MATTHEW BRITTINGHAM** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 55.20 acres into 110 lots, (Environmentally Sensitive Developing District Overlay Zone and Cluster Development), located west of Road 384, 1,650 feet north of Route 20.

Mr. Abbott advised the Commission that the Technical Advisory Committee review of May 16, 2008 is a part of the record for this application; that the applicants submitted a revised preliminary site plan on August 21, 2009, an Exhibit Booklet on September 9, 2009, an Environmental Assessment and Public Facility Evaluation Report on February 21, 2008 and that these are a part of the record; that PLUS' response to the applicants response was received on August 28, 2009 and that a letter with concerns was received from Debra Long on September 14, 2009.

James Fuqua, Esquire, Roger Gross, P.E., and Matthew Brittingham were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that an Environmental Assessment Report was filed with the application; that an Exhibit Booklet was submitted as a part of the record; that the proposed subdivision name is Batson Creek Estates; that a 110-lot cluster subdivision is requested; that the site is located on the west side of Road 384 (Bayard Road) north of Route 20; that to the south is the intersection of Route 54 and Americana Bayside; that the site contains 55.20 acres; that the site is farmland and has been tilled in the past; that the site has been owned by the applicant's family since the 1870's; that there are 5.7 acres of wetlands around the branch; that 12.6 acres of the site is wooded; that 10.6 acres of forest land will be preserved; that the proposed density is 1.99 lots per acre; that the minimum lot size is 7,500 square feet, the largest lot is 20, 600 square feet with an average lot size of 9,900 square feet; that the site is located in an Environmentally Sensitive Developing Area which is a growth area based on the Comprehensive Land Use Plan; that the site is zoned AR-1; that single family lots are permitted in this zoning district; that based on the State's Strategies Map for Spending, the site is located in a Level 4 area; that the Office of State Planning Coordination has responded to the applicant's response to the PLUS comments; that the site is located in the Johnson Corner Sanitary Sewer District; that a central wastewater system will be utilized as a part of the sewer district; that the applicants have met with the Engineering Department and there area available EDU's allocated for this project; that central water will be provided by Artesian Water Company; that DelDOT did not require a traffic impact study; that DelDOT will require right of way dedication along Bayard Road; that electric, cable and telephone are available in the area; that the site is located within the Indian River School District;

that fire protection is provided by Roxana Fire Company; that the site is less than 2 miles from shopping along the Route 54 corridor; that a homeowners' association will be established; that the amenities will include a community building, swimming pool, tot lot and hiking trails; that sidewalks are proposed on one side of all streets; that a bus stop will be provided if the local school district feels that one is necessary; that the site contains 22.12 acres of open space; that the developers have had studies performed on the site; that the wetlands have been delineated; that extensive soil work has been performed; that an endangered species study has been conducted; that the items referenced in Section 99-9C are adequately addressed in the Exhibit Book; that the preliminary plan has been revised taking into account PLUS' comments; that the proposed project is consistent with the area; that there is a subdivision located across the entrance to the site; that there are other developments in the immediate area; that the design of the project complies with the Cluster Ordinance; that 40% of the project will remain as open space; that no wetlands will be included on any of the lots; that forested buffers are provided; that the applicants feel that this design is superior to that of a standard subdivision; that the design complies with all ordinances; that there is one access to the site located off of Road 384; that DelDOT improvements will include travel ways and shoulder upgrades; that the streets within the project will be built to County specifications; that Batson Branch is contiguous with the southern boundary of the site; that there will be no disturbance to the forested buffers; that no forest removal is required for the storm water management area; that Batson Branch is a perennial stream; that all lots have a minimum buffer of 100 feet from Batson Branch; that Batson Branch is part of the tax ditch system in the area; that the applicants have met with DNREC and the tax ditch easement right of ways will be depicted on the final record plan; that three wetland crossings are proposed for road crossings; that the amenity package is centrally located to the rear of the site; that the perimeter of the project will contain a walking trail; that a formal landscaping plan will be submitted with the final record plan; that sewer should be available as early as the summer of 2010; that the site will be buffered from adjoining property owners; that the owner would like to market a few wooded lots; that there is no cemetery on the site; that if stub streets were provided, this would result in a loss of forest lands; that street lighting is proposed; that the loop area lots abut other lots; that there is no clause that all lots have to abut open space; that a standard lot option plan was not completed; that the wetland areas will be marked with carsonite markers; that the restrictive covenants will include the agricultural use protection notice and a hunting notice; that the storm water management facility has not been designed at this time; that mail stations could be provided along the interior streets; that the recreational amenities will be completed prior to the issuance of the 50th building permit; and submitted proposed findings of fact and conditions of approval into the record.

