

**City of Harrington**  
**AGENDA**  
**City Council Special Meeting**  
**City Hall, 106 Dorman Street**  
**January 5, 2015**  
**6:30 p.m.**

**Public Comments** *(2 minute limit)*

The public comment segment of the Council Meeting is the time that the City extends the opportunity to the general public to share with us your questions, thoughts, comments, concerns, and complaints. Those wishing to step forward to take advantage of the public comment segment will be provided two (2) minutes. While City government is interested in taking appropriate action, no action can be taken while the City Council is not in session, and current law prohibits City Council from engaging in discussion of any comments made. Discussion of any item appearing on the agenda as a public hearing is prohibited during the public comments segment as an opportunity will be provided during consideration of that item.

**Call to Order**

**Roll call**

- 1. Presentation of Resolution 14-R-06 to Kent County Commissioner Glen M. Howell**
- 2. Preliminary Subdivision Review – The Legacy (formerly known as Fox Meadow Estates)**

An application by Ronald H. Sutton Jr. of Civil Engineering Associates LLC on behalf of Mrs. Lucille Adamo, Mr. Richard Wheeler, and Mrs. Lee Wheeler for preliminary subdivision of 389 units (285 townhouse, 60 duplex and 44 single family). The property is zoned R1 (One Family Residential), R2 (Multifamily Residential), R3 (Group Housing Residential), and C1 (Neighborhood Commercial) and is located within the City limits of Harrington. The property is approximately 101.48 acres and is located on the west side of Raughley Hill Road and north of Delaware Avenue. The property is further described as eight separate parcels 6-09-170.02-01-06.00, 01.00, 12.00, 11.00, 10.00, 09.00, 08.00, and 07.00.

- 3. Public Hearing**
  - a. Ordinance 14-17 – Amending Chapter 180, Municipal Fees, to change the Public Works hourly rate and sewer service charges**
  - b. Ordinance 14-18 – Amending Chapter 330, Sewers, to remove the rate classification for in-City users with individual sewer meters**
- 4. Second Reading of Ordinance 14-17 – Amending Chapter 180, Municipal Fees, to change the Public Works hourly rate and sewer service charges**

5. **Second Reading of Ordinance 14-18 – Amending Chapter 330, Sewers, to remove the rate classification for in-City users with individual sewer meters**
6. **2015 employee salaries**

**Adjourn**

Posted 12/23/2014  
Kelly Blanchies  
Clerk of Council

Note: 29 Del.C. §10004(e)(2). 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. If there are questions or special accommodations are needed, please contact Kelly Blanchies at City Hall, 398-4476 (at least 72-hours in advance of the meeting for special accommodations).

## **Preliminary Subdivision Review – The Legacy (formerly known as Fox Meadow Estates)**

The Planning & Zoning Commission approved the preliminary subdivision for The Legacy contingent upon approval of the addresses from Kent County.

The drawings are available in City Hall for viewing.

## MEMORANDUM

TO: Harrington Planning Commission

FROM: William W. Pepper Sr.   
City Solicitor

RE: The Legacy  
Application for Preliminary Subdivision Plan Approval

The developers of The Legacy have submitted an application for preliminary subdivision plan approval. This is the second of three steps in the subdivision approval process. "The purpose of the preliminary subdivision review stage is to provide a basis for the Planning Commission to grant conditional approval of a proposed subdivision in order to minimize changes and revisions which might otherwise be necessary on the final subdivision plan." Harrington Code of Ordinances §370-42 B(1). Prior to the submission of the application to the Planning Commission, the City Manager, City Engineer and City Planner have performed gate-keeping function to ensure that the application meets certain minimal requirements.

Harrington City Code describes the Planning Commission's role this evening as follows:

The Planning Commission shall examine the proposed subdivision with respect to the arrangement of lots, rights-of-way, traffic and vehicular/pedestrian circulation patterns and safety (internal and external), utilities, drainage, community facilities (existing or proposed), surrounding development (existing or future), the preservation of trees and historic sites, protection of natural environmental features and processes, provision for open space, streetlighting, recreational needs, safety of residents and neighbors, landscaping, architecture, compatibility with City of Harrington building site and design standards, compatibility with the design standards of this chapter and as set forth in the City of Harrington Design and Construction Standards and appropriate use of land.

