

REGIONAL PLANNING COMMISSION
BUSINESS MEETING
MINUTES
July 12, 2018

The Business Meeting of the Regional Planning Commission was held Thursday, July 12, 2018 in the Levy Court Chambers, Room 203, of the Kent County Administrative Complex, 555 Bay Road, Dover, Delaware 19901.

CALL TO ORDER FOR BUSINESS MEETING

The Business Meeting was called to order at 6:30 p.m.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL AND DETERMINATION OF QUORUM

The following members were present:

William Spanarelli
Albert Holmes, Chairman
William Jester, Vice-Chairman
David Peterman
Paul Davis
Denise Kaercher
Gene Thornton (6:42)

Also present were:

Sarah Keifer, Director of Planning
Jason Berry, Planning Supervisor
Craig Eliassen, Attorney

ADDITIONS TO, DELETIONS FROM, AND APPROVAL OF AGENDA

On a motion made by Ms. Kaercher and seconded by Mr. Spanarelli, the Regional Planning Commission voted to APPROVE the agenda of the July 12, 2018 Business Meeting.

APPROVAL OF MINUTES

On a motion made by Mr. Davis and seconded by Mr. Spanarelli, the Regional Planning Commission voted to APPROVE the minutes of June 14, 2018 Business Meeting.

REVIEW OF APPLICATION STATUS REPORT – Current as of July 5, 2018

LEVY COURT ACTION ON COMMISSION RECOMMENDATIONS:

Application

RPC Rec.

L.C. Action

C-18-02 Knauer, Terri	Cond. Approval	Approved
C-18-03 Durham, Whitney	Cond. Approval	Approved
CS-18-04 Dunkin Donuts – Maxwell St.	Cond. Approval	Approved
CZ-18-02/ LC18-02 Murphy, Robert & Catherine	Denial	Withdrawn
CZ-18-03/ LC18-06 Smith/Packett Med-Com, LLC	Approval	Approved

Mr. Davis informed the Commission that even though he was absent last week for the Public Hearing he has reviewed the video and read all the information submitted by the applicants, and is fully prepared to vote.

Old Business

None

New Business

C-18-04 Edwards, Latisha: Request Conditional Use approval of a Home Occupation for a Home Daycare located inside the Growth Zone Overlay District.

On a motion made by Mr. Davis and seconded by Ms. Kaercher, the Regional Planning Commission recommend **Conditional Approval** of application C-18-04, a home occupation for a home day care – located inside the Growth Zone Overlay District. This is based on Exhibit A - the Staff Recommendation Report dated July 5, 2018; Exhibit B - Public Hearing Testimony dated July 5, 2018; and the findings of fact that:

- a. The subject site is zoned AC (Agricultural Conservation), in which a home occupation/home day care is permitted per Sections 205-47 and 205-366 of the Kent County Code; and
- b. The application complies with the Comprehensive Plan.

Pursuant to Chapter 205 of the Kent County Code and pursuant to *9Del. C. §4802*, the Commission has reviewed the application and, furthermore as part of this approval, the applicant shall comply with all Staff and Agency Requirements as described in the July 5, 2018, Staff Recommendation Report and the following conditions of approval:

- a. The applicant shall comply with all the conditions per §205-366 of the Kent County Code.
- b. The rear yard area shall be enclosed by a fence that connects on either side of the home to encompass the portion of the rear yard appropriately sized to allow for adequate outdoor play area.
- c. Failure to comply with the conditions of approval or applicable regulations can result in a revocation of any permits issued for this conditional use and a revocation of the conditional use itself.

- Mr. Peterman: I vote yes to approve.
Ms. Karecher: Yes per the motion.
Mr. Spanarelli: Yes.
Mr. Davis: Yes for reasons given.
Mr. Jester: Yes.
Mr. Holmes: Yes per Staff recommendation, and the motion.

The Commission voted 6 yeas in favor of recommending **conditional approval** of application C-18-04.

CS-18-03 Bay Communications: Request approval of a Conditional Use with Site Plan for a Telecommunications Tower located outside the Growth Zone Overlay District.

Ms. Kaercher: On the record that we did receive some additional information in the allotted time that I think goes into some detail that there was indeed communication, there really was an attempt to find other locations, and even to see if it could be moved on the property, so we do have communication about that.

On a motion made by Ms. Kaercher and seconded by Mr. Peterman, the Regional Planning Commission recommend **Conditional Approval** of application CS-18-03, Bay Communications, a conditional use site plan for a telecommunications tower, outside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated July 5, 2018, Exhibit B – Public Hearing Testimony dated July 5, 2018 and the findings of fact that:

- a. The subject site is zoned IG - General Industrial, in which a telecommunications tower is permitted as a conditional use with site plan per Sections 205-43.3 and 205-360, of the Kent County Code; and
- b. The application complies with the Comprehensive Plan.

Pursuant to Chapters 187 and 205 of the Kent County Code and pursuant to 9Del.C. §§4802 and 4811, the Commission has reviewed the application and the July 5, 2018 Staff Recommendation Report, and, furthermore as part of this approval, the applicant shall comply with all Staff and Agency Requirements as described in the July 5, 2018 Staff Recommendation Report and shall comply with the following conditions:

- a. The waiver from §205-360.A.(1)(a)(4), Location requiring that the subject parcel where a tower is located must be of such size that the tower would be located 1,000 feet from all property lines and 1,500 feet from any dwelling located on an adjoining parcel is **approved**.
- b. The final plan must be approved within 18 months of preliminary plan approval and construction shall commence within 18 months of final plan approval.
- c. The applicant shall construct the tower in the monopole variety that was presented on the revised plan.
- d. The applicant shall have the tower lit in accordance with any FAA guidelines.

Mr. Peterman: I vote yes because I don't believe it will change the character of the neighborhood a bit, and it will help a lot with telephone communication.

Ms. Kaercher: Yes per my motion, I do still feel obligated to say that I still understand the concerns of the neighbors, and I have some regrets there.

Mr. Spanarelli: Yes per the motion.

Mr. Davis: Yes for the motion, and my reasoning is originally I was planning on voting against this application, but when I received the latest communications from them, and I want to thank them for that because that actually changed my mind. It appears to me that when they came before the Public Hearing I thought there were some very short answers, and not to the point, and I was not too happy about that, and I didn't appreciate it, however I think they made a 100% effort to go back and try to correct the problem. They knew what we felt about, they knew we wanted the tower moved, and according to the documentation I got it's not going to be possible. One of the issues, and I understand that is the issue that the plant did not really want to give accessibility to the tower site 24 hours a day, and I think when you have a tower like that they sublease them, and there are companies that want to come out if there is a problem, and inspect the tower, so that presented a major problem for this company. Having said that, and making every attempt I want to be a fair person about it, it's needed, it's for public safety, and so I'm going to support it 100%, thank you.

Mr. Jester: I came here tonight also getting ready to vote against this particular application, but after reading the Bay Communications July 6, 2018 report from Mr. Vincent Granese, I think is his name, he is site acquisition specialist, he pretty much outlined everything that I had talked about, and wanting to move the tower. It is a great asset to the area because of the needs not only in the emergency services, but the people that live around there, and without stretching it out any more I vote yes.

Mr. Holmes: I also was going to vote against this, but (inaudible-no microphone) I vote yes.

The Commission voted unanimously in favor of recommending **conditional approval** of application CS-18-03.

Commissioner Thornton has arrived at 6:42 PM.

CS-18-05 Crossings at Kent Senior Living Facility: Request Conditional Use with Site Plan approval of a Senior/Assisted/Nursing Home located inside the Growth Zone Overlay District.

On a motion made by Ms. Kaercher and seconded by Mr. Peterman, the Regional Planning Commission recommend **Conditional Approval** of application CS-18-05, Crossings at Kent Senior Living Facility, a conditional use site plan for a nursing home, outside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated July 5, 2018, Exhibit B – Public Hearing Testimony dated July 5, 2018 and the findings of fact that:

- a. The subject site is zoned RM - Multi-Family Residential, in which a nursing home is permitted as a conditional use with site plan per Sections 205-110 and 205-305, of

the Kent County Code; and

- b. The application complies with the Comprehensive Plan.

Pursuant to Chapters 187 and 205 of the Kent County Code and pursuant to 9Del.C. §§4802 and 4811, the Commission has reviewed the application and the July 5, 2018 Staff Recommendation Report, and, furthermore as part of this approval, the applicant shall comply with all Staff and Agency Requirements as described in the July 5, 2018 Staff Recommendation Report and shall comply with the following conditions:

- a. The waiver from §187-60, Sidewalks requiring frontage and internal access sidewalks is **denied**. The applicant must either provide the sidewalk or agree to a fee-in-lieu payment to DeIDOT prior to final approval of the site plan.
- b. The final plan must be approved within 18 months of preliminary plan approval and construction shall commence within 18 months of final plan approval.
- c. The applicant shall incorporate the red brick of the historic home that is located across Rt. 10 from the subject site into the façade design of the structure. This brick shall be included on at least 30% of the building façade that faces the road.
- d. If the applicant decides to construct a detached sign, it shall be built of the monument style to be setback at least 5 ft. from the front property line. The top of the sign should not be taller than 6 ft. above grade and have a maximum size of 32 sq. ft. Detached signage shall remain static in nature (no electronic variable signage permitted). It shall incorporate the same brick as the building façade into its design.
- e. The applicant shall provide a bike rack large enough to accommodate at least four (4) bicycles near the employee entrance to the building.

Mr. Peterman: I vote yes, there's no opposition to this, and it's going to be a good thing for the community.

Ms. Thornton: It's good for the community, and I agree with all the conditions, except some of this population likes trikes, or adult trikes and not regular bikes. I not asking the motion be changed I'm just saying, I'm just putting it on the record there. And that is a yes.

