

KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA
Kent County Administrative Complex
555 Bay Road, Dover, DE 19901
Tuesday, October 27, 2009
Levy Court Chamber (Room 203)

7:00 P.M., BUSINESS MEETING

Call to Order
Invocation
Pledge of Allegiance
Moment of Silence for our Troops
Roll Call and Determination of Quorum
Adoption of Agenda
Consent Agenda 09-16

Items on the agenda were discussed in committee. They are considered routine and non-controversial and will be acted upon by a single roll call vote of the Levy Court. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item shall be removed from the Consent Agenda and considered separately.

Items from October 20, 2009 Committee Meetings:

- FY08 CDBG Recovery Allocation
- Big Oak Park: a) Paving Contract Change Order No. 1; b) Lighting Contract Change Order No. 1
- South Bowers Volunteer Fire Company Parking Lot CTF Project
- Hartly Sewer Project: a) URS Contract Amendment; b) Geotechnical Engineering
- Rezoning of County Complex and 911 Center

Approval of Regular Business Meeting Minutes of Tuesday, October 13, 2009

PRESENTATIONS:

1. Employee of the Month

INTRODUCTIONS

7:15 P.M., PUBLIC HEARINGS

PETITION TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP:

Mr. Sweeney:

1. **Ordinance LC09-32**, An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.
*(Reference: **Application:** CZ-09-01; **Applicant:** Frank A. Massuli; **Owner:** 5M Investors, LLC; **Current Comprehensive Plan Map***

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Designation: High Density Residential; **Proposed Comprehensive Plan Map Designation:** Commercial; **Current Zoning District:** RM (Multi-Family Residential); **Proposed Zoning District:** BG (General Business); **Area and Location:** 0.29 acres ± located on the northeast side of Palmer Road approximately 326 feet south of Co. Rd. 360, north of Camden; **Kent County Property Identification Number:** NM-00-094.15-04-22.00-000)

PETITION FOR CONDITIONAL USE APPROVAL:

Mr. Sweeney:

1. **Application:** C-09-03 Collena Whaley; **Applicant/Owner:** Collena Whaley; **Present Use:** Residential; **Proposed Use:** Same with Home-based Beauty Salon; **Area and Location:** 0.19 acres ± located on the west side of David Hall Road, approximately 290 feet south of John Collins Circle, southeast of and adjacent to the city of Dover; **Kent County Property Identification Number:** ED-00-085.16-01-46.00/000

Mr. Eaby:

1. **Application:** C-09-06; **Applicants:** Michael & Angi Goodhand; **Owners:** W. Howard & Mary Ann Goodhand; **Present Use:** Residential; **Proposed Use:** Same with Dog Grooming Business; **Area and Location:** 0.64 acres ± located on the southwest side of Philchris Drive, approximately 335 feet southwest of Co. Rd. 355, south of Camden; **Kent County Property Identification Number:** NM-00-095.05-01-09.00-000

PETITION FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:

Mr. Brode:

1. **Application:** CS-09-06; **Applicant/Architect:** William Byler, Jr.; **Owners:** Glenn L. & Nancy L. Martin; **Present Use:** Residential; **Proposed Use:** Home-based Contractor's Establishment; **Area and Location:** 19.47 acres ± located on the northeast side of Co. Rd. 103 approximately 845 feet northwest of Co. Rd. 103, west of Dover; **Kent County Property Identification Number:** WD-00-082.00-01-13.00-000

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ORDINANCE RE: HOME-BASED CONTRACTOR ESTABLISHMENT

Mr. Buckson:

1. **Ordinance LC09-30**, An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, Article II, Definitions, §205-6; Accessory structures and uses, Item C; Article V, AC – Agricultural Conservation District §205-47, Permitted uses and §205-48, Conditional uses; Article VI, AR – Agricultural Residential District, §205-63, Permitted Uses and §205-64, Conditional Uses; Article XXI Conditional Uses, §205-282.1 Home-based contractor establishments, no outdoor storage and §205-365 Table of Conditional Uses, and Article XXVIA, Supplementary Regulations to modify the definition of home-based contractor establishment and permit home-based contractor establishments, no outdoor storage within the AC and AR zoning districts, subject to conditions.

(Synopsis: This Ordinance revises the definition of home-based contractor establishment and permits the administrative review and approval of home-based contractor establishments with no outdoor storage subject to conditions that would preserve the character of the neighborhood and with the approval of the Director of Planning Services. Home-based contractor establishments not meeting the required conditions or for which an adjacent property owner has submitted a letter of objection shall be subject to conditional use review and public hearing by the Regional Planning Commission and Levy Court.)