Harrington Code of Ordinances, §370-42 B(5).

After the Planning Commission completes its examination, it “shall take action to approve, approve with conditions, disapprove or table pending further investigation and/or the receipt of certain additional information.” Harrington Code of Ordinances, §370-42 B(6). This action must occur within three regularly scheduled meetings of the Planning Commission at which a quorum is present. Harrington Code of Ordinances §370-42 B(7).

Following the Planning Commission’s decision, the application shall be forwarded to the City Council for certification of the Planning Commission's action. At its discretion, the City Council may hold an additional public hearing on the application. The City Council shall take action to approve, approve with conditions, disapprove, and revert back to the Planning Commission with reasons or table pending further investigation and/or the receipt of certain additional information. Harrington Code of Ordinances, §370-42 B(8).

It is important to note that preliminary approval is not final approval. Harrington Code of Ordinances, §370-42 B(9). Approval of the preliminary subdivision plan shall constitute conditional approval as to character and intensity, but shall not constitute approval of the final plan or authorize sale of lots or construction of buildings. *Id.* Nor does approval of the preliminary subdivision plan result in any document that can be recorded with the Recorder of Deeds; only the documents associated with final subdivision plan approval may be recorded. Harrington Code of Ordinances, §370-42 C(10). A fair amount of work is necessary between preliminary subdivision approval and final subdivision approval, including approvals from outside agencies and the submission of a completion guaranty for all improvements.



**CIVIL ENGINEERING ASSOCIATES**  
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October 3, 2014

Debbie Pfeil  
Manager/Principal Planner  
URS Corporation  
4051 Ogletown Road, Suite 300  
Newark, DE 19713

**RE: The Legacy Subdivision**  
**City of Harrington, Kent County, Delaware**  
**Project No. P07040**

Dear Debbie:

We have received your comments for the above referenced project. Our responses are as follows:

- **Open Space/Recreation:** Information is insufficient, please review the requirements and provide a *detailed* recreation plan, which include how this requirement is being met and calculations for each open space/recreation area. The applicant is proposing 8.16 acres of active space and it is unknown how this requirement is being met as defined in the Code. **MISSING REQUIREMENT TO COMPLETE THE REVIEW AT THIS TIME, SEE CHAPTER §440-79 RECREATIONAL OPEN SPACE.**
  - *The Landscape Plans have been revised to provide a detailed recreation plan including a Landscape Plan Area Index indicating the amount of Active Open Space (AOS) per area. The total AOS area required is 7.35 acres. We are providing 7.81 acres of AOS.*
- **Lighting 6:** Missing requirements to complete the review at this time. The lighting plan submitted on Sheet L-1 is missing details such as: lighting fixture specifications/details, measured in lighting foot-candles or illumination area. Some of the streets do not have any proposed lighting and the light pole styles are unknown. **A DETAILED LIGHTING PLAN WAS NOT PROVIDED.**
  - *A Lighting Plan has been provided and includes the location of proposed lighting fixtures throughout the development. A detail of the proposed lighting fixture along with the lighting fixture specifications have also been provided on Sheet L-5.*
- **General Comments 8 (b):** Missing requirements to complete the review at this time. No parking plan submitted. **DEFER TO CITY ENGINEER AS STREET PARKING WAS SHOWN; HOWEVER, OFF-STREET PARKING WAS NOT SHOWN FOR THE PROPOSED COMMUNITY CENTER NOR THE DWELLING UNITS AS REQUIRED. THIS INFORMATION HELPS WITH THE TRAFFIC FLOW REVIEW. WILL THE DRIVEWAYS AND OFF-STREET PARKING BE REQUIRED TO BE PLACED IN THE REAR FOR THOSE STRUCTURES THAT HAVE ALLEY ACCESS?**
  - *A Parking Plan has been submitted and reviewed by the City Engineer. The City Engineer has found this submittal satisfactory.*