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

Peter Bernsten was present and questioned the location of the construction entrance and expressed concerns about a construction entrance being located along the tax ditch.

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

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

C/U #1786 – application of **LEON BURTON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a boat storage facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 20.131 acres, more or less, lying northeast of Route 5, ¼ mile northwest of Route 24.

Mr. Lank provided the Commission with copies of the 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 current Level of Service “C” of Route 5 could change to a Level of Service “D”.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 24, 2009 and that the comments reference that the site is located in the North Coastal Planning Area; that an individual on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed project is not within an area where the County currently plans to provide sewer service; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments on September 24, 2009 and that the comments reference that there are seven (7) soil types on this parcel; 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; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that Leon Burton, Jr. was present and stated in his presentation and in response to questions raised by the Commission that they are proposing to use the acreage for a boat storage facility; that the farm has been owned by the family since 1963; that the farm is too small to be profitable; that security fencing will be provided in phases as needed; that the site will remain in grass; that security lighting will be provided in phases as needed; that the first phase will contain 150 boats; that they only intend to provide storage of boats, not any maintenance, repairs or wash down areas; that they would like to install a sign; that no additional employees are planned; that they have no intent to provide any landscaping since the site sits back off of Route 5 and is surrounded on 3 sides by woodlands; and that the business would be open during daylight hours only 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. Smith stated that he would move that the Commission recommend approval of C/U #1786 for Leon Burton for boat storage based upon the record and for the following reasons:

- 1) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 2) The use as a boat storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.

- 3) This recommendation for approval is subject to the following conditions and stipulations:
 - a. The site plan shall be subject to all appropriate agency approvals prior to review and approval by the Commission.
 - b. The boat storage facility will be open during daylight hours only.
 - c. The perimeter of the site shall be fenced with a 7-foot high chain link type of fencing. The Applicant may construct the fenced-in area in phases.
 - d. No maintenance of boats or vehicles shall be performed on the site.
 - e. All persons visiting the site shall be accompanied by representatives of the Applicant, or of boat dealers with valid business licenses.
 - f. All boats and trailers moved to and from the storage yard on the site shall only be moved by representatives of local boat dealers holding valid business licenses.
 - g. This approval is for boat storage only, not maintenance of vehicles or RV trailers.
 - h. There may be lighted signage allowed on the site. The signage shall not exceed 32 square feet per side or facing.
 - i. Security lighting shall be provided on the site and shall be directed away from neighboring properties.
 - j. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved with the conditions and stipulations stated. Motion carried 4 – 0.

C/U #1787 – application of **ROBERT C. BOWER, JR.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a contractor's shop and storage yard to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 22.57 acres, more or less, lying northeast of Cubbage Pond Road (Road 214), 2,850 feet northwest of Benson Road (Road 216).

Mr. Lank provided the Commission with copies of the 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 current Level of Service "A" of Cubbage Pond Road will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 24, 2009 and that the comments reference that the site is located in the North Coastal Planning Area; that an individual on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed project is not within an area where the County currently plans to provide sewer service; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments on September 24, 2009 and that the comments reference that there are four (4) soil types on this parcel; 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 on-site drainage improvements may be possible.

The Commission found that an E-mail in opposition had been received from Ralph LaPradd and that concerns were expressed that the area is not conducive to a commercial business, especially a septic cleaning company; that the area is a residential community with many new homes which are adding beauty and desirability to the community; that the shop and storage is already built and in use and should be stopped immediately; that a precedent could be established by permitting this use; that in the future roads will show the signs of heavy equipment and the increase in noise would disturb the community, besides bringing the unwanted additional smell of septic residue; that the community already has chicken waste being distributed over the land down Benson Road, and that the use would sandwich the community between chicken waste and human waste; and requested denial of the application.