Ms. Kaercher: Yes, this is one thing that I'm going to enjoy watching as it goes up.

Mr. Spanarelli: Yes per the motion, I think it's well needed, and it will do a great job for our aging communities.

Mr. Davis: Yes for the motion that was given, and I have reviewed some long term studies for Kent County in particular about the increase in senior citizen population, and we have to be prepared for those people to get sick, people need to be in nursing homes. I'll probably be in one of them myself someday, and they have a fine program, and they gave an excellent presentation, and I think we need to be prepared 20 years down the road. It's coming, people are moving here because of the

taxes are cheap, and they're not young people, they're retired, so people get sick we need more hospitals, we need more places like this so I support it 100%.

Mr. Jester: Yes for all reasons given in the motion.

Mr. Holmes; Yes, I vote in favor of it. It's a great project, great for the community, and I hope they hurry up and get it done because I'll probably need it soon.

The Commission voted unanimously in favor of recommending **approval** of CS-18-05.

CZ-18-04/ LC18-07 Ching, LLC.: Request to amend the Zoning Map / Comprehensive Plan from AR (Agricultural Residential) Low Density Residential to BG (General Business) Highway Commercial.

Ms. Kaercher: I again, would like to put into the record the information that I kind of requested, and we received. Nice maps, but what we received, and what I had requested was information on not just how many commercial type properties are along that road in the general area, but when did they go up, when were they rezoned to that, and found it interesting. Kind of found it interesting that the ones that are the most recent are the large ones, and the ones that are the oldest are the small ones, and then I had also requested, I think, I requested information on how many of those are vacant. A lot still, so we just received that, so I think that that is very helpful in making some decisions.

Mr. Davis: I'm really familiar with this area, and the reason I'm familiar with it is because I grew up a quarter mile away. I like to support businesses, but when it comes to vote I'm going to have to take a different position on it. Originally I felt that because a business is potentially going there, and keeping in mind when you get BG it doesn't specify what type of business is going to be there. Probably have about over 100 properties that could go there, and we don't know what type of business that is going to be there, but that is not the issue here. The issue with me; is the property compatible for any type of business, so I took the time, originally I was going to vote for it. Primarily because of the businesses, but then where I grew up is a 19 acre parcel of land that is made reference in here, just north of it. There's not a pond on that property, there's no blue water line streams on that property, there's no trees going to be destroyed, it's a vacant piece of land. I know because we sold it to people many many years ago that's how old I am. I went back to the woods when they put the application in, if it was just a small parcel on Cemetery Road, just the land alone I would have a better thought about it, I would probably feel a little differently about it, but when I went back into the woods, and I went back there when I was 12 years old, and now I went back 70 some years later, obviously trees are going to be bigger because I'm bigger, so it all makes sense, but when you go back there, and you actually look at the pond, and you look at the lily pads, and what it does for our nature, and you look at the slopes, I don't know how any engineer would ever, maybe they can that's why they're engineers, maybe they can work that out, you're going to be destroying trees, you're going to be taking a nice pond out that's back there, and I talked to some of the neighbors to the left when you go back, you take a left and you make a right, it's like a Y, and they weren't too happy about it because the impact it's going to have on them if there is going to be a road next door. But I can tell you this, that place, in my professional judgment, is nothing but a big mess, and I hate to see us disturb it. I think it ought to leave it like it is, there's other places as Staff

has mentioned in the report, and I just think I wonder how many of you actually went down, but I did go down there, and I was amazed at what I actually saw the other day, actually it was yesterday, so I think we really need to consider that there are other places that they could zone, and I think down there you are destroying some natural habitat down there, and I don't think that's right in that particular area, so I really changed my mind. I was going to vote for it because it was a business, but when I took a second look at it I'm changing my vote on this. That is just my information to pass it on, make your own vote, that's fine, thank you.

Mr. Peterman: I'd like to say something too; I also grew up in that area, and I've seen Paul get older with the trees like he said, but I didn't get older, my mind stayed young, my body got older. But I agree we just can't go ahead and say – yeah make it agriculture.- We don't know what is going in there. Once you take it from agriculture to commercial it's going to be that forever, and we have no idea what it's going to be forever, so I agree that we have a natural habitat there, we ought to keep it that way on this particular place anyway.

Mr. Spanarelli: One of the big problems I had after looking at the property, and going down is there's no egress or exit access to Route 1. The area that's open access by driving is very narrow, and has to be improved, and it's almost impossible to get people in and out of that area, so on that basis it needs a lot of work, and it needs to be better access onto the major highways and roads.

On a motion made by Ms. Kaercher, and seconded by Mr. Jester the Regional Planning Commission recommend **denial** of Ordinance LC-18-07 to amend the Comprehensive Plan Map from Low Density Residential to Highway Commercial and Zoning Map Amendment from AR (Agricultural Residential) to BG (General Business), located inside the Growth Zone Overlay District.. This is based on Exhibit A - the Staff Recommendation Report dated July 5, 2018, Exhibit B - public testimony dated July 5, 2018 attached hereto and the findings of fact that:

- a. The proposed rezoning does not comply with the Comprehensive Plan, either Map 2-3 or the economic development policies of Chapter 6.
- b. There are 19.5± acres of vacant commercial lands directly to the north of the subject site that has yet to be developed. Given the amount of vacant commercial land along Route 1 between Frederica and Milford, there does not yet appear to be significant development pressures to warrant additional 26.63± acres of commercial zoning. Furthermore, there is existing commercial zoning in Frederica and the City of Milford. Both incorporated towns have existing infrastructure, including public sewer service and water, to successfully sustain commercial development.
- c. The area of petition is affected by a significant amount of environmental impacts, including wetlands and a blue line stream.
- d. It fails to meet all the conditions of approval of reclassification under Section 205-408 of Kent County Code.

Mr. Peterman: I vote yes to deny.

- Ms. Thornton: I agree with my fellow Commissioners, and Staff Report, and this does not appear to be in accordance with the Comprehensive Plan, and it would make (inaudible) impact the environment.
- Ms. Kaercher: Yes per my motion, and everything everyone else has said this evening.
- Mr. Spanarelli: Yes per the motion of denial.
- Mr. Davis: Yes for the motion to deny. I hate to vote against a potential business, but there is a time and place for everything, but I do support the motion.
- Mr. Jester: Yes to deny.
- Mr. Holmes: Yes to deny. I did go down and look at it, I agree with my fellow Commissioners.

The Commission voted unanimously in favor of recommending **denial** of ordinance LC-18-07

S-18-01 Dollar General Forrest Ave.: Request Site Plan approval of the construction of a 9,100 square foot building for a Dollar General Store located outside the Growth Zone Overlay District.

Application Number	:	S-18-01
Site Plan Title	:	Dollar General Forrest Ave.
Owner	:	P. Lloyd and David E. Sheats 84 Dodge Dr. Smyrna, DE 19977
Applicant/Engineer	:	Minich Engineering & Land Planning, Inc. 250A Camden Wyoming Ave. Camden, DE 19934
Additional Contact	:	Howard H. Crossan 114 Front St. Pocomoke City, MD 21851
Present Zoning District	:	BN (Neighborhood Business)
Present Use	:	Agriculture
Proposed Use	:	9,100 Square Feet Retail

Relation to Growth Zone	:	Outside
Levy Court District	:	2 nd – Hosfelt
School District	:	Capital
Fire District	:	Dover
Size of Site	:	3.41 acres ±
Stormwater Management Area	:	0.25 acres +/-
Water	:	On-site Well
Sewer	:	On-site Septic
Location	:	On the northwest corner of Forrest Ave. (DE Rt. 8) and Winding Creek Rd. (Co. Rd. 159), west of Dover
Kent County Property Identification Number	:	WD-00-074.00-01-58.01-00001

In Favor

John Paradee
Baird Mandalas Brockstedt

Mr. Paradee: I know that procedurally this type of application is not required to have a public hearing, but with all due respect there are some comments and recommendations in the Staff Report that my client had some concerns with, and if you would be so inclined we would like to offer some brief commentary about that.

Mr. Holmes: I think before we vote on it that would be the right thing.

Mr. Paradee: Thank you, so as I'm sure your council...

Mr. Holmes: If that's alright with our attorney if we do that. (Yes)

Mr. Paradee: Thank you, as I'm sure your council will be able to confirm for you Delaware case law in particular the Daniel D. Rappa case and the East Lake Partner's case confirmed that a site plan application that meets all code requirements cannot be denied, but obviously the Commission can attach conditions that are reasonably related to public health and safety concerns that are a matter of record, so we don't have a problem with the concept that certainly the Commission has the authority to attach conditions, but those conditions, respectfully, have to be reasonable, and they have to be related to concerns of record, and we really just have problems with two of the three recommendations. The first is the recommendation that there be a