- Several Preliminary Subdivision Plan requirements were missing from this submission to complete the review at this time. The City Engineer commented on those items, it is the applicant's responsibility to ensure the application is complete by submitting all of those items as stated in Chapter 370-32. The next submission should ensure the requirements have been met to allow a full subdivision plan review. When all requirements have been met on a submittal, it is a cost savings for the applicant with a reduction in multiple submittals and professional fee reviews. Update the index of drawings when submitting the additional requirements. None of the RD Drawings were not submitted with this application as noted on the plan. **DEFER TO COMMENTS FROM CITY ENGINEER ON PLAN REQUIREMENTS.**
  - *The City Engineer has reviewed all submittals to date and have found these submittals satisfactory.*

Additional comments by topic from this submittal as more information was provided, as required:

1. SIDEWALKS:

- a. All sidewalks should be located in the open space/common area or public right of way. It appears the sidewalks to the rear of lots 323-339 are located within the private property lines. Sheet R-6.
  - *The plans have been revised to move all sidewalks into the open space/common areas where possible. As discussed, a 6'-wide Access Easement has been added in the rear of Lots 323-339 for sidewalk within these lots.*

2. LANDSCAPING

- a. Missing the details on the proposed & required fence. Sheet L3-L4
  - *Fencing is only proposed around the sanitary sewer pump station and is not included as a landscaping item. Details for fencing are shown on Sheet PS-3.*
- b. Ensure the landscape buffer is not less than 6.5 feet in height and thick enough to screen from view. It appears some of the proposed plants are not. Please correct or clarify. Sheet L1-L4.
  - *All landscaping has been revised to be a minimum of 6.5' feet in height.*
- c. Ensure the 25 feet minimum buffer zone is throughout the commercial zoned property. It appears to stop and/or not be identified as 25 feet around the pump station building. Please correct or clarify. Sheet L1-L4.
  - *The 25-foot buffer is depicted between the commercial and residential areas. The missing buffer area at the pump station lot has been modified on the Record Plan, Sheet R-4.*
- d. Sheet L1-L4 doesn't show the existing vegetation and/or woods area that will remain. This should be placed on the plan as it shows lack of landscaping to the rear of the development.
  - *The Landscape Plans have been revised to include the existing vegetation/woods that will remain.*

- e. Additional landscaping should be considered around the perimeter areas, especially the northern sides. Also if the pond in the front of the development is to be an amenity (perhaps a wet fountained pond?), it is recommended a large amount of landscaping be installed in the front as well.

- o *Additional landscaping has been added as requested.*

### 3. BUS STOP/MAIL BOXES

- a. Provide elevations and/or details of the bus stop.
- b. Based on the type and number of structures, the US Post Office may require a cluster box mail area. This area can be designed so people can pull off in their vehicle to get mail and/or provide central areas for mail with a shelter from inclement weather. It is recommended this be coordinated with the Harrington US Post Office representatives.

- o *A note has been added to the Record Plans stating the following: "Bus stop enclosure and mailbox location will be coordinated with the City of Harrington and applicable agencies prior to issuance of building permits."*

### 4. STREET NAMES

- a. Please provide a letter of approval for all of the proposed street names as required by Kent County 911 Addressing/Mapping Department prior to the next submittal.

- o *An email with the approved street names is included for your review. We are in the process of obtaining the Letter of No-Objection from Kent County GIS.*

### 5. ELEVATIONS

- a. The Planning Commission was told the architectural elevations would be provided at a later date. Only three pages of design standards were provided for the 389 unit subdivision. These design standards did not address the proposed community center. They also do not provide any type of character proposed for the development. They further use the word "should" throughout the document. It is unknown how enforceable this will be. Previous submittals have presented up to seven basic housing units with different options that could still be met within the setback area. It is understood that the applicants are not going to develop and build on the property; however, it is recommended more detailed standards and/or standard elevations be provided as required. The development can have multiple builders providing a complete mixture of structures with limited standards and different characteristics. The mixed use projects usually provide a type of community character or theme throughout the development and incorporate these standards throughout the development. The townhouse units should have true building character separation between units. This item was recommended in the past to be discussed with the Planning Commission at a separate meeting.