CLOSE PUBLIC HEARINGS

OLD BUSINESS

Mr. Buckson:

1. **PETITION FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:**

Application: CS-08-18 Farmington Hot Mix Production Facility;
Owners/Applicants: Stafford Properties, L.L.C.; **Engineer:** Becker Morgan Group, Inc.; **Present Use:** Agricultural; **Proposed Use:** Industrial – Hot Mix Production Facility; **Area and Location:** 22.61 acres ± located on the westerly side of U.S. Route 13, approximately 144 feet north of County Road 62, south of Farmington; **Kent County Property Identification Number:** MN-00-193.00-01-48.00/000

**Application was TABLED at the Levy Court Business Meeting of September 22nd, 2009. The Public Hearing was closed. Written testimony was accepted thru Monday, October 12, 2009.

****RECESS TO EXECUTIVE SESSION**

EXECUTIVE SESSION

For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters
Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

RECONVENE BUSINESS MEETING

OLD BUSINESS

Mr. Sweeney:

1. Action item on site selection for County Library¹

NEW BUSINESS

Mr. Sweeney:

1. *Action Item from Community Services Committee Meeting of Tuesday, October 20, 2009:* Dog Park Proposal

Mr. Ennis:

1. Introduction of Ordinance LC09-36, An Ordinance authorizing the issuance of up to \$9,271,310 General Obligation Debt of Kent County for the construction of effluent disinfection and alternative energy type improvements to its Wastewater Facilities and authorizing all necessary actions in connection therewith
2. Appointment of Wastewater Contract Negotiating Team

Mr. Buckson:

1. Introduction of Ordinance LC09-39, An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning Article V, Agricultural Conservation District, §205-49, Maximum Density and §205-59 Village development minimum requirements; Article VI, Agricultural Residential District §205-65, Maximum Density and §205-75 Village development minimum requirements; Article VII, RS-1 Single Family Residential District, §205-76, Purpose; Article XIX Cluster Development §205-240 Density Transfer Provisions, Item D; Article XXVIA Supplementary Regulations §205-397.2 Growth Zone Overlay District, Items C(1), (2), and (3), and Appendices 205:A1 Agricultural Conservation, 205:A2 Agricultural Residential, 205:A4 Multifamily Residential, 205:A5 Residential Manufactured Home, 205:A6 Single-Family Residential, and

¹ Item added to the agenda when Leadership finalized the agenda on 10/21/09.

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Mr. Buckson, continued

205:A7 Medium Density Residential repealing the provisions adopted by Ordinance 08-05 and readopting those provisions with language to prohibit the use of community wastewater treatment and disposal facilities throughout the County; delete the Village Design standards within the Agricultural Conservation and Agricultural Residential zoning districts; and eliminate inconsistencies with respect to density and minimum lot size between and within Chapter 205, Zoning and Chapter 187, Subdivision and Land Development.

(Synopsis: This Ordinance prohibits the use of community wastewater treatment and disposal systems throughout the County, removes the Village Design standards within the Agricultural Conservation and Agricultural Residential zoning districts in favor of the density and design criteria contained in Chapter 187 and within the Growth Zone Overlay requirements, and eliminates inconsistencies with respect to density and minimum lot size between and within Chapter 205, Zoning and Chapter 187, Subdivision and Land Development.)

2. Introduction of Ordinance LC09-40, An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, Article X Required Improvements §187-53 Minimum Requirements, Item D Sanitary sewerage facilities by repealing the provisions adopted by Ordinance 08-06 and readopting those provisions with language to prohibit the use of community wastewater treatment and disposal facilities throughout the County.

(Synopsis: This Ordinance prohibits the use of community wastewater treatment and disposal systems throughout the County and requires the low density development option for major subdivision outside of the Growth Zone.)

OTHER BUSINESS

1. Move to have Executive Session following the Committee Meetings on November 3, 2009 pursuant to 29 Del.C. 10004(b)(2), (4), and (9); for preliminary discussion on site acquisition for a publicly funded capital improvement; Legal Strategy Session regarding collective bargaining or pending or potential litigation; and personnel matters

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

ADJOURN

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Posted: 10/20/09

Revised: 10/21/09

Posted by: L. Tanaka

Time: 5:30 PM

Take down: Upon Replacement or on **10/28/09**

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.