connection to the parcel to the west of the site with a cross access easement, and our concerns with that are fourfold. First, respectfully, that would, in our view, constitute contract zoning which is illegal in the State of Delaware to require something like that as a conditional of approval. Second we believe that would constitute an improper taking of private property not for a public purpose without just compensation, and then that would be unconstitutional. But more critically #3; it's a safety issue, it would result, we believe, in a conflict between pedestrian consumers who are in our parking lot, and vehicular traffic that would be introduced, we believe, unnecessarily in a crossway to an adjoining property. We believe it introduces an unnecessary safety hazard. Fourth, and finally Del-DOT, we spoke with Del-DOT during PLUS review, they have no problem with our site, and the entrances as designed, and they know that there will be another development someday or likely will be another development someday to the west, and they're okay with an entrance to that property on Route 8 as opposed to through our properties, so we would respectfully request that the Commission decline to adopt that recommendation. The second recommendation with regard to the detached monument sign, while we don't think there is really any need, or requirement for it under the code we're nevertheless content to abide by that recommendation. We understand the basis for the Staff's recommendation, and we're okay with that. The third recommendation with regard to additional architectural features we have a couple of concerns with; first it's based on language in the Community Design chapter of the Comprehensive Plan, and respectfully, that language does not have the force and effect of law, that's not a requirement of your code, and not something that an applicant, we submit, can be forced to comply with. Second, the code section that is (inaudible), and relied upon, which is Section 187-90.1 I 4, we believe, and would contend applies only to TDR projects. That section is in the TDR ordinance, and there are no such design standards anywhere else in the code that would appear to apply to a site plan such as this. Third, more (inaudible) the standards that are suggested would be economically infeasible, and really a deal killer for this project if they are imposed. The project simply won't happen, and I think it's important that the Commission recognize this is a value retail store in a rural area of Kent County it's not the Taj Mahal on main street, I mean, it will obviously be designed to be attractive, but it doesn't need a lot of bells and whistles, we think frankly, are unwarranted. At no other Dollar General store in Kent County, or as far as we know in the State of Delaware that has ever been required to comply with such strict architectural standards. Fifth, and I think this is important to note, there is no public testimony, there is no record of any public interest or concern based on health, safety or welfare that would suggest that these types of things are needed or even wanted, and so for that reason we would respectfully request that the Commission not impose those conditions. Lastly there is a sidewalk waiver request, the standard under your code is extraordinary hardship. I would point out to you there is no sidewalks between Pearsons Corner and Dover High School, any on Route 8. Del-DOT has told us they would not require a sidewalk here, and if I may, we received a letter from Senator Dave Lawson who is the Senator in the area, and he is actually adamantly opposed to sidewalks in this area. He thinks it's a safety concern, and so I would like to present that letter if I may. I don't want to belabor this, I will tell you that our engineer is

here, and he could explain to you all the reasons why putting sidewalks at this site would be a practical problem, and would create additional safety concerns that, we think, would make it a less safe project than it would be otherwise without them if you care to hear that from him I'm happy to call him, but again I don't want to belabor the hearing any longer than necessary. With that I will conclude my remarks, and take any questions you may have.

Mr. Davis: Just so I'm with you Mr. Paradee, a great presentation by the way, you're saying basically from A, B, C, and D should be eliminated in Recommendations, am I correct? (Yes sir) It would be A, B,C, and D, and the remaining part of it would be fine.

Mr. Paradee: We have no problem with the monument sign. (Okay) So we would be agreeable to doing a monument sign.

Mr. Davis: And that was which one by the way?

Mr. Paradee: I believe that was the second of the three recommendations in the Staff Report. I think it was B on your list if I'm not mistaken.

Mr. Davis: C, so you're okay with C?

Mr. Paradee: Yes sir.

Mr. Peterman: That about the sidewalks, I'm not sure about that at all because they just made Diamond Pole Builders, the same State, said you have to have sidewalks down there, and that's one mile south of Woodside, and they made them put sidewalks there, and it would be, they didn't do that as a precedent, I don't believe, but, if you can save a kids life, and there's a lot of Amish on that road, if you can save a kids life or help save a kids life, for 2 or 300 feet of sidewalk I think we ought to do that.

Mr. Holmes: Sarah do you have something you want to add now?

Ms. Keifer: Thank you very much sir, I just wanted to give some added perspective on the Staff's Recommendations very quickly; with respect to the sidewalk, with all due respect to the Senator, sidewalks are the opposite of unsafe. I would suggest, understanding it's a fairly rural area, perhaps a fee in lieu, the same as we've done with some other projects, most recently the project on Route 10. If Del-DOT would prefer a fee in lieu of sidewalk we could perhaps recommend that. With respect to the architectural features I would certainly offer the Dollar Store in downtown Dover used a different kind of architectural standard to fit in with downtown, so this is not out of the realm of possibility. What is on the screen is actually another Dollar General that used a different architectural style, and I would finally suggest that the recommendations and the Comprehensive Plan, while they do not carry the force of law they absolutely reflect what the wishes of the County citizens were expressed, so it is not out of the blue, so to speak. With respect to the cross access easement; to require such a thing with a land development is not at all unusual it actually is quite common. I would certainly let Mr.

Eliassen speak to the constitutionality of it, but it is not at all unusual, it's quite typical in a land development plan. Again, I just wanted to give some perspective on why the staff recommended what we did.

- Ms. Kaercher: I'm feeling some déjà vu of Wal-Mart where we had a box presented to us, an ugly, ugly box, and we essentially said – we don't want the same box you got down there in Camden -, and it's still a box, but it's an attractive box now, and this is on Route 8, this isn't, I've already been on the record of saying we keep uglifying, I know it's not a word, Route 13. Let's not do that to Route 8. Please let's not do that to Route 8.
- Mr. Davis: I have a question of Staff; in the absence of the sidewalk itself, okay, would it be permitted to put, we did it down to Polytech, they have a path like, it's an asphalt path. Would that be permissible?
- Ms. Keifer: An asphalt path (inaudible), like a multimodal path rather than concrete sidewalk, absolutely, that would meet the purpose and intent of the code.
- Mr. Davis: That would be a cheaper expense for the developer, and you accomplish the same thing. I don't know how the aesthetics would look, but it may be more possible for them to do it that way as opposed to cement, it's pretty expensive. But they could do it that way right?
- Ms. Keifer: Absolutely, that would meet the code.
- Mr. Davis: Thank you very much.
- Ms. Kaercher: Just to add on to that; that would actually, the discussion with the Amish, that would be better for the Amish.
- Mr. Paradee: Mr. Chairman if I may just briefly respond; first I want to read briefly from the email that comes from Steven Wright at Del-DOT to our engineer confirms that sidewalks would not be required by Del-DOT under their regulations, so Del-DOT wouldn't require them here, but we are, I think, open to discussing with Staff, and working with Staff to try to negotiate if maybe a multimodal path of some sort would be an acceptable compromise. Likewise for the architectural standards, we understand the concerns that Commissioner Kaercher has expressed, and we don't want to see an unattractive product out here anymore than the residents or the travelers on Route 8 would, but it's a matter of degree, and cost, and frankly, when you don't have any objective standards in your code for us to be, with all due respect, at the whim and caprice of the Staff to say this is what we want. You're getting into an area of subjectivity, and I think, frankly, that infringes on being unenforceable because it is such a subjective thing. That said, I think we could sit down with your staff, and work out some architectural amenities that would be attractive, and helpful to address the concern. So I offer that, we're not trying to be unreasonable here we just need certainty, and I hope that helps.

- Ms. Kaercher: I have a question for Sarah; how could that be put in a motion, I mean would it be appropriate to put in a motion that the façade can be discussed with Planning? Can Planning, we don't want to put you in the middle either.
- Ms. Keifer: The question is; do you want Staff negotiating on your behalf after you've voted? I can say that Staff is not entirely comfortable being put in that position because we cannot speak for you.
- Mr. Paradee: Perhaps if I may, and I haven't talked to my client about this, but I appreciate Sarah's concern, maybe we could table the application for 30 days...
- Mr. Holmes: (Inaudible – no microphone)
- Mr. Paradee: I'm just trying to think of a way that we can address Sarah's concern to give the staff and the applicant an opportunity to talk.
- Mr. Paradee: Okay, so a couple of things; this is a Dollar General which is a national franchise, and they have a design package, and it is what it is, and if that can't be approved then they walk, so my client tells me, and he's not Dollar General he's a local developer, but if their architectural package can't be approved then they won't build the store there. So that's one, secondly, the engineer and my client have advised that the multimodal path will actually be more expensive than the sidewalk, and that they reminded me this is a Level 4 area, and Del-DOT wouldn't want either one according to Steven Wright, so unfortunately it appears that we are in a position of, we're not able to cut the baby in half so to speak.
- Ms. Kaercher: I respectfully ask you if it is a franchise, and they have their own set of designs why have we not, were you given any designs? Just one?
- Ms. Keifer: Just the one.
- Ms. Kaercher: So there is actually not a choice. There is one design for every Dollar, I don't think they all look the same.
- Ms. Keifer: Look on the screen, if you could. There are actually several, and I would remind the Commission that Wal-Mart told you the same thing.
- Ms. Kaercher: Yes they did, you are right.
- Mr. Paradee: Perhaps I should let my client speak to this because he would be able to speak more directly since he's had the communications with Dollar General, but my impression is that they have a design for this site, and they won't, if they don't get that design they won't do this site. It's true that they probably have different designs for different areas, so if you'd like to hear from Howard Crossan I can ask him to address that issue, and give you a little more.
- Mr. Peterman: I have a question for you concerning Senator Lawson's letter that says – After careful consideration I have come to the decision that a placement of a sidewalk on Route 8, Winding Creek Road will present safety concerns. To

prevent any safety hazards in this area sidewalks should not be installed. If you have any further questions please contact me. – Well you're his spokesperson tonight, I want to ask you; what kind of safety concerns is a sidewalk going to cause? With all the Amish kids on that road, and a windy creek road, and the houses back there, and the ones along Route 8, and the businesses. A sidewalk should be considered a very safe thing not a hazardous thing, it keeps them off the road. I want to know why you are saying that that would be a hazard.

Mr. Paradee: Both Mr. Crossan and our engineer Kevin Minnich can answer that.