- o *Architectural Elevations have been approved.*

6. DEVELOPMENT CHARACTER:

- a. The development is lacking any type of character, especially for a mixed-use project. It is understood the applicant will not be constructing the buildings within the development; however, character can be defined in other ways as well. Such as: community center, bus stop shelter design, street light fixtures, development signage, landscaping, recreational equipment, mailbox shelters/areas, sitting area benches and even the design of the pump station structure.
  - o *It is the intent of our client to sell the project to a developer. The purchasing developer will be free to develop their own development character subject to the City of Harrington's review.*

If you have any questions or require any additional information, please do not hesitate to contact me at (302) 547-2444.

Sincerely,  
**Civil Engineering Associates, LLC**

*Ronald H. Sutton, Jr.*

Ronald H. Sutton, Jr., P.E.  
Managing Principal

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(201) 524-2136 (fax)

August 11, 2014

City of Harrington  
106 Dorman Street  
Harrington, DE 19952

Attn: Ms. Debbie J. Pfiel  
City Planner

Re: City of Harrington  
Kent County, Delaware  
Construction Plans Review  
The Legacy Subdivision  
Our File # DKHNP010  
City of Harrington File #67

Dear Ms. Pfiel:

We have received revised plan sheets for the above mentioned project. The submission items are as follows:

- Construction Plans SW-4, SW-5 and L-5 for The Legacy Subdivision, prepared by Civil Engineering Associates, LLC, dated February 22, 2011 and October 16, 2012; and last revised 8/4/14. L-5 not revised.
- State of Delaware Department of Transportation letter dated June 13, 2013.
- Design Report – Sewage Pumping Station for The Legacy Subdivision prepared by Civil Engineering Associates, LLC, dated October 2012.
- Response letter from Civil Engineering Associates dated August 5, 2014.

#### I. GENERAL INFORMATION

Owner(s):	Adamo Enterprises, LLC 109 Lucky First Drive Harrington, DE 19953 Lucille Adamo Ph: (302) 398-3252	Richard & Lee Wheeler 2813 South Bayshore Drive Milton, DE 19968 Richard & Lee Wheeler Ph: (302) 684-1355
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**Developer(s):** Adamo Enterprises, LLC      Richard & Lee Wheeler  
109 Lucky First Drive      2813 South Bayshore Drive  
Harrington, DE 19953      Milton, DE 19968  
Lucille Adamo      Richard & Lee Wheeler  
Ph: (302) 398-3252      Ph: (302) 684-1355  
Fax: (302) 376-8834

**Surveyor/Engineer:** Civil Engineering Associates, LLC  
55 West Main Street  
Middletown, DE 19709  
Ron Sutton  
Ph: (302) 376-8833  
Fax: (302) 376-8834

**Landscape Architect:** Urban Design Landscape Architecture  
4007 North Market Street  
Wilmington, DE 19802-2219  
Eric J. Sturm, RLA  
302-764-3430  
Fax 302-651-4337

**Proposal:** The applicant proposes construction of a new subdivision including three hundred and eighty-nine (389) residential lots and a central commercial lot on an approximate 101.48 acre parcel currently zoned for Mixed Use and including partial frontage sidewalks, parking lots, associated infrastructure, landscaping, and stormwater management facilities.