The Commission found that Robert C. Bower, Jr. was present with Harry Murphy of Charles D. Murphy Associates, Inc. and that they stated in their presentation and in response to questions raised by the Commission that the Applicant applied for this application approximately 2 years ago; that the pole building has been on the site for approximately 10 years and has access from a private driveway; that the entrance was approved by DelDOT; that Mr. Bower installs septic systems and does backhoe work, not clean out septic systems; that there is very little customer traffic since almost all of his contacts are over the telephone or by FAX; that he has 5 full-time employees, which includes himself; that one year ago he had to relocate from his previous location and started the business from this site; that equipment will be stored in the smaller building; that the office and shop are located in the larger pole building; that he has no plans to expand the buildings; that he has no need for signage; that the wooded buffer will remain; that he maintains a minimum of 2-ton of stone on the site; that most of the stone used for installing the septic systems is delivered to the job site, not this site; that plumbing supplies are delivered approximately 2 times per week; that he does have a dumpster on the site which is screened from neighboring properties; and that he has not received any complaints from his neighbors.

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. Burton stated that he would move that the Commission recommend approval of C/U #1787 for Robert C. Bower, Jr. for a contractor's shop and storage area based upon the record and for the following reasons:

1. The use, as a contractor's shop and storage area for the Applicant's business of installing septic systems is of a semi-public character and is desirable for the general convenience and welfare of the residents of Sussex County.
2. The Applicant has stated that he is in the business of constructing septic systems. He is not in the business of pumping, hauling or dumping septic systems. There will be no waste or sludge deposited on the site.
3. The project with the conditions and stipulations placed upon it will not have an adverse impact on the neighboring properties or community.

4. No parties appeared in opposition to the project.
5. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The business use shall be limited to the Applicant's business as a septic system construction contractor.
 - b. Any security lights shall be screened downward so that they do not shine on neighboring or adjacent properties.
 - c. As stated by the Applicant, there shall not be a sign advertising the business on the site.
 - d. As stated by the Applicant, there shall only be 5 employees on site.
 - e. The hours of operation shall be from 7:00 a.m. to 7:00 p.m. from Monday through Saturday.
 - f. The Final Site Plan shall include a landscape plan designating all buffer areas and existing vegetation that will not be disturbed.
 - g. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Smith, 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 and stipulations stated. Motion carried 4 – 0.

C/U #1848 – application of **TODD BARIGLIO** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for business and professional offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 4.711 acres, more or less, lying at the southwest corner of Cedar Grove Road (Road 283) and Plantation Road.

The Commission found that on September 14, 2009 the Applicant provided the Commission with an Exhibit Booklet which contained a listing of the project team; general information about the project; project data; an environmental analysis; a copy of the application, cover letter, and a legal description; an aerial photograph with the location sited; a topographic and boundary survey; a site plan; a color rendering of the site plan; three renderings of the proposed buildings; copies of maps from the Comprehensive Plan Update, including Strategies for State Policies and Spending, Existing Land Use, Future Land Use, County Water Services Areas, and County Wastewater Service Areas; a soils map; a willing and able to serve letter from Tidewater Utilities, Inc.; DelDOT correspondence, dated June 19, 2007, July 15, 2008, and August 26, 2009; a copy of a letter from the Applicant to Ted Bishop, Assistant Director of Development Coordination with DelDOT, dated February 16, 2009; PLUS comments, dated July 18, 2007; a Becker Morgan Group response to PLUS, dated April 2, 2009; a final response from PLUS, dated April 24, 2009; and suggested proposed Findings of Fact and Conditions of Approval for consideration.

Mr. Lank summarized the comments from DelDOT, dated June 19, 2007 and August 26, 2009.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 24, 2009 and that the comments reference that the site is located in a proposed or current County operated and maintained sanitary sewer district; that the

site is located in the Goslee Creek Planning Area; that wastewater capacity is available; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,336.00 per EDU; that service has not been extended to the area at this time; that conformity to the North Coastal Planning Study will be required; that the parcel adjoins the West Rehoboth Expansion Area and connection to the system is mandatory; that the parcel could be annexed into the Area following the completion of certain administrative procedures; that the project could receive sewer following an extension of the sewer lines to the parcel and completion of certain downstream upgrades by the developer or others; that the proposed development 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 prior to requesting annexation into the Area; and that a checklist for preparing conceptual plans and a copy of the policies and steps for extending sewer district boundaries were provided.