In Favor

Howard Crossan
Developer

Mr. Crossan: The sidewalk issue; I've already agreed to put hitching posts in the site plan realizing that most of the Amish people will come by cart and horse. My concern, and I've had this numerous times in other municipalities; why build a sidewalk to nowhere? Nobody uses it, and if I do I've got some people that use it for skateboard, some people use it for other situations. Now if I was adjacent to a community that was reasonable, I've done it before, but when I've got two miles one way, and one mile the other way, and I got two creeks in between that's a situation on economics. That doesn't make sense. The other thing is; when I had a negotiation with Del-DOT I had to do substantial road improvements on Winding Creek Road, and my thing with Del-DOT was let's offset this guys because it's becoming uneconomical for a Dollar General. Del-DOT agreed with me, we agreed, and now I come back the County wants a sidewalk that Del-DOT doesn't even want.

Mr. Peterman: Did you ask the residents?

Mr. Crossan: No residents have spoken at any hearings, this has gone on for what two years. Rezoning, everything else. The architectural, yes I have built stores that don't look like the prototype, but in those areas the volume for the store has justified the increase cost in the architectural. Now I can tell you I do a performer with Dollar General, they do a sales estimate, I get a rent. The rent has to be based on the construction cost, and they're sales in this area don't justify doing architectural controls. Now I'm already going to have to build forest because of your landscaping ordinance. My landscaping is going to be somewhere around \$40,000. I don't have the money in the deal to do that, and build architectural treatments, okay, and I can tell you before I lose money I'll just walk away. That's the fact of life. Now Lloyd and David has spent a lot of money trying to get this store. I've spent money trying to get this store, and I'm not threatening anybody, but I'm not going to build a store and lose money. I have to serve rent factor, and when I had all the Del-DOT road improvements I went back to Dollar General, and I said – Okay guys here's what it's going to cost me. – And I had to go from a corner store to a D, okay, you guys don't know that. Corner store is a corner entry, bathroom is in one place, the mop sink is in another place. I got the septic system behind the store. I said - Okay, here's my increase in Del-DOT.- If you go to a D store which is, it's not a corner entry it's a side entry. My bathrooms are

here, my septic tank is here, okay, I can still make this deal happen. And they said –Okay we'll agree to that, but no more cost increase period. – So gentleman I'd love to bring you a store, I think the community would love to have a store, and I built these stores in a lot of communities where they love them, and they appreciate it, and they thank me when I'm done. But I cannot go into this and lose money, so I appreciate whatever consideration you have, thank you.

Mr. Kaercher: I still don't know what, is this what we received as to which doesn't help me a whole lot.

Ms. Keifer: It's going to look like your standard Dollar General. I would simply say, with respect to the sidewalk, I don't think this needs to be a point of contention if, and I understand that Del-DOT has its own regulations, the County also has its. I would also say that there actually is a planned community in that area that has yet to be constructed. Should the Commission wish, it might not be unreasonable to allow fee in lieu unless that fee in lieu is rejected by Del-DOT, and then you can waive the sidewalk. With respect to the architectural standards, all due respect to the economics of a project, this will be in your community long after the developer is gone, so the architectural standards that the Commission is contemplating you actually have used over the last ten years since we adopted the last comprehensive plan, so just for your consideration.

Mr. Davis: Well, you know, this is to me, comes down to just basic common sense. I agree with everything the gentleman said, there's times and places to put sidewalks, and there's times you ought to forget about it. It's common sense. No sense putting a sidewalk that doesn't go anywhere. I know it's a County issue, but I have mixed feelings on those sidewalks. I agree with everything you said about that. I too, have property that's owned by a franchise, and I understand exactly where he's coming from. They set up design, and that's what they want to build or he won't do it. I own a business, I own a property that's got a business, 25 year lease, and if I didn't build it, I was the one who built it, to they're standards I wouldn't have it today, and that's how companies operate. That's how he makes his money. We have to put a little bit of common sense in this thing. We talk about creating jobs all the time, I was going to ask how many people are going to be employed there, but it's not only the number of jobs that we create we're providing another service in a remote area, that's kind of a remote area. I think a store like that would be very well accepted by the Amish and other people. Sometimes I think we got to give, and we have to take a little bit. I support the issue about eliminating the sidewalk, it is a big expense, I thought he could do it cheaper, trying to compromise, that didn't work it backfired. I think we ought to do everything tonight we can to help this guy bring a business to Kent County, that's what we're about in this county. We need jobs, I don't care what you say we need jobs, and it's in an area that will accommodate those type of jobs, they have good stores I go to them myself because I'm tight, but I really hope this Commission will stop and think about what we're doing tonight to bring a business into the county. They're good people, and I would just hope that everybody would just stop and think for a second. Let's create businesses, and let's not drive them out of here. He's exactly right, exactly

on point, if I hadn't have built that building the way they wanted they would not be here today, so sir thank you for all your information you are right on point, thank you.

- Mr. Jester: I have no problem with what the gentleman said being a business man and all, I have my own business, the only thing I don't understand why you don't agree with the cross access easement that we give you because you are developing a great entrance off Winding Creek Road, and I know you would have to fight Del-DOT tooth and nail if you ever developed any other land out there on Route 8, and it just looks like to me it certainly would be a benefit of the landowner to expand that entrance so if he wanted to do additional development to the west across access easement, the roadway, things would already be in place, and it would cost a lot less money.
- Mr. Paradee: I don't know if Mr. Crossan or Mr. Minnich want to address that, but my understanding is that it would conflict, potentially, with the entrance plan that Del-DOT has already approved, and furthermore, it would interject additional traffic across our property that creates congestion, and safety issues. We don't know what's going to happen with the property to the west. It could be anything, but Del-DOT prefers the design we have over that.
- Mr. Jester: You know as well as I do Del-DOT limited entrances especially on a major collective road like Route 8, would probably be denied in the future if it had a way to get to it across another property. I certainly would like to hear your point of view sir.
- Mr. Crossan: Okay, I can address this; in our meeting with Del-DOT this whole issue came up, and if whenever the Sheats develop the rest of the property they'll have an entrance on Route 8, and they'll have to do de-excel left turns, everything else that they have to do, but nobody knows what it's going to be. I've had this issue come up in Kent County, Maryland, okay, a traffic consultant, and Dollar General both wrote extensive letters that they cannot take the liability of somebody coming across their parking lot that's not their customer to an adjacent property. It's a liability insurance issue that they have a problem with. The traffic consultant said – Okay, let's say that the adjacent property becomes residential, now I've got residential people going through a commercial lot.
- Mr. Jester: I know when they do decide to develop the rest of it like you have to do Winding Creek Road somebody else is going to put left turn lanes, and they're going to expand it with curb and gutter...
- Mr. Crossan: It will be a Del-DOT issue in the future, okay, I just have to deal with the lot that I'm buying, and that's a Dollar General lot.
- Mr. Jester: I just wanted to hear your point of view, and if you've already discussed it with Del-DOT, it's more clear to me right now. And I understand your business point of view about the other aspects because I'm not a supporter of sidewalks in that area myself either.

Mr. Crossan: When you have a lot of people going through your parking lot that aren't your customers it becomes a nightmare. Thank you very much.

Mr. Thornton: Okay, I might as well say something since everybody else has; I agree with the attorney, if in fact it is true, and I have not looked, but if something is in the TDR section it should only pertain to the TDR, and I don't really think it is fair to apply it anywhere else, and I would leave that to the County if in fact that that's not an accurate statement to fight that, but I don't think, it's not fair if we want these kinds of architectural standards like we have in the TDR section then we need to put it in the rest of the comprehensive plan, and now's the time to do that. We are, and I am pleased that Del-DOT held your feet to the fire, and is making you do all kinds of wonderful stuff because we're, in the past we've let people build stuff, and they haven't paid for infrastructure, and it's unsafe, and it's not good for us, and I am pleased that the County has held your feet to the fire, and you're going to pay this extra \$40,000 in landscaping which is really going to help, and it's going to help the environment, and it's going to help it fit in better, so I'm pleased with that too. Now as far as how it looks, that little picture that we were showing does not look like the picture in our plans it looks like it's a much longer building. Is it still going to have like the little cross hatchey stuff, and is it still going to have the (inaudible) on the top of it? Like the picture up there or is that totally different? It does look like a longer version of the picture you showed because this looks like a long thing.

Mr. Paradee: The schematic that Commissioner Kaercher had is what's proposed.

Mr. Crossan: This is what Planning has proposed, this, no.

Ms. Thornton: See that picture there looks like a barn.

Mr. Crossan: This is what Planning is recommending we do. No, basically it'll look like a, and if you've seen a Dollar General (Yeah), okay, it will look like a Dollar General not like this. That's why I can't do this because, first thing is that was probably a retro fit of some existing building. Somebody went on the internet, and pulled out a bunch of Dollar Generals, and said why can't you do this? Is that correct?

Ms. Keifer: Why wouldn't we go look at other illustrations of your company?

Mr. Crossan: They went on the internet, and pulled up a bunch of Dollar Generals, and said, no, that is not the prototypical plan. I don't want to table this to get you...

Ms. Thornton: I don't want to table it either, but you know, is there any way that you could make it look a little bit more barny like? Or rural or fit into...

Mr. Crossan: No, as I said before...

Ms. Thornton: With siding, and colors, and stuff?

Mr. Crossan: As I said before, okay, I can, this is split face block, okay, I can put brick on the front, cost me the same, but basically it's a pre-manufactured building that comes on a trailer. I just built the standard store in Westover, Maryland, and everybody comes to me and says – I like the store, I like the way it looks.

Mr. Holmes: (Inaudible – no microphone)

Mr. Crossan: That's a Family Dollar, but it's close.

Mr. Holmes: (Inaudible – no microphone)

Mr. Crossan: It's close.

Mr. Holmes: (Inaudible – no microphone)

Mr. Crossan: Yeah, it's close.

Mr. Holmes: (Inaudible – no microphone)

Ms. Keifer: I just wanted to clarify for Ms. Thornton; the TDR regulations are in there simply for illustrative purposes, we're fairly clear about that that's why it's call a recommendation, and it's already in the Comprehensive Plan, it's in the 2007, it's in the current one.