**Present Zoning:** Mixed Use

**Proposed Zoning:** One-Family Residential (R-1)  
MultiFamily Residential (R-2)  
Group Housing Residential (R-3)  
Neighborhood Commercial (C-1)

**Present Use:** Vacant

**Proposed Use:** Subdivision

## II. CHAPTER 370 – SUBDIVISION OF LAND

### I. §370-18. Add the following note to the plan:

The developer will be responsible for streets, roadways and sidewalks until final acceptance and official release of the completion guaranty, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public. Until final acceptance and official release of the completion guaranty, the

developer will be responsible, also, for the removal of snow from streets and sidewalks when necessary for the convenience and safety of the public. *Note Added; Comment Satisfied.*

2. §370-23. Add the following note to the plan:  
The developer will be responsible for water infrastructure until final acceptance and official release of the completion guaranty, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public. *Note Added; Comment Satisfied.*
3. §370-27. Add the following note to the plan:  
The developer will be responsible for sanitary sewer infrastructure, such as sewer mains, pumping stations, manholes, cleanouts, laterals, etc., until final acceptance and official release of the completion guaranty, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public. *Note Added; Comment Satisfied.*
4. §370-31. Add the following note to the plan:  
The developer will be responsible for storm drainage facilities and appurtenances until final acceptance and official release of the completion guaranty, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public. *Note Added; Comment Satisfied.*
5. §370-31. Add the following note to the plan:  
The developer will be responsible for storm drainage facilities and appurtenances until final acceptance and official release of the completion guaranty, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public. *Note Added; Comment Satisfied.*
6. §370-32.C.(10). Provide a landscaping and lighting plan, including location and type of signage, if known during the preliminary subdivision review as this item is required during the final submittal. The applicant has not submitted a Landscaping and Lighting Plan for review. *Comment Satisfied.*
7. §370-32.C.(11). Provide architectural elevations (all sides), 24 inches by 36 inches, by a registered architect. The applicant has not submitted Architectural Elevations for review. *The applicant stated that architectural elevations will be provided at a later date. No architectural elevations have been provided as of this review date, however the Engineer's Report states that Architectural Elevations were approved in April 2014.*
8. §370-32.D.(1).(a). Provide the signature and seal of a Delaware State licensed professional on the plan sheets as appropriate. The submitted plans are not signed and sealed. *Provided; Comment Satisfied.*

9. §370-32.D.(1).(d). Provide geographical location, showing existing zoning boundaries. This office recommends using the current zoning map for the City of Harrington to show the geographical location and existing zoning boundaries. *Provided; Comment Satisfied.*
10. §370-32.D.(1).(l). Existing topographic contours are to be shown at one-half foot intervals unless waived by the City Manager. The current plan submission provides existing topographic contours at one foot intervals. This office supports a waiver from this requirement, since a one foot interval is sufficient for this plan.
11. §370-32.D.(1).(i) Provide a parking plan, showing all off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by Chapter 440, Zoning. The applicant has not submitted a Parking Plan for review. *Provided; Comment Satisfied.*
12. §370-32.D.(1).(n) Provide information regarding the anticipated construction date of each phase of construction. The applicant stated that construction dates are not known at this time. This office supports a waiver from this requirement.
13. §370-32.D.(1).(o) The plan describes the acreage of each area proposed to be dedicated to various uses. The plan should also provide the size of each area given as a percentage of the total project acreage. *Information provided; Comment Satisfied.*
14. §370-32.D.(1).(r) Provide information regarding existing vegetation, proposed removal of vegetation and proposed replacement of vegetation. The applicant has not submitted a Landscaping and Lighting Plan for review. *Information provided; Comment Satisfied.*
15. §370-32.D.(1).(s) Provide information relating to the location, type, size and height of fencing, retaining walls and screen planting, if applicable. The applicant has not submitted a Landscaping and Lighting Plan for review. *Information provided; Comment Satisfied.*
16. §370-34.A.(1) Provide bearings, distance and curve data for all roadway centerlines. The current record plans do not provide this information for the centerline of the proposed roadway centerlines. *Information provided; Comment Satisfied*
17. §370-34.A.(5) Provide the location of all monuments with references to them. Monuments appear to be shown on the plans at PC's and PT's, but should be identified as a concrete monument, iron pin, etc. *The applicant stated that this information has been provided; however, it is not evident in this submittal. The Legend on the Overall Record Plan – Sheet R-3 should say 'see detail' after Proposed Monumentation. A detail for a concrete monument is shown on Plan Sheet D-4. Comment Satisfied.*