The Commission found that the Sussex Conservation District provided comments on September 24, 2009 and that the comments reference that there are four (4) soil types on this parcel; 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 on-site drainage improvements may be possible.

The Commission found that the Department had received 2 letters in support of this application from Eugene S. Dvornick, Jr., a resident of the Plantations, and Suzanne Powell, a resident of Plantations. The letters reference that there has been extensive residential development in this area including medium density and high density residential developments; that there has not been substantial growth of businesses; that a professional and medical office use is fitting within the character of the neighborhood and will provide supportive services to the surrounding residents; that the developers goal is to obtain a LEED certification which offers numerous safeguards to the environment; that the County is suffering a decline in employment opportunities; that jobs will be created as part of the construction process; that the office development will attract permanent higher paying jobs that are needed in this region and in the County as a whole; that this request would alleviate the heavy traffic that has been ongoing on Savannah Road due to the schools, physician and corporate offices, a hospital, a fire department and the overwhelming presence of summer beach traffic; and that this project should be supported by both the County and the State DNREC.

The Commission found that the Department had received a letter in opposition to this application from Robert Kaplan voicing concerns that there are no business or commercial buildings located on Plantation Road or Warrington Road, with the exception of Lowes; that the visual impact will be disturbing to nearby residential developments, regardless of architectural, landscaping, lighting and sign restrictions; that added traffic will strain the already busy roads and intersections; that development prior to the design and construction of the planned DelDOT improvements and realignment to this intersection could result in site plan compromises or impediments to either party; that there is no neighborhood need nor benefit, nor hardship to the applicant; and that sufficient other sites are available for business and professional office space.

The Commission found that Todd Bariglio was present with Dennis Schrader, Attorney with Wilson, Halbrook and Bayard, P.A., Mike Riemann, Professional Engineer with Becker Morgan Group, Brad Hastings, Architect with Becker Morgan Group, and Jeff Bross, Professional Engineer with Duffield Associates and that they stated in their presentations and in response to questions raised by the Commission that they had originally applied for rezoning of the site to B-1 Neighborhood Business; that the Commission recommended denial of the application in May 2009; that the County Council held a public hearing on the application in May 2009; that the County Council permitted the Applicant to withdraw the application on June 30, 2009 and permitted expedited review if a Conditional Use application would be applied for; that they have provided an Environmental Analysis in the Exhibit Booklet per the requirements of the Environmentally Sensitive Developing District; that PLUS review was not required, but they submitted anyway for comments when proposing the rezoning; that the PLUS comments and responses are contained within the Exhibit Booklet; that they have provided corrective proposed Findings of Fact and Conditions of Approval due to typographic errors; that they exhibited the proposed realignment of Cedar Grove Road, Postal Lane and Plantation Road intersection; that a County pump station exist across Plantation Road from the site; that they are proposing to build two (2) 22,500 square foot buildings in a campus style layout; that there will be both at grade parking and understory parking; that stormwater management will be by underground infiltration and bio-filtration; that they will be dedicating 20-feet of additional right-of-way to DelDOT; that the buildings will be sprinkled; that the entrance will be from Cedar Grove Road, not Plantation Road; that a landscape plan will be provided; that there should be no negative impact on neighbors since they are providing a service; that the offices typically will be used on weekdays, not weekends; that the Office of State Planning Coordination and DelDOT have voiced no objections to the application; that according to DelDOT the intersection is in design, acquisition should take place in 2011 or 2012, and construction should start in 2014; that no dualization of Plantation Road is proposed; that the Applicant will be required to help fund the intersection and roadway improvements; that the Applicant will be asked to sign a signal agreement with DelDOT; that water service will be provided by Tidewater Utilities; that they are planning to build the project and to obtain a LEED certification; that they will attempt to maximize the green area of the site and will utilize understory parking, rain water harvesting, green roofs, geo-thermal HVAC, natural materials within 500 miles of the site, natural lighting, and sun shades to minimize the environmental impact; that the project should utilize 33% less energy; that several business and commercial uses exist along Plantation Road and referenced a church, a beauty shop, small engine repair, borrow pit, and residential planned communities; that a Conditional Use for medical offices was granted previously and has since been voided for lack of construction; that an apartment complex and day care center are proposed; that the site is less than 0.6 mile from the Beebe Medical Center on Route 24; that traffic will not be increased during peak hours since the offices will only be open on weekdays; that temporary use of Cedar Grove Road can be accomplished by improving the existing intersection with longer radii, etc.; that they are proposing 198 surface parking spaces and 40 understory parking spaces; that, if approved, it will take approximately 1 year to go through design and permit processes and 1 year to complete construction; that there are parking spaces within the front yard setback; that they are proposing approximately 15-feet of setback from the parking spaces to the right-of-way of Plantation Road and Cedar Grove Road due to the DelDOT right-of-way dedication requirements; that there is a cemetery off-site to the west; that they have no objections to inspections of the site by the State Historic Preservation Office; that they are working with

DART for a bus shelter location on the site; that the site is close to several fire stations; that there are only 3 certified LEED businesses in the State of Delaware; and that the surface parking spaces are all proposed to be pervious pavement with impervious driveways.

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

The Commission found that Betty Deacon of Sandy Brae, Julia Morey of Plantation East, Tom Kaptor of Aydelotte Estates, Loretta Mahan of Aydelotte Estates, Giuseppe Mastrangelo of Aydelotte Estates, Michael Robertson of Aydelotte Estates, and Jane Kraus of Aydelotte Estates were present and spoke in opposition to this application expressing concerns that the Sandy Brae residents are opposed to the project; that the Aydelotte Estates residents are opposed to the project; that there is a need for a current traffic study; that traffic is steady on a daily basis every day; that Plantation Road is a residential street; that this application will add additional traffic; that the proposed 216 rental units and the proposed day care near the Israel United Methodist Church will also add additional traffic that has not been considered in traffic counts; that there are a few business uses on Plantation Road, but they are similar to home occupations; that there are no commercial businesses, except for the access to Lowes; that Cedar Grove Road/Postal Lane/Plantation Road intersection is a dangerous intersection; that one building would be more appropriate; that there could be some negative impacts on the property values on residential properties; that emergency responses can be impacted; that there is no proof offered to justify a need for additional medical facilities since space is available at the Beebe Medical Facility on Route 24; that the residents have a fear of a precedent being established if this project is approved causing more application along Plantation Road; that the height of the building was questioned; that a one-story structure would be preferred; that the residents are concerned about the entrance location; that Beebe Medical is more than the referenced 0.6 mile away from the site, it is more like 1.1 mile; that residents purchased in this area because of the residential character of the area, with no commercial uses; that the commercial activities should remain along Route 1; that the number of offices sometimes more affectively describes the anticipated traffic over square footages; that a traffic light at this intersection will create more backups and more problems; that the parking may not be adequate if all of the offices are medical oriented since parking is then calculated based on the number of doctors patients and employees ratio; and questioning how many offices will be non-medical, which could change the typical hours to more hours than the typical doctor office hours of 9:00 am to 5:00 p.m.

The Commission found that Ms. Deacon submitted a petition in opposition on behalf of residents from The Retreat subdivision and a listing of housing units that exit onto Plantation Road. The petition contained 45 signatures. The listing referenced 11 projects totaling 1,438 homes.

The Commission found that Mr. Riemann responded that the offices can vary in size from 2,000 square feet to 10,000 square feet typical; that the parking has been based on the square footage; that the stormwater management pond exhibited on the rendering is not a part of the project, it is anticipated to serve the relocation of the intersection; that the project will have its own stormwater management features, i.e. bio-retention using green technologies approved by DNREC, and underground infiltration, not a wet pond; and that they are proposing to install a layer of media which is planted over and stormwater will infiltrate into the ground through piping into underground stone beds.

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

Meeting adjourned at 8:45 p.m.