Ms. Thornton: So you disagree with what the attorney said.

Ms. Keifer: The foundation is there. I don't want anyone to think that we just made this up.

Ms. Thornton: Right, that's why I was asking because I don't have the plan in front of me. Okay, well, you can put brick on the front of it? You said you could put brick on the front of it?

Mr. Crossan: I'm sorry?

Ms. Thornton: Brick, brick look better or would it look more like a prison, or?

Mr. Crossan: My personal opinion, I like split block that is painted, a beige building.

Ms. Thornton: You did agree to the \$40,000 landscaping plan...

Mr. Crossan: Well yeah, it is already approved.

Ms. Thornton: And you do agree to a, what's it called Sarah? In lieu of fee so that when you need it...

Mr. Crossan: No I can't do that because we went to Del-DOT, and I tried to do a fee in lieu, and it's a Level 4, and they won't accept a fee in lieu.

- Ms. Keifer: Then we would just need clarification, we would need conformation from Del-DOT, and the landscaping, to be clear, is not a gift it's a code requirement.
- Mr. Crossan: But I'm telling you that's what it's going to cost me, okay, it's a code requirement, I fulfilled it.
- Mr. Holmes: (Inaudible – no microphone)
- Mr. Crossan: Okay, there are going to be four or five permanent jobs, and I told the governor of Maryland, Mr. Hogan, that...
- Mr. Holmes: (Inaudible – no microphone)
- Mr. Crossan: Yeah, I know, but same thing, every store I build is probably, if you count everybody, the air conditioning people, and everybody else that manufactures stuff it's 100 jobs. It's 40 construction jobs, okay, on site.
- Ms. Thornton: I think that you should work a little bit more with Staff and Del-DOT, and get more clarification, and I think we should really put this off.
- Mr. Peterman: They told us on the Board of Adjustment that there was going to be five jobs there, and they're building this with the anticipation of being up to 200 customers a day so they're not going to need more than five people...
- Mr. Holmes: (Inaudible – no microphone)

On a motion made by Ms. Thornton and seconded by Ms. Kaercher, the Regional Planning Commission voted to **table** application S-18-01 until September to give the Staff, Del-DOT, and the builder a chance to see what can be done within the builder's budget.

Mr. Peterman: I vote yes to table.

Ms. Thornton: Yes per my motion.

Ms. Kaercher: Yes per the motion.

Mr. Spanarelli: Yes per the motion

Mr. Davis: Alright let's get something straight, are we voting to table this thing or what? (Yes) Absolutely no, I think that is the most ridiculous thing I ever heard. Got a business in this County that wants to get started, and we want to table it, make it difficult for them because we've got some concerns or we think we know it all, this is not right. They come in here, made a great presentation, we're going to make them wait until September because we're not going to meet next month, and that's critical time not doing construction, and I can't believe this Commission has got the nerve to do something like this because you don't like this or you don't like that. We should have made the amendments here tonight, and got it over with. Either voted up or voted down, and let that guy and his people go home, and work these things out. I'm not voting for this at all, I'm really upset about this.

Mr. Jester: No, no to table it because the motions could have been modified tonight. The gentleman is a great businessman, and the Sheats gentlemen are both great people for the neighborhood, and it would have been a great advantage to move forth with this.

Mr. Holmes: No (Inaudible – no microphone).

The Commission voted 4 yeas 3 nays to **table** application S-18-01 until September.

Mr. Paradee: Thank you Mr. Chairman, just for the record I'll let you know we'll be out of contract by September, so this kills the project unless the Commission would reconsider the project won't happen. Thank you for your time.

Mr. Davis: Mr. Chairman, just lost a business, and I guess this can't be reconsidered. Is that right councilor? Can we take another vote on it since it's been passed?

Mr. Eliassen: It's on the table, it can be taken off the table I suppose.

On a motion made by Ms. Thornton and seconded by Mr. Jester, the Regional Planning Commission votes to **lift** application S-18-01 off the table.

Mr. Peterman: What are we going to change? This isn't only about the sidewalk is it? Let me ask Mr. Davis this; what is this about? It's a prefab building, and we're going to have a block right front, whatever, on it, and I'm not against that, but I'm just saying this about the sidewalk for me; it doesn't mean that they're not going to have other buildings down the road on Route 8, and say you have to have a sidewalk, eventually these things are going to connect. Dover is connecting with Frederica, Frederica is connecting with Milford. I think we need to look down the road on that part also, that they are going to say – Well wasn't the code when we got this so we don't have to have a sidewalk.- There is a lot more people walking, there is a lot more elderly people that are walking, there's a lot more people riding bicycles. I think we really seriously need to make them as safe as possible, and I don't believe in no way that telling them that they have to have a sidewalk is going to cancel that project. I can't see it. I'm not trying to be out of character, out of site or anything...

Mr. Holmes; We have a motion on the floor.

Polling Commission

Mr. Peterman: I vote yes to take it off the table.

Ms. Thornton: Yes per my motion

Ms. Kaercher: I'll vote yes (inaudible – no microphone).

Mr. Spanarelli: Yes.

Mr. Davis: Yes.

Mr. Jester: Yes per my second.

Mr. Holmes: Yes.

The Commission voted unanimously to **lift** application S-18-01 from the table.

Mr. Davis: I respect Commissioner Peterman's opinion, but I don't agree with him. This is rural area, and this is an area that you have a lot of Amish people, you have a lot of transit traffic from Maryland to Delaware, and I've never been a big supporter of these sidewalks when they don't go anywhere, and I can site ten places. I think it's inappropriate, and I think it's an expense to the contractor, and I totally disagree with him. There's other places when they have connectivity I agree with it. There's no connectivity here. We're trying to anticipate what is going to happen 20 years down the road, and I don't think that's right. I don't think you should hold a developer hostage because what you think may or may not happen 20 years down the road. I just think that is inappropriate. One of the issues is the sidewalk, I don't support the sidewalk being there. I think Mr. Paradee, if I'm correct, when I asked him about which ones he's, about the waiver of the sidewalk is number A, I mentioned B, and I think D, and D is the stickler, I think is what the Commission is talking about, about the architectural design. We're sitting up here trying to conduct ourselves as architects, there's not a one of us qualified to discuss that. The only thing that we can talk about is what we read or someone tells us. There are certain times that you put certain things here, and there are certain times, all houses are not white and green, there's a mixture, and there's diversity. That's what makes a good looking neighborhood. Stores do the same thing, Wal-Mart in Smyrna is different than down in Camden, you know that, it's entirely different, it's a rural setting. Camden is close to municipality. These companies design these things for particular reasons to have the esthetics of the surrounding area, and I just don't think that we should be getting hung up on trying to tell somebody to bring their business in this County how they should look, we're not paying for it. It's a costly project to do this whole thing. He has to deal with De-DOT, and I just think it is awful if we don't approve this tonight, and work this thing out amongst us friendly, which I think we can, and there is going to be people disagree with me, and I respect that, I always respect somebody's opinion, but I really think we got to look at this from an economic development thing, and the service of that community. I don't know what the closest store is out there, to be honest with you, have something similar to this that you deal business with, but I know it's an asset to Kent County, I know it's an asset to those people. What do you talk about when you talk about the quality of life in the State of Delaware? They want people living in developments where there are stores close by so they won't have to travel, and have admissions up in the air, fumes, and things like this. It's just a small, small, minute thing. Here's a business that you're not going to have to come to Dover and get something, you just drive down the road and get it or take the horse and buggy, and go down there and get it. So there are a lot of things I think we need to factor in, and that's how I feel, I really strongly about this, and so, you guys don't want to do it I'm not going

to go home mad about it, I'm going to go home very disappointed that you don't believe in economic development like I do, thank you.

Mr. Spanarelli: The sidewalks I don't care about, as I said, and B the problem I have I can't picture this building in my mind because nobody showed me something that makes some sense, and that's the part that I have a problem with. Everything else I agree with, and that's the only hang up that I do have is what's the building going to look like, period.

Ms. Kaercher: I want to add on to that, and I understand what you are saying because I agree with you. The thing that is similar that comes to my mind are McDonald's, over the years. Just because something is done some way for many years doesn't mean it was the right way to do it or that there isn't a better way to do it today. I have been to different cities where the McDonald's fit in with the city or the country, countryside. They are different yet they are still the same, you know it's a McDonalds, but they are different, they blend in better. Just because the Dollar Generals are a certain way, in maybe most of Delaware, I'm sure they're not the same in all of Delaware, I don't think that's an excuse for putting something that really honestly, to my mind, going to fit on that rural Route 8. Maybe it fits into the center of a city, but to me it just doesn't fit into 8. Yes I'm appreciating the difference in cost, but that's for that company to deal with whereas once it's up it's up, for what 40 years? So that's for the community to deal with, so that's my concern. When one thing goes up that isn't really appropriately appearing for an area then more will come that are just like that, and it's just the beginning of what I would consider inappropriate appearance on Route 8.

Mr. Peterman: I understand what Mr. Davis is saying, I can appreciate what he's saying about the business, about the employment, about him being a businessman and all, I can appreciate that very much. I see the Dollar store down on Governors Avenue looks completely different from the one in Hartly, and the one in Cheswold, and things like that, like I was saying one of them looks like a box, and the other one has a nice front. We don't get a good visual of this thing, and I need a good visual of it to see that, and we have never got it, and I honestly, and earnestly believe in my heart that these sidewalks are going to connect just like dots, but I just honestly believe that we need to do that, and start that now for the County's sake. I believe they can come up with a solution for that if they would just speak it, and they could get my vote.

Ms. Thornton: I have one more thing. I agree with what everybody else says too, and I agree that business is good, and I agree it's really going to help to have something people don't have to drive so far, and it's good for everybody, however, the sidewalks are part of our Comprehensive Plan, and they make sense because you do have to look at the future, and our Kent County has said they want bike able, walkable, you know, environment, so I am not willing to waive the sidewalk. I am willing to accept a fee in lieu of the sidewalk, and it seemed the attorney was willing to do it, but then the developer said – No, that was a deal breaker – so that's why I thought we could table it. I am not willing to vote yes for this like that. The landscaping is part of it, and the sidewalks and landscaping, and those costs should have

been included in the planning for this particular building, and not come up here one month before their contract runs out, and hold us hostage.

Mr. Crossan: Can I address what you just said? I'd be happy to do a fee in lieu with Del-DOT. My problem is Del-DOT, to this day, won't accept it. I'd be happy to give you an easement for a sidewalk, but what I've got from Del-DOT is it's a Level 4, and they won't accept a fee in lieu. I'm in a box.

Ms. Thornton: What if we approve it with a condition, here's the thing, I'd like you to have your project tonight, I know Mr. Davis would like the project to be tonight, but I'm just not going to vote yes for it without the in lieu sidewalk, and you're saying Del-DOT won't do the sidewalk, so how can we have, you get the vote you want, move forward with the project, and us get the fee in lieu of the sidewalk that we want.

Mr. Crossan: Okay, here's what I propose; Since Del-DOT won't do it, I'll do an easement for a future sidewalk. I'll show the future sidewalk, I'll give the County \$8,000.00 for the sidewalk, and that's basically what a fee in lieu would be for Del-DOT.

Mr. Davis: I'd just like to make a statement, and remind you I've been here a long time; we've set precedent about this sidewalk before, you know, it's not been yes, yes, yes, yes, you got to do it. We have set precedent, and we've made waivers, and I've seen it long enough I can think about every one of them, I've been here like 13 or 14 years. We've done this before this is nothing new, we're trying to bring a business in here. The County, this Planning Commission has set several precedents on this same issue that we deal with all the time, the sidewalks. It's been done in the past, it's never been challenged in court, and I think we ought to do it tonight, and let these people get rolling here.

Mr. Crossan: To answer my hesitance, why get into a sidewalk with Del-DOT, I give in to ADA, I give in to their inspectors, I give in to ramps going across Winding Creek Road, up the other road, all the way over, de-excel ramps, everything else. That sidewalk, okay, if I had to put it in on Route 8 is going to be about a \$35,000.00 item. I'm already doing it in Delaware other places. I'll do the easement, I'll give the County eight grand, which is the fee in lieu for Del-DOT, I just don't want to have to deal with De-DOT again because I had extensive negotiations with Del-DOT on Winding Creek Road, and I had to redo that road. When Senator Lawson was there, the Deputy Secretary was there, and we came to an agreement, okay, I don't want to have to go back in to Del-DOT, and deal with them again on an issue that I know is going to get very complicated, and very expensive.

Mr. Jester: I have one question; we've hit on all these bullets, we've hit on all these statements many a time, but we've never talked about the sign.

Mr. Crossan: The monument sign is fine.

Mr. Jester: You're okay with that.

Mr. Crossan; I'm good, it's not your ordinance, but I'll do that. That is the least of my issues.

Mr. Peterman: Is he allowed to put \$8,000.00 aside to make that deal? I mean can that be in the motion? Is that...okay.

Ms. Keifer; The sign is in the motion.

Mr. Peterman: I just wanted to make sure it was legal because I'd like to see him go on with the project too.

Mr. Crossan: I want to ask Sarah here because I've got a complete landscaping plan that has buffers everywhere, and I've got code with buffers, and if I give you an easement for a sidewalk I don't want to have to go back and do a landscaping plan again.

Mr. Peterman: You wouldn't have to with the sidewalk because I've seen your landscaping..

Mr. Crossan: Well no she doesn't...

Ms. Keifer: (Inaudible) landscaping with the easement, that solves that problem.

Mr. Crossan: Excuse me?

Ms. Keifer: You don't impede...

Mr. Crossan: Yeah, but if I create an easement now I got a buffer outside that easement, do I create more problems for myself?

Ms. Keifer: This is your suggestion sir not ours. My suggestion...

Mr. Crossan: Okay then I withdraw it because if I have to go back, and redo my site plan again, and redo everything again, I withdraw it.

Ms. Keifer: These things really ought to be worked out before we get to the meeting, with all due respect. If you look up on the screen, that's the landscaping plan. Perhaps Kevin can speak to whether there is enough space to put an easement in throughout that landscaping design. The other alternative should, again, should the Commission wish. Don't grant the waivers simply call for a fee in lieu unless Del-DOT provides conformation that they would prefer not to have the fee in lieu, then the sidewalk is effectively eliminated.

Mr. Crossan: I've got an email from Del-DOT that says we will not take a fee in lieu because it's level 4.

Ms. Keifer; Again, that's why it would have been much, much better to give all of this to staff ahead of time, but we're happy to take a look at it.

Mr. Crossan: Well, there have been issues all throughout this project, and we know it, and I know it, and I'm trying to work with everybody, okay, I just want to make sure that if I do what you want, doesn't come back and bite me because. I

just want to make sure it doesn't bite me because first thing is setbacks and easement, I don't have to do setbacks for an easement. If I grant you an easement, that's an easement.

Ms. Keifer; You are not granting us an easement, you would be granting Del-DOT an easement. I believe the Commission is ready to take action.

On a motion made by Mr. Jester and seconded by Mr. Davis, the Regional Planning Commission grant **conditional approval** of application S-18-01, Dollar General Forrest Ave., a site plan for a retail store located outside of the Growth Zone Overlay District. This is based on Exhibit A – Staff Recommendation Report dated July 12, 2018 and the findings of fact that:

- a. The site is zoned BN (Neighborhood Business) in which variety stores are permitted uses per Section 205-139 Permitted Uses;
- b. The plan is compliant with the Comprehensive Plan.

Pursuant to Chapters 187 and 205 of the Kent County Code and pursuant to 9Del. C. §4802 and §4811, the Commission has reviewed the application and the July 12, 2018 Staff Recommendation Report, and furthermore as part of this approval, the applicant shall maintain compliance with all requirements and recommendations of the Staff Recommendation Report including but not limited to:

- a. The waiver from §187-60, Sidewalks requiring frontage and internal access streets is approved, but could be supplemented with a fee in kind if accepted by Del-DOT.
- b. The applicant shall be limited to one detached sign and it shall be built of the monument style to be setback at least 5 ft. from the front property line. The top of the sign should not be taller than 6 ft. above grade and have a maximum size of 32 sq. ft. Detached signage shall remain static in nature (no electronic variable signage permitted).
- c. The applicant shall incorporate additional architectural features if financially feasible from the actual design that he has presented tonight. If that is not feasible then the building shall look as it comes to the site which is a standardized building for the Dollar store franchise.
- d. A final plan must be approved within 18 months of preliminary plan approval and construction shall commence within 18 months of final plan approval in accordance with §187-41.C or the plan will be considered expired.
- e. The final plan must meet all requirements of both §187 and §205 of the Kent County Code and all items in the final plan column of Appendix D of §187.

Mr. Holmes: Wait a minute now, we have a motion to approve, and a second. We're going to have discussion but before we discuss I want to check with our attorney and make sure that sounds okay.

Mr. Eliassen: Well, as to the architectural features, that's pretty ephemeral, shall we say, it's in the motion. I'm not sure it's going to last that long, and I just mention that to you, there's a...

- Mr. Jester: Is there a recommendation other than how I spoke it out? (No) Because I'm just a plain ole farm boy from Harrington.
- Mr. Eliassen: It's a perfectly legitimate motion, but I just point out that the architectural features probably are not going to be as robust as the Staff intended. I think you all know that.
- Mr. Jester: Right, and he did talk about the brick design, and how it would look from the road of Winding Ridge, so that's the best I could put it in there.
- Mr. Holmes: (Inaudible – no microphone)
- Ms. Thornton: I do. I believe that the motion as made, and I agree with the architectural part, I'm okay because that's a beautiful little landscape plan. Nobody is going to see the building from the side of the road, anyway, it's going to be beautiful, however, it seems though, the way the sidewalk part was read, it seems to me, it's a no sidewalk, and if we approve it it will be no sidewalk, and no waiver. If that's what you meant then we can vote on it, but if it's not what you meant then I recommend that you reword that part of your motion.
- Mr. Jester: My motion read that we would waive the sidewalk, but as in fee, as our attorney explained that if that was not applicable through Del-DOT then that would also not come about.
- Mr. Eliassen: That was very clear.
- Ms. Thornton: Well, I would think that we would say that we are not waiving the sidewalk unless Del-DOT comes back and says they will not support it. In other words, unless Del-DOT confirms exactly what he just told us which he says that they will in which case it will end up as a no sidewalk, but ...
- Mr. Jester: That is not my motion, my motion was as stated, and I meant it as I said it.
- Mr. Paradee: If it helps, I would offer that should Del-DOT not be willing to accept the fee in lieu as Mr. Crossan indicated he would be willing to pay that to the County, if Del-DOT would not accept it.
- Mr. Jester: Can that be done?
- Ms. Keifer: No, we don't build sidewalks, it would make no sense to give that to the County.
- Mr. Jester: My motion stays as presented.

Polling Commission

- Mr. Peterman: I vote to deny.
- Ms. Keifer: So you are voting no? (Correct)
- Ms. Thornton: I am voting no to the motion because of the wording of the sidewalk part of it. I think we should try to have a sidewalk only if Del-DOT says no as opposed to the opposite way around.

Ms. Kaercher: I vote no (inaudible – no microphone) something needs to be there. I'm sorry, I vote no. I think this 45 minute discussion is proof, if nothing else, that this application was not ready to come in front of us, and I still don't feel I have enough information. I'm still very unclear about the whole façade. I don't think that what I received is enough, I do know the two bottom parts of the façade look like quasan huts to me. It's just proof that we needed more time because we didn't have enough information, so I vote no.

Mr. Spanarelli: I vote yes for the motion.

Mr. Davis: I vote yes for the motion.

Mr. Jester: I vote yes for the motion because my wife has already built two of these stores I think.

Mr. Holmes: I feel that we (inaudible – no microphone) have enough information on both sides, but (inaudible – no microphone).

The Commission voted 4 yeas 3 nays to grant **conditional approval** of S-18-01.

Mr. Davis: Before we go to the next application I do agree with Commissioner Kaercher, in the future these things, particularly that drawing, I know Mr. Spanarelli had an issue about what it's going to look like, that's a fair question, so maybe Sarah in the future.

Ms. Keifer: It was included in your packet.

Mr. Davis: I didn't get it.

Ms. Keifer: It was included in your packets, we also projected it on the screen. It is not incomplete. We can look at your packet...

Mr. Davis: We saw the shell, but we didn't see the outside what we saw on the screen.

Ms. Keifer: That's exactly what they submitted as architectural.

Mr. Davis: But did you have that in the package?

Ms. Keifer: Yes.

Mr. Davis: Bill did you have it?

Ms. Keifer: It is exceptionally plain.

Mr. Davis: Okay, let's move on, and next time we'll do better.

S-18-03 Spring Meadow Corporate: Request Site Plan approval of the construction of a 9,100 sq. ft. Office Building located inside the Growth Zone Overlay District.

Application / Title	:	S-18-03 Spring Meadow Corporate
Applicant/ Engineer	:	Karins and Assoc. c/o Clifford O. Mitchell 17 Polly Drummond Center

Newark, DE 19711

Owner : NAA, LLC
c/o Ken Kershaw
761 Gum Bush Rd.
Townsend, DE 19734

**Present Comprehensive
Plan Map Designation** : Neighborhood Commercial

Present Zoning District : BN (Neighborhood Business)

Relation to Growth Zone : Inside

Present Use : Vacant

Proposed Use : Office Building

Proposed Building Size : 9,100 sq. ft.

Number of parking spaces : Required: 46
Proposed: 49

Number of loading spaces : Required: 1
Proposed: 1

Water : Artesian Water Company

Sewer : Kent County

Levy Court District : 1st – Banta

School District : Smyrna

Fire District : Smyrna

Area and Location : 1.84 ± acres located on the east side
of S. Dupont Blvd. (US Rt. 13), approx.
850 ft. south of Spring Meadow Dr.,
south of Smyrna

Property Identification Number : DC-00-037.00-01-07.00-00001

In Favor

Roger Stanley
Karins and Assoc.

Mr. Stanley: I'm with Karins and Associates, and we are a part of this process here. It's a proposed office building, single story, and I believe everyone has the architectural in color. I'm not here to take up too much of your time, just to answer questions.

Mr. Holmes: (Inaudible – no microphone).

Mr. Stanley: Yes.

Mr. Holmes: Everything okay.

Mr. Holmes: You have an architectural drawing of the building. A lot different than the last application.

On a motion made by Mr. Davis and seconded by Ms. Kaercher, the Regional Planning Commission grant **conditional approval** of application S-18-03, Spring Meadow Corporate, a site plan for an office building located inside of the Growth Zone Overlay District. This is based on Exhibit A – Staff Recommendation Report dated July 12, 2018 and the findings of fact that:

- a. The site is zoned BN (Neighborhood Business) in which a professional offices are permitted uses per Section 205-139 Permitted Uses;
- b. The plan is compliant with the Comprehensive Plan.

Pursuant to Chapters 187 and 205 of the Kent County Code and pursuant to 9Del. C. §4802 and §4811, the Commission has reviewed the application and the July 12, 2018 Staff Recommendation Report, and furthermore as part of this approval, the applicant shall maintain compliance with all requirements and recommendations of the Staff Recommendation Report including but not limited to:

- a. The applicant shall be allowed a detached sign built in the monument style and built of stone. The sign should be no more than 32 sq. ft. in size, be no higher than 6' from grade, and be located no closer than 5' to the front property line.
- b. The applicant shall incorporate additional architectural features on the sides of the building visible to the street. This would include features on the north, west, and south sides of the building since both side portions of the building will be visible to passing traffic on Rt. 13. The applicant shall use multiple-facade materials as well as the general roof shape, ridge and eave heights include durable exterior surface materials that complement and are visually compatible with the color, texture, size, and scale of exterior materials reflected on existing buildings in the vicinity. The building shall be compatible with the design of the Spring Meadow subdivision clubhouse.
- c. The applicant shall plant native trees, shrubs, or vegetation other than a mowed lawn within 100' of the wetlands. This would include the replacement of three non-native trees (Norway Maple, Callery Pear, and Japanese Cherry).
- d. A final plan must be approved within 18 months of preliminary plan approval and construction shall commence within 18 months of final plan approval in accordance with §187-41.C or the plan will be considered expired.
- e. The final plan must meet all requirements of both §187 and §205 of the Kent County Code and all items in the final plan column of Appendix D of §187.

Mr. Peterman: I vote yes to approve based on conversation, and County recommendations.

Ms. Thornton: I vote yes, but I'd like to know why the, later, I'd like to know why the County is (inaudible), over never mind, I vote yes it's a wonderful project.

Ms. Kaercher: Yes, I live in that area, and I think it's going to fit in very well there with the over 55 development that's right near mine. I think it's a good location.

Mr. Spanarelli: Yes for the motion.

Mr. Davis: Yes for the motion.

Mr. Jester: Yes for all reasons given in the motion.

Mr. Holmes: Yes for all reasons given.

The Commission voted unanimously in favor of granting conditional approval of application S-18-03.

S-18-04 Felton Country Cupboard: Request Site Plan approval for the addition of gas pumps to an existing convenience store located outside of the Growth Zone Overlay District.

In Favor

Michaelena Hayes
Millbrook Engineering

Ms. Hayes: I represent the Felton Country Cupboard for the land development to add six vehicle fueling positions; three gas pumps to the site. There is an existing convenience store and deli as well as a dollar store that's on the site, and they are proposing gas pumps, and the infrastructure required to have access and traffic through the site to support that. And we are in agreement with the Staff's recommendations.

Mr. Jester: Well, being it's a place I go quite often with my coffee breaks and everything else, are you doing any additional as far as the firefighting capabilities for the gas pumps being installed because you're moving all the parking spaces to the other side of the building I can see that.

Ms. Hayes: The site plan has been approved by the State Fire Marshall's office, that's in reference to accessibility for the fire trucks to be able to maneuver through the site which in its current condition would be difficult because the parking right now doesn't allow, if the site were full, it doesn't allow for accessibility throughout the current parking. As far as the gas pumps themselves they of course will comply with all the laws that they are required to, however that isn't the subject of our plan because we don't get the permitting for the gas pumps.

- Mr. Jester: Okay, thank you very much, and I do like the new traffic pattern it's much safer than where you pull out there now, and all the garbage trucks try to run over you.
- Ms. Kaercher: I'm assuming that the sidewalk, agreeing to the waiver is because all it is adding the pumps, and it's not a new...
- Ms. Keifer: It is just adding the pumps, it also in not on Route 8. There is little to no likelihood of additional development around it as opposed to the previous application.
- Ms. Kaercher: Okay, that makes sense.
- Ms. Hayes: We additionally provided the verification from Del-DOT on that subject.
- Ms. Thornton: You additionally provided the verification?
- Mr. Holmes: (Inaudible – no microphone)

On a motion made by Mr. Jester and seconded by Ms. Kaercher, the Regional Planning Commission grant **conditional approval** of application S-18-04, Felton Country Cupboard, a site plan for a convenience store with gas pumps located outside of the Growth Zone Overlay District. This is based on Exhibit A – Staff Recommendation Report dated July 12, 2018 and the findings of fact that:

- a. The site is zoned BG (General Business) in which a gas stations are permitted uses per Section 205-169 Permitted Uses;
- b. The plan is compliant with the Comprehensive Plan.

Pursuant to Chapters 187 and 205 of the Kent County Code and pursuant to 9Del. C. §4802 and §4811, the Commission has reviewed the application and the July 12, 2018 Staff Recommendation Report, and furthermore as part of this approval, the applicant shall maintain compliance with all requirements and recommendations of the Staff Recommendation Report including but not limited to:

- a. The waiver from §187-60, Sidewalks requiring frontage and internal access sidewalks is **approved**.
- b. All state and/or local licenses or permits for such use have been obtained, and the pumps are installed so as to meet the requirements of the Fire Prevention Code of the National Board of Fire Underwriters.
- c. Tanks shall be equipped with a leak detection device that complies with Delaware Department of Natural Resources and Environmental Control Regulations.
- d. A final plan must be approved within 18 months of preliminary plan approval and construction shall commence within 18 months of final plan approval in accordance with §187-41.C or the plan will be considered expired.
- e. The final plan must meet all requirements of both §187 and §205 of the Kent County Code and all items in the final plan column of Appendix D of §187.

Mr. Peterman: I vote yes to approve by reasons of the maker of the motion, and there is no opposition.

Ms. Thornton: It is in accordance with the Comprehensive Plan including the sidewalk waiver, so I vote yes.

Ms. Kaercher: Yes.

Mr. Spanarelli: Yes per the plan.

Mr. Davis: Yes per the motion.

Mr. Jester: Yes for all reasons given in my motion, bring on the scrapple sandwiches.

Mr. Holmes: Yes for all reasons given.

The Commission voted unanimously in favor of granting **conditional approval** of application S-18-04

S-17-03 (Rev) IG Burton New Chrysler Building: Request reconsideration of a buffer waiver for the redevelopment of an Automobile Dealership located inside the Growth Zone Overlay District.

In Favor

Tim Metzner

Davis Bowen & Fridel

Mr. Metzner: What we are here tonight to do is, actually I'm here on behalf of the owners of Acorn Chrysler, LLC. We're requesting an amendment as in the Staff Recommendation to the previous approval to eliminate the landscape buffer on the west side, and substitute that with a six foot tall vinyl privacy fence, and the reason for this is there's an existing drainage easement, recorded drainage easement, prior to this site plan along the western side there, and the only portion that could be planted is a small triangle just to the top right of that hatched area, just go to the left a little bit, yup right there, it's even smaller than that. For the entire frontage there is an existing drainage usually runs up to here, and then the existing storm pond extends down along the property line down here. This portion right here was required to provide a swale in order to not drain the site off onto the adjacent property owners, so therefore Conservation District would not permit us to plant that vegetative buffer in these areas, and also where the proposed swale is, so our only portion of area that we're able to landscape or to do that buffer would be this little portion right here, so instead of just buffering the small area right here we are proposing to put the vinyl fence from the existing woodland area here, follow that all the way to the other existing woodland area, so we're actually increasing the opaque buffer.

Ms. Thornton: I'm sorry. If we take out something that directs the water, and you replace it with just, like, a chain link fence with plastic on it how does that direct the water, how does that keep the water from going into the neighboring property? I'm sure it must or they wouldn't have approved it, but.

Mr. Metzner: Right, so the swale that we have to create between our property line and the parking is going to divert the water from going onto the adjacent property.

Ms. Thornton: So the swale remains?

Mr. Metzner: The swale remains, yes.

Ms. Thornton: So you are just adding the opaque to replace the trees?

Mr. Metzner: That's correct.

On a motion made by Ms. Kaercher and seconded by Mr. Peterman, the Regional Planning Commission grant **approval** of the planted buffer waiver request for application S-17-03, IG Burton New Chrysler Building, a site plan for auto sales located inside of the Growth Zone Overlay District. This is based on Memorandum dated July 5, 2018 and the findings of fact that:

- a. The 6' high white vinyl fence will adequately screen the adjacent residential uses. This is permissible as an opaque barrier per Chapter 205, Section 224, Item A(3).
- b. The stormwater management system will be hindered by the planting of the buffer trees.
- c. The plan is compliant with the Comprehensive Plan

Mr. Peterman: I agree with the County and the maker of the motion, I vote yes to accept.

Ms. Thornton: Yes, it's in accordance with the Comprehensive Plan.

Ms. Kaercher: Yes per the motion.

Mr. Spanarelli: Yes per the motion.

Mr. Davis: Yes for the motion.

Mr. Jester: Yes for all reasons given.

Mr. Holmes: Yes for the motion.

The Commission voted unanimously to grant **approval** of the requested waiver.

Ordinance LC18-08: An Ordinance adopting the 2018 Kent County Comprehensive Plan, including all associated maps.

Mr. Peterman: Excellent job.

Mr. Davis: I would just like to compliment them also, Sarah is the Director, and her staff has worked very, very hard, and I know sometimes we get up here, and we get tangled up in these little issues, but at the end of the day the ordinance is pretty well done, and the Comprehensive Plan is, I know there is a lot of thought put in this. I didn't go to the meetings because I was busy, but I do read the Plan, and I talked to some other people that attended meetings, and to you Sarah you do a commendable job on this and your staff, and I'd like for you to pass that on from the Planning Commission that we appreciate the hard work. It's a difficult task, when you deal with the public, and all these issues that we deal with, times are changing, you did a great job, and thank you very much.

Mr. Jester: I remember the last Comprehensive Plan, I remember the beat up times, and the many hours and hours, I think the chicken did it this time. But Kris wearing it, was no doubt about it when you put a chicken in front of all these farm people, and all like myself, there was no problem. But once again, I thank you too, I mean, we might beat heads once in a while and all, but you do do a great job.

Ms. Kaercher: I just want to say that that one map with sea level rise scares the bejeeves out of me. I mean and I'm serious.

Ms. Keifer: I do want to point out that at the last minute State Planning asked for some minor revisions, in an effort to keep them happy so that this plan gets certified we have put in front of the Commission an amendment. The most recent changes; they asked us to change the title on a map. And again, in an effort to keep the peace we are doing that.

On a motion made by Ms. Kaercher and seconded by Mr. Jester, the Regional Planning Commission grant **approval** of "Amendment 1" to ordinance LC18-08, 2018 Comprehensive Plan. This is based on the findings of fact that:

- a. This amendment was written to satisfy the comments from DNREC on Chapter 5 of the Comprehensive Plan.

And:

On a motion made by Ms. Kaercher and seconded by Mr. Jester, the Regional Planning Commission grant **approval** of ordinance LC18-08, 2018 Comprehensive Plan. This is based on the findings of fact that:

- a. **WHEREAS**, 9 Del. C. §4960 requires Kent County to update its Comprehensive Plan every ten (10) years; and
- b. **WHEREAS**, the Kent County Department of Planning Services per 9 Del. C. §4953, in consultation with State and local agencies and private citizens representing varied interests developed the 2018 Comprehensive Plan; and
- c. **WHEREAS**, a new Comprehensive Plan has been developed per 9 Del. C. §4956, building upon the 1988 Comprehensive Plan, 1996 Comprehensive Plan, 2002 Comprehensive Plan, and 2008 Comprehensive Plan as well as

incorporating the elements and policy recommendations required by 9 Del. C. §4958; and

- d. **WHEREAS**, the new Comprehensive Plan has been reviewed by the Cabinet Committee on State Planning Issues; and
- e. **WHEREAS**, the Kent County Levy Court has determined that the provisions of the Comprehensive Plan substantially advance, and are reasonably and rationally related to, legitimate government interests including promoting the health, safety, morals, convenience, order, prosperity, and/or welfare of the present and future inhabitants of this State; and
- f. **WHEREAS**, the 2018 Kent County Comprehensive Plan draft document, including all associated maps, dated May 25, 2018, is available for public inspection on the County website (<http://kclevy.co.kent.de.us/planning-dept/planning/comprehensive-plan.aspx>), from Public Access Terminals located at the County Administrative Complex, and at the Department of Planning Services. In addition, the document is available on CD-ROM upon request.

Mr. Peterman: Yes to approve.

Ms. Thornton: Yes.

Ms. Kaercher: Yes.

Mr. Spanarelli: Yes per the motion, and thank you Sarah for all the hard work.

Mr. Davis: Yes per the motion.

Mr. Jester: Yes.

Mr. Holmes: Yes, thank you for everything.

The Commission voted unanimously to recommend **approval** of ordinance LC-18-08 Adopting the Comprehensive Plan.

The annual RPC dinner and Election of officers were decided to be held together at a later date.

Public Comments

None

Commissioner Comments

Mr. Davis thanked the Commission for being open minded, putting the application back on the table tonight, and having a healthy debate without hard feelings. Mr. Peterman agreed. Ms. Thornton gave her opinion about the application that was tabled, and their job as a Commission.

Mr. Jester: I've already talked to Jason about this; I've received numerous calls in my consultant business this week, I guess FEMA on the 20th of June of this year has changed the flood maps, and I've got all kinds of calls because places that used to

be out of the flood are now in the flood, and three of them I really felt sorry for because they've been living there 20 years but they still have a mortgage on their property, and they all brought me the same type of letter stating from their bank that they were now being forced to have flood insurance, the average was about \$4,000.00. The only thing I say that it could impact is when we used to do flood certificates, and I haven't done one for a couple of years now, LOMA, if they had outside infrastructure like air conditioning units, if they were in a flood plain you actually had to arrive at that flood elevation, and elevate those units up, so I don't know what's going to happen with these developments, and numerous locations that are impacted especially out my way west of Felton, and west of Harrington. Those places are all something, and as Jason has explained it to me very well, and I don't remember it, but they sent out paperwork actually asking people to comment on these particular changes, but it's just like anything in human nature you usually don't comment on something until it affects you, so now when you see these I'd certainly encourage this Commission, they can go on line too, I guess there's no way we can look at what the flood plain was can we? On your maps anyway with the county, but I know what they are now, I know like on my farm I had no flood zone at all on my farm, and now about 60% of 170 acre field is in the flood. That was approved for a building lot, and I was hoping my grandkids would live there someday. I don't know what we are going through, I think it's quite an impact, it's not the County's fault, but I think you are going to hear a lot about it at your desk, you are going to have to back it up. I keep getting the calls because these flood certificates now, it used to be we did them for a nominal fee like less than \$500.00, but now it's a multipage application that includes all kinds of pictures, and the average one I priced this week it will cost you around \$2,500.00 to try to get out of that flood plain.

Ms. Kaercher: I have a question; subdivisions that either haven't started building or they are just barely started, what will that do to them?

Ms. Keifer: The lots can still exist, when they build they would have to elevate, and the new maps Bill is referencing FEMA spent the last several years doing specific studies in specific areas of the County. Generally in the western part of the County, so where you see most of the development they are not being impacted.

ADJOURNMENT

On a motion made by Mr. Jester and seconded by Ms. Kaercher, the Regional Planning Commission voted unanimously to ADJOURN the Business Meeting of June 14, 2018 at 8:35 p.m.

Albert Holmes, Jr.
Chairman

Sarah E. Keifer, AICP
Director, Kent County Planning Services

Respectfully submitted by:

Nancy L. Thompson – Senior Secretary
Kent County Department of Planning Services