18. §370-34.G.(3) Provide a signature block for the City Engineer. The signature block must include a statement which asserts that the plan conforms to the applicable City of Harrington Design and Construction Standards. *Information provided; Comment Satisfied.*
19. §370-37.A Lots shall conform to the requirements of Chapter 440, Zoning. As shown on the plan, the proposed lots have multiple instances of nonconformity with lot area and setback requirements. *Information provided; Comment Satisfied.*

### III. STANDARD SPECIFICATIONS

1. Section 1 – Provide Drawing D1-1 showing typical trench backfill and bedding. *Information provided; Comment Satisfied.*
2. Section 2 – Note the selected pipe material for proposed water mains on the drawings. The City permits the use of either ductile iron pipe or PVC pipe. The applicant should consult the City’s Standard Specifications for detailed requirements. *Information provided; Comment Satisfied.*
3. Section 3 – Note the selected pipe material for proposed sanitary sewer pipe lines on the drawings in addition to the profile view. *Information provided; Comment Satisfied.*
4. Section 4 – Provide information and details for the proposed storm sewer collection pipes and manholes, inlets, frames, grates and castings. *Information provided; Comment Satisfied.*

### IV. STORMWATER MANAGEMENT

1. Provide information and correspondence for stormwater management as reviewed by DNREC and the Kent Conservation District. *Comment addressed.*
2. Provide a copy of a signed and sealed stormwater management report for the project. *Applicant stated that this information will be provided upon receipt. Our office, per our original letter, requests a copy of this information. Information provided; Comment Satisfied.*

V. EROSION AND SEDIMENT CONTROLS

1. Provide information and correspondence for erosion and sediment control as reviewed by the Kent Conservation District. *Comment addressed.*
- 2.

VI. GENERAL ENGINEERING COMMENTS

1. There are several areas where it appears that zoning relief may be required. We defer to the City Planner's opinion in regards to zoning relief for the bulk zoning standards for the various zoning districts impacted by the development. *A list of waivers and variances is provided on the plan; Comment satisfied.*
2. Provide a chart showing the existing and proposed bulk zoning categories for each of the zoning districts including building envelope setbacks. *Information provided; Comment Satisfied.*
3. Provide an area on the record plan where all zoning relief and waivers can be placed for reference. *Information provided; Comment Satisfied.*
4. At the Planning and Zoning Commission meeting of 3/19/2009, the City voiced concern over multiple instances where new driveways would be located in the intersections of the proposed streets. The applicant proposes the installation of stop signs to protect vehicles using the affected driveways. The applicant should adjust the location of these properties to minimize the instances where driveways align with intersections. There are instances where nearby open space could be shifted to provide more space near intersections. *The applicant stated that the plans were revised to correct many instances where this occurs and has installed stop signs at intersections where this still occurs. Comment satisfied.*
5. At the Planning and Zoning Commission meeting of 3/19/2009, the City asked the applicant to improve disconnected segments of sidewalk within the development. The applicant has provided additional sidewalk to link disconnected paths and to provide a more contiguous trail. There remain a few disconnects in the sidewalk along the back of Lots 382-383 and Lots 369-376. However, the area behind these lots is constrained by neighboring stormwater management facilities which prevents the layout of these sidewalks. *Information provided; Comment Satisfied.*
6. At the Planning and Zoning Commission meeting of 3/19/2009, the applicant stated that a bus stop would be located within the development to facilitate public transit. The bus stop is not shown on the plans. *The applicant stated that this information has been provided; however, it is not evident in this submittal. TIS Note 5.L found on Plan Sheet R-2 references that the Developer should coordinate with the local school district to provide a covered bus stop on a concrete pad. The school bus stop should also include parking facilities for bicycles. The Applicant should provide correspondence with the school district. TIS Note 5.M found on Plan Sheet R-2 references that the Developer should coordinate with the Delaware Transit*

*Corporation (DTC) regarding the possibility of adding transit services and facilities at this location. DTC indicated that an 8 foot by 8 foot concrete bus pad with ADA access should be constructed. The Applicant should provide correspondence with DTC. The Applicant should show in plan view the location(s) of proposed school and public transit bus stops. After discussions with the City of Harrington, General Note 36 was added to the Record Plan that states that a bus stop location will be coordinated with the City of Harrington and applicable Agencies prior to the issuance of building permits.*

7. At the Planning and Zoning Commission meeting of 3/19/2009, the applicant was informed that they must develop and submit a detailed architectural theme / design standards manual for review and eventual recording. The applicant has not submitted Architectural Elevations or narrative description of the theme for review. *The applicant provided a letter dated April 23, 2012; Plans will be submitted at a later date.*
8. This project will require approvals from DelDOT for connecting to the State's highway. Please provide a copy of the letter of adequacy from DelDOT and also a copy of the DelDOT Entrance Plan that is referenced on sheet C104. *The applicant stated that this information will be submitted at a later date. No information was submitted at the time of this review. The DelDOT Letter of No Objection to Recordation has been submitted. The Applicant states that the Entrance Plan is currently under design and will be provided upon DelDOT approval.*
9. This project will require approval from the Kent Conservation District (KCD). *Comment addressed.*
10. This project will require a letter of adequacy from the State Fire Marshall. *The applicant provided this approval letter dated August 1, 2012; Comment satisfied.*
11. The applicant must provide a template on the emergency vehicle turnaround area showing that emergency response vehicles can make and navigate the turn. *The applicant stated that this item is subject to the State Fire Marshal Office review and approval and not subject to City review and approval; State Fire Marshal approval was provided.*
12. The applicant must address how parking will be handled for the overall project. This will tie in directly with the type of housing proposed. *The applicant stated that two off-street parking spaces will be provided per lot as well as on-street parking along various roads as shown on the plans; Comment Satisfied.*
13. There appears to be only one dedicated entrance/exit for the project. A second access point is required. The applicant must comment on how traffic will circulate throughout the development. *The applicant chose not to accommodate the request based on the fact that there is no code section with this requirement.*

14. The applicant is asked to comment on the need for a Traffic Impact Study. Is a signalization proposed based on the number of units that will be added as part of this project? *The applicant stated that they did perform a TIS, and that no new signalization is warranted.*
15. A construction phasing plan must be provided showing how the overall development will be constructed and in what order. *Information provided; Comment Satisfied.*
16. The pavement on streets 11, 12, 13 and Squirrel Lane all indicate a pavement base thickness of 2 ¼". Why was this lowered from the 3" thickness that will be used on all the other roadways? *Information provided; Comment Satisfied.*
17. An Alley 6, there is a 0% slope on the longitudinal profile of the roadway. Comments should be provided explaining how the stormwater will vacate the roadway. In addition, the second vertical curve has been overwritten with multiple text that should be removed for clarity. *Plans revised; Comment Satisfied.*
18. Based on the generally flat longitudinal slope of the centerline of proposed roadway, it appears that more catch basins will be required to capture the roadway drainage. This should be investigated. *Information provided; Comment Satisfied.*
19. Several of the proposed stormwater conveyance pipes have flat slopes in the 0.26% to 0.30% range. We question whether the flatness of the pipes will allow them to properly drain the roadways and also provide the necessary scour velocity to make them self cleaning. *Information provided; Comment Satisfied.*
20. We ask that calculations be provided showing how the proposed stormwater pipes were sized and also that an acceptable amount of scour velocity is present in the pipes to make them self cleaning. The calculations should also reference drainage areas used in sizing the pipes for the 25 year storm event. *The applicant stated that this information will be submitted at a later date. Information provided; Comment Satisfied.*
21. The proposed bio-swales and construction detail should indicate a minimum 6" overlap of geotextile fabric going around the drain. *The applicant stated that the comment was noted. However, the bio-swale details found on Plan Sheets SW-4 and SW-5 do not reflect this requirement. Comment Satisfied.*
22. Provide design calculations for the proposed sanitary sewer pump station including but not limited to the submersible pumps. *The applicant stated that this information will be submitted at a later date. Information provided; Comment Satisfied.*
23. Provide design calculations for all proposed sanitary sewer. The calculations must be clear to show how the lines were sized and also that an acceptable amount of scour velocity is present in the pipes to make them self cleaning. *The Applicant states that design calculations for the sewer pump station include the sizing calculations for the*

*pipng which meet Kent County standards. No calculations were provided. The Pump Station Design Report has been submitted. Comment Satisfied*

24. The construction detail for the proposed pump station driveway shows only 2" of pavement. The minimum pavement thickness should be increased to 6" to accommodate the heavy loads that would be encountered when the pumps require maintenance and replacement. *Applicant increased the pavement thickness to 5" total based on their load calculations; Comment Satisfied.*
25. The applicant must comment on who will become the owner of the proposed pump station and who will become the full time operator of the station. *The applicant stated that the pump station will be owned, operated, and maintained by the City. Comment Satisfied.*
26. Landscaping is required around the perimeter of the pump station and stormwater management facilities for buffering. Additional comments will be provided once a landscaping plan is provided for review. *Plans revised; Comment Satisfied.*
27. Individual sanitary sewer cleanouts must be provided for each unit. The use of combined lateral connections will not be permitted. *The applicant stated that they are following Kent County Standards which is not applicable for the proposed laterals and conveyance system. Section 330-5.F of the City Code requires separate laterals. The applicant is entitled to request a waiver for this item. No information was submitted at the time of this review. Record Plan Sheet R-2, Variances and Waivers, item 2 states that the City of Harrington granted a waiver for the use of combined lateral connections.*
28. How will the roadways, stormwater conveyance, and stormwater management areas be maintained on a long term basis? Will a Homeowners Association be created? *The applicant stated that a HOA will be created to maintain the stormwater management areas, and that the City will be responsible for maintaining items in the right-of-way once dedicated to the City. Comment Satisfied.*
29. Will easements be created that would allow the City to maintain the proposed sanitary sewer and potable water systems? *The applicant stated that all utilities will fall within the right-of-way and therefore be owned and maintained by the City. Comment Satisfied.*
30. Plan Sheet D-1 should be re-plotted. The text is not legible. *Comment Satisfied.*
31. Plan Sheet D-2 should be re-plotted. The text is not legible. *Comment Satisfied.*
32. The Engineer's Report cover sheet should be revised to say Scenic Acres – A Mixed Use Subdivision (Formerly 'The Legacy') *The Report Cover was correct. The Applicant has added Formerly 'Scenic Acres'.*

Accordingly, all engineering concerns have been addressed

We recommend approval of this Construction / Record Subdivision Plan submittal contingent upon the applicant providing a copy of the DelDOT approval and addressing any concerns that the City Planner and City officials may have during their review of this Final Plan Submittal.

Should you have any questions please feel free to contact me directly at (302) 266-0212, extension 3002.

Very truly yours,  
**Remington, Vernick & Beach Engineers**



Christopher J. Fazio, P.E.  
Senior Associate, Regional Manager

cc: Ron Sutton, Civil Engineering Associates, LLC  
Adamo Enterprises, LLC  
Richard & Lee Wheeler

**MINUTES**  
**Planning & Zoning Commission**  
**March 19, 2009**

A meeting of the City of Harrington Planning & Zoning Commission was held on March 19, 2009 and was attended by the following: Judy Ferguson, Chairman, Anthony Moyer, William Rogers, Brian Slattery, Robert Steigler, and John Schatzschneider, City Manager.

Others in attendance: Debbie Pfeil, City Planner, Scott Adkinsson, City Engineer, Ron Sutton, Lucille Adamo, Ron Henson, Richard Wheeler, