



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF OCTOBER 12, 2006

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 12, 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: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. I. G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Burton 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 September 28, 2006 as circulated.

Mr. Robertson explained how the public hearings would be presented and heard.

PUBLIC HEARINGS

C/U #1667 – application of **DOUGLAS HITCHENS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automotive sales lot to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.0 acre, more or less, lying northeast of Route 18 (a.k.a. Route 404), 950 feet northwest of Road 527.

The Commission found that the Applicant had submitted a site plan with his application and that the site plan depicted a 40-foot by 30-foot sales office, 9 parking spaces for employees and customers, 24-foot wide driveways and two gravel display areas for the display of vehicles.

The Commission found, based on comments received from the Department of Transportation (DelDOT), that a traffic impact study was not recommended and that the Level of Service “D” of Route 18 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 Klej loamy sand; that the Evesboro soils have slight 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 both soil types are considered of Statewide Importance; 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 Douglas Hitchens and Maurine Logan were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that a used car sales lot is proposed; that the maximum number of vehicles to be displayed for sale will be thirty (30) vehicles; that the site is a family owned parcel; that Mr. Hitchens will comply with all agency requirements; that there will be only a minimal amount of repair work on vehicles for sale; that he lives on the adjacent property; that he has a shop on the adjacent property; that he has never been in the automotive sales business, but has worked on vehicles for years; that he plans on obtaining the vehicles at auction; that he proposes to sell vehicles no older than 1990 models; that business hours will be from 8:00 a.m. to 5:00 p.m. six (6) days per week with no Sunday hours; that he would like a lighted sign; that the maximum number of employees will be four (4); that he has a dumpster on the adjacent property; that he can do the necessary automotive repair work on the adjacent property; that there are no other used car sales lots in the area; that the area is predominantly agricultural and residential; and that he will landscape the site.

Mr. Lank advised the Commission that this application does not include the use of a dumpster on the adjacent property or the performance of automotive repair work on the adjacent property.

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.

Subdivision #2005-69 – application of **WRIGHT BROTHERS PROPERTIES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 8.97 acres into 8 lots and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located west of Old Mill Road (Road 265A), ½ mile north of Route One.

Mr. Lank advised the Commission that this application was reviewed by the Technical Advisory Committee on March 15, 2006 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application; that revised plans were received on October 6, 2006; and that a letter in opposition to this application was received from William and Jill Landon on October 2, 2006.

The Commission found that Harry Wright was present with John Barwick and Jessica Nichols of Meridian Architects and Engineers on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 8 lots are proposed; that lots 7 and 8 are already improved with dwellings; that the geometry of the site requires a cul-de-sac in excess of 1,000 feet long; that the soils are very sandy; that the layout of the subdivision is similar to other subdivisions adjacent and to the northeast of the site along Old Mill Road; that the other subdivisions have similar layouts and street lengths to this proposal; that the use is consistent with the area; that they have been working with the Sussex Conservation District and propose to create two stormwater management areas; that they propose to utilize infiltration basins for drainage; that on-site wells and on-site septic are proposed; that some removal of trees will be necessary to develop the lots and road; that they plan on saving as many trees as possible; that a power line exists along the southwesterly property line near the proposed street; that they have never found any arrowheads on the site; that the site has always been wooded; and that grading of the site will provide good drainage.

The Commission found that Mark Wright spoke in support of the application and stated that the lots are individually owned by family members.

Mr. Lank advised the Commission that the lots were originally recorded based on the provisions of a will and that the subdivision had never been officially approved or recorded, except by the deeds.

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

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

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

Subdivision #2005-70 – application of **STEVE DINIAKOS** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Georgetown Hundred, Sussex County, by dividing 5.01 acres into 5 lots, located north of Road 295 (Hollis Road), 456 feet east of Road 30.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on April 19, 2006 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application.

The Commission found that Steve Diniakos was present with Zie Chiang Shen, Professional Engineer, of Yeh Tendom Associates and that they stated in their presentations and in response to questions raised by the Commission that the site contains approximately 5-acres; that the land is very flat; that the soils are moderately well drained; and that they have spoken to the Sussex Conservation District about bio-infiltration basins.

Mr. Robertson noted that the site plan placed on the easel appeared to be different from the site plan filed with the Commission; that the application can only be acted on based on the plan that was submitted; that if there are no material differences the Commission could act on the site plan; and that he is very concerned that the changes were not addressed and submitted prior to the meeting.

Mr. Diniakos apologized for not knowing the required process.

Mr. Shen stated that the plan was revised based on comments from the Sussex Conservation District.

Mr. Wheatley stated that the Applicant could withdraw this application and submit revised plans in compliance with the Subdivision Ordinance and that the Commission could possibly expedite the public hearing process.

The Commission found that Lori Uba, Ed Schwartz, Marge Skoura, Mark Masten, and Gerald McLaughlin were present in opposition and expressed concerns about water run-off; encroachments onto a neighboring lot; that the lot was filled causing run-off problems; high water tables; that septic mounds are probable; mosquitoes; that a precedent may be established for additional subdivisions in the area; that the area floods during storms; that the plot differs from other surveys and deeds of record; that restrictions were recorded for the existing lots but were not referenced in the Applicant's deed; that the adjacent land to the rear is a farm, therefore the agricultural protection notice should be incorporated into the deeds; response times for emergencies are a concern; that the road and cul-de-sac are not adequate; that it appears that Lot 1 will be difficult to build on; that vehicle lights exiting the street will impact the home to the south of Hollis Road; that the existing home is a rental and that there are concerns that the additional lots will be used for rentals; that the County is already over developed; and that the need for additional lots is questionable.

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

There was a consensus of the Commission that they were concerned that the site plan had been substantially revised without prior notice to the Commission, that no deed restrictions were submitted, and that a septic feasibility had not been submitted.

Mr. Johnson stated that he would move that the Commission deny Subdivision #2005-70 for Steve Diniakos based on the fact that an inadequate record was established in support of the application by the Professional Engineer and that the submittal was not in compliance with the Subdivision Ordinance.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to deny this application based on the reasons stated. Motion carried 5 – 0.

Subdivision #2005-71 – application of **DELAWARE LAND ASSOCIATES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 89.12 acres into 49 lots, (Cluster Development), and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located east of Road 318, 4,949 feet southwest of Road 86.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on April 19, 2006 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application; that a letter was received from the Department of Agriculture on May 15, 2006 which referenced that a buffer was not required; that a Septic Feasibility Statement was received from the State DNREC on September 26, 2006; that Revised Subdivision Plans, a Standard Lot Subdivision Concept Plan, a Wastewater Treatment and Disposal Report, an Environmental Audit, and a Wetlands Investigation Report were received on October 3, 2006; and that Exhibit Booklets were provided by the Applicants on October 6, 2006.

Mr. Robertson advised the Commission that he had received a letter from Tim Willard, Esquire, of Fuqua and Yori, P.A., providing a reference to the intended contents within the Declaration of Restrictions which included the organization and operation of a property owners association, the use of roads, and agricultural uses.

The Commission found that Peter O'Rourke was present with Tim Willard, Attorney, and Ken Christenbury of Axiom Engineering, L.L.C. and that they stated in their presentations and in response to questions raised by the Commission that the site is a wooded parcel that borders the Stockley Center property and the Veterans Cemetery; that the site is also in close proximity to the Sussex Central High School; that approximately 13 acres of wetlands exists on the site; that the majority of the site is high ground; that a Wastewater Treatment and Disposal Report and an Environmental Assessment has been preformed and submitted; that they have chosen to propose to develop the site with the ½ acre cluster option; that the average lot size is 0.87 acre; that the smaller lots are along the pond; that the density equals 1.55 dwellings per acre; that 39% of open space has been preserved; that they could obtain the same number of lots with ¾ acre lots; that the cluster option provides more open space; that the standard subdivision of ¾ acre lots takes up an additional 10 acres; that the site is located within a Developing Area

according to the 2002 Comprehensive Plan Update; that the project will be limited to single family detached dwellings; that no active open space is proposed; that the first lot is approximately 1,000 feet from Road 318; that they propose to create mulch trails for walking and paved bike paths along the street; that the designer worked with the Office of the State Fire Marshal in designing the large turnabouts and by-pass lanes with the street right-of-ways; that environmental conservation easements are proposed that provide that no trees shall be removed within 50-feet of the pond, except for dead wood and that the restriction shall be included in the Declaration of Restrictions and enforced by the property owners association; that one entrance is proposed off of Road 318; that a bus shelter can be provided at the entrance; that the project complies with Section 99-9C of the Subdivision Ordinance as exhibited in Tab 1 of the Exhibit Booklet; that no lots shall include any wetlands; that the lots will be served by individual wells and on-site septic systems; that the State DNREC has provided a septic feasibility report; that the stormwater management facilities will be maintained with best management practices; that they are scheduling meetings with the Sussex Conservation District and the Town of Millsboro; that the cluster design is superior to a standard subdivision layout; that they are proposing one (1) observation deck along the pond for the residents of the project; that no motorized boat launching or docking facilities will be provided; and that boating activities will be limited to kayaks, canoes and other non-motorized watercraft.

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

Subdivision #2005-72 – application of **BAYWOOD, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 311.93 acres into 679 lots, (Environmentally Sensitive Developing District Overlay Zone), located northeast of Road 298, 3,950 feet southeast of Route 24.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on April 19, 2006 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application; that Exhibit Booklets and Revised Subdivision Plans, and Proposed Findings of Fact and Suggested Conditions of Approval were received on October 10, 2006.

Mr. Lank advised the Commission that one letter of support was received from Daniel and Gaye Wallen on September 26, 2006; and that two letters in opposition were received from Robert Maegerle, dated September 26, 2006 and Dale Biller, dated October 11, 2006.

Mr. Lank advised the Commission that additional letters of support were received by FAX today from Patricia and Charles Cirillo, Richard J. Wagner, Alan and Kath Cropper, Fran Mooney, Michelle and Jim Lattanzi, Patty Brown and Alina Ferrer, Salvatore and Carol Cascone, Dan and Gaye Wallen, Susan Eldredge, and Susan Gredone.

The Commission found that Robert Tunnell, III, was present with Dennis Schrader, Attorney, and Jason Palkewicz of McCrone, Inc. and that they stated in their presentations and in response to questions raised by the Commission that Articles have been published in newspapers and announced on radio that are erroneous, i.e. septic systems are not proposed; that the project will be served by a central wastewater treatment system; that the density will not exceed 2 dwellings per acre; that the cluster option increases open space; that central water will be provided to the site by Long Neck Water Company; that the developers will comply with all DelDOT requirements; that six (6) tracts were assembled to create the project; that originally they had proposed 679 lots; that after review through the PLUS process the project has been reduced to 621 lots; that the project has been designed to comply with all requirements and is a superior design to a standard subdivision; and that the project is designed to be an extension to the Baywood Community with a different theme and layout.

The Commission found that Mr. Tunnell exhibited renderings of the proposed project which included the entrance signage, a guardhouse, the proposed clubhouse, pool and tennis facilities, elevations of four dwelling designs that are similar to dwellings in Baywood, photographs of existing Baywood Community landscaping, and renderings of the Equestrian Center with a 48 stall stable, indoor and outdoor riding areas.

The Commission found that the representatives continued and stated that Baywood, L.L.C. will maintain all properties; that 1.5 miles of horse trails are proposed; that building designs will include more wood and stone than the existing Baywood Community; that after review by the Technical Advisory Committee and PLUS the plans were revised to reduce the number of units, to create more open space, to add requested cul-de-sacs, and to create 100-foot setbacks from wetlands; that the site is in close proximity to several residential developments; that a crabbing/fishing pier is proposed, not a marina; that no boat docks or slips are proposed; that a 50-foot buffer has been created around the perimeter of the site; that an open space management plan is proposed; that central sewer will be piped to the Baywood Community and treated at the Inland Bays Preservation Company site; that there will not be a sewer plant on the project site; that a TMDL (Total Maximum Daily Load) analysis was provided to PLUS and that the

project will meet the 40% nitrogen reduction; that there should be minimal impacts on the Indian River School District since the target market of Baywood Communities are retired residents; that the general area contains residential uses, commercial and business uses, and golf; that the site is located in the Environmentally Sensitive Development District Overlay Zone; that tot-lots can be provided, if necessary; that multi-modal paths, sidewalks and street-lighting will be provided; that the project meets the provision of the cluster option, has a density less than 2 units per acre, and creates 41.2% open space; that they have provided some suggested findings of fact if the Commission is favorable to the project; that the project will be phased and will not exceed construction of more than 120 dwellings per year; that they also provided a schedule for construction of the recreational amenities; that they are working with DelDOT on locating and providing underground tunnels under Banks Road to allow golf carts to travel from Baywood Community to the Equestrian Center without having to cross the road; that the 70 acre Equestrian facility provides another recreational use for the residents and would be open to the public; that a horse boarding fee would be charged; that 40% of the trees on a wooded lot will be preserved; that additional trees, plants and other landscaping will be provided on lots, open areas, and along streets; that the project has been designed to conform to the cluster provisions of the Environmentally Sensitive Development District; that the average lot contains 7,800 square feet; that modular homes are proposed on land lease lots; that the homes vary in size from 30-feet to 34-feet in width and 60-feet in length; that garages vary in size from 20-feet to 24-feet in width; that the design creates a lot of ponds, some for amenity and some for stormwater; that the major stormwater pond will be located at the lower portion of the site; and that sidewalks will be provided in front of all lots.

Mr. Robertson stated that since questions were raised during the presentations about commercial stables and public stables on farms he will need to review the Zoning Ordinance.

The Commission found that Gaye Wallen submitted and read a letter in support of the project.

The Commission found that Heather Gray spoke in support of the project and stated that she lives behind Windswept Stables north of Route 24; that there is a shortage of public stable facilities in the County; and that this proposal would create a good opportunity for children to learn about horses.

The Commission found that Janet L. Holsten-Roca submitted and read a letter in opposition to the project, which referenced that an adverse impact and negative effect on the environment would be generated on neighboring properties and the region by increased traffic and emissions; that Green Road and Banks Road have no shoulders; that the intersections of Banks Road and Route 24 is a dangerous intersections where frequent accidents occur; that the number of vehicles generated by this project could exceed 1,242

vehicles; that other proposed projects in the area will add traffic; that 237 acres of forest exists on the property of which 77% may be removed; that the elimination of forest cover impacts air quality and clean water, as the trees serve as filters to clean the water and draw pollutants to the trees; that Delaware's air quality has been in a state of non-attainment for many years and fails to meet the standards of the Federal Clean Air Act; that estimated emissions by DNREC attributed to the project will be 8,860 tons per year; that the sources of emissions include vehicles and generation of electrical power; that an estimated 2,388 residential lots and 5,210 homes are for sale in the County; that infrastructure is stressed in the area; that the PLUS has received the Applicant's responses to the PLUS comments, but the agencies have not had enough time to respond; and that she requested that the record be left open for 15 days after the Commission receives the PLUS response.

The Commission found that Diane Koch submitted a petition containing approximately 161 signatures of residents in opposition, and submitted and read a letter in opposition to the project, which referenced that Green Road is a winding narrow dead-end road that is barely wide enough for two vehicles to pass; that Banks Road cannot accommodate such intense additional traffic as it is currently a heavily burdened and very dangerous road that floods after heavy rains; that the developers are also planning to add an additional 500 homes on the opposition side of Route 24 from the Baywood Golf Course and 300 homes on the east side of the golf course, which would come out on Banks Road; that the total projects could generate in excess of 3,000 vehicles within ½ mile of the project; that these roads cannot handle the volume; that within the years 2003 and 2005 15 accidents were reported at the intersections of Long Neck Road and Banks Road, and Banks Road and Route 24; that the proposed circles on Banks Road could prohibit timely response from emergency vehicles and would prohibit farm equipment and large trailer vehicles from free passage; that a calculation of the number of dwellings on actual buildable land would equal 4.85 dwellings per acre; that she is concerned about the proposed wastewater treatment system use since other systems in the area have failed; that current residents do not want to be forced to hook-up to this type of system or a central water or sewer system; that it would be a financial burden on the residents if they were forced to hook-up; that the residents would like to see a copy of Mr. Tunnell's report that the wastewater treatment facility would not affect residents' drinking water; that they are concerned about how the Equestrian Center horse manure will be processed; that they are concerned about increased crime; that they are concerned about the loss of wildlife caused by the continued development of the area; that removal of trees causes the loss of wildlife, and more runoff; that the residents that live along Green Road enjoy a quiet, peaceful and safe lifestyle which will be totally disrupted and destroyed by this project; that the school district could be impacted causing an additional financial burden for many of the local residents; questioning the need for more homes; and that the developer should consider donating the property to the State to be used as a Wildlife Preservation.

The Commission found that Cathie Sager of Winding Creek Village submitted a petition containing 39 signatures in opposition and stated that the residents believe the density is too high and threatens the value of their adjacent properties along with putting a strain on the watershed, aquifer and environment; suggested that the plan be reduced to 300 homes, a similar density to Winding Creek Village; that the residents would like to see a minimum buffer of 100 yards of un-cleared woodlands between the project and Winding Creek Village; that the buffer should be free of bridle and walking paths; that they ask for an amendment to the plan that ensures the safety of adjacent property owners so that they do not have to worry about run-away horses and to act as a privacy and noise barrier between adjacent properties and proposed walking trails and swimming pools; that they would like to see an amendment to the permit that stipulates that construction noise will not commence before 8:00 a.m. Monday through Friday and will end by 6:00 p.m. Monday through Friday; and requesting that a construction barrier be erected so that adjacent properties are protected from blowing debris.

The Commission found that Norman Barnett, Samuel Hayes, Carol Wells, Allen Ide, Shawn Rodgers, Dale Diller, Rosalyn Echols, Gail Schaffer, Tiffany Derrickson, Mel Mousley, Robert Oppenfuss, Bo Monroe, Pat Paynter, Wayne Erickson, and Michael Tyler also spoke in opposition to the project and expressed additional concerns about the impact on Herring Creek, a narrow tributary with minimal flushing actions; run-off; the use of jet-skis; noises; the impact on water quality; that the Inland Bays are stressed; concerns about evacuation during emergency events; the lack of hospital space; questioning the number of vehicles during summer weekends; the traffic impact on the bridge over Guinea Creek; noting that the Department of Agriculture and the Historic Preservation Office do not support the project; that the DelDOT comments are similar to comments heard 10-years ago when the Baywood project was proposed and that nothing has been done to improve the conditions of the roads; concerns about street lighting; questions about where the access is to the Equestrian Center; questioning the use of the Equestrian Center when the site is not a farm; questioning the type of uses for the Equestrian Center for public events; concerns about the number of available volunteers for emergency service facilities; that the project does not represent the type of development desirable in a Level 4 area according to the State Strategies; questioning if DelDOT requested the inclusion of the two turnabouts on Green Road; reporting that a Bald Eagle nest is somewhere in the area; suggesting that the developers documents should be provided on-line; questioning if the Center for the Inland Bays has commented on this project; suggesting that street-lighting be downward illuminated; questioning if growth is managing us or are we managing growth; stating that the purpose of the Environmentally Sensitive Developing Area is to recognize that the Inland Bays are a major resource of the County and must be protected from insensitive development of the surrounding area; that infrastructure should be allowed to catch up with the development that has already taken place before additional developments are approved; that the record should be left open to allow the public to review the Traffic Impact Study response from

DelDOT; that bio-swale technology should be utilized rather than ponding; and that road names should be included in advertisements.

The Commission found that Mr. Schrader, in response to questions by the Commission, added that the Traffic Impact Study was submitted to DelDOT; that a response has not yet been received from DelDOT; and that the County could in the future take over the wastewater treatment facility, but may be required to compensate the owners.

The Commission found by a show of hands that 4 parties were present in support and 70 parties were present in opposition to this application.

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

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action for further consideration and to allow time for Mr. Robertson to review and consider the commercial stable use. The record shall be left open for 15 days after receipt of comments from DelDOT on the Traffic Impact Study. Motion carried 5 – 0.

Subdivision #2005-73 – application of **LANDLOCK, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Georgetown Hundred, Sussex County, by dividing 132.96 acres into 213 lots, (Cluster Development), located north of Route 9, 950 feet east of Route 30.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on April 19, 2006 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application; that Revised Subdivision Plans were received on October 6, 2006; and that Exhibit Booklets were received on October 10, 2006.

The Commission found that Darrin Lockwood was present with Gene Bayard, Attorney, and Jessica Nichols of Meridian Architects and Engineers and stated in their presentations and in response to questions raised by the Commission that the State Strategies designate this area as a Level 4 area; that the project is designed to comply with the AR cluster option; that the area is already developed with single family dwellings, some commercial uses, a DelDOT facility and industrial uses; that the adjacent site to the west is a manufactured home park; that Gravel Hill is a mixed use community; that the site is an overgrown former tree farm; that the tax ditch includes jurisdictional wetlands; that they propose to develop 213 lots with a minimum size of 7,500 square feet; that 40% of the site will be left undisturbed as passive open space; that 4.73 acres are being set aside for active recreational use with a clubhouse and swimming pool; that a school bus stop with related parking, sidewalks and streetlights will be provided; that the total open space equals 52% of the site; that the lots will be improved with single family

dwelling, not manufactured homes; that central water will be provided by Artesian Water Company; that central sewer will also be provided by Artesian; that the central sewer system will be designed for excess capacity; that a septic feasibility has not yet been received; that the overall density equals 1.6 dwellings per acre; that no historic sites were found on the site; that the project conforms to the provisions of Section 99-9C of the Subdivision Ordinance and is a superior design over a standard subdivision; that the developer will comply with all DelDOT requirements; that a Traffic Impact Study was not required; that the proposed dwellings will be priced around \$200,000 and will be required to contain a minimum of 1,800 square feet of living space for one-story homes and 2,200 square feet of living space for two-story homes; that a jurisdictional wetlands determination has not yet been received from the U.S. Army Corps. of Engineers; that some of the lots do not back up to open space since it would require the elimination of additional trees; and that buffers along adjacent property lines will contain a minimum width of 60-feet.

The Commission found that Kenneth Sunnergren, Nancy Lingo, Leslie Elliott and Dave Elliott were present in opposition and expressed concerns about the size of the homes and the buffers; suggesting fencing along the tax ditch boundary; suggesting that a traffic light may be necessary; questioning why there is only one entrance/exit; expressing concerns about traffic safety and increased traffic; that people pass on double lines and on the right shoulder, causing concerns about the safety of children and the location of a bus stop; that the area is over saturated with traffic; and that the quality of life for the residents of the area will be lost.

The Commission found that Ms. Nichols, in response to questions raised by the Commission, stated that the buffers along the tax ditch is 60-feet from the property line; that sidewalks will be on both sides of the streets; and that a bus shelter can be provided at the entrance.

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

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

ADDITIONAL BUSINESS

Mr. Lank advised the Commission that the County Council has signed a contract with Urban Research & Development Corporation (URDC) to develop the Comprehensive Plan Update due in October 2007, and that the Consultants would like to meet with the Commission in a workshop setting to discuss what the Commission would like to see included in the Update.

There was a consensus of the Commission to hold a Special Meeting to discuss the Comprehensive Plan Update on Friday, October 27, 2006, at 1:00 p.m. in the County Council Chambers.

Mr. Lank advised the Commission that the Office will contact URDC to confirm the date and that if the date is not suitable he will phone poll the Commission for another date and time.

Meeting adjourned at 11:12 p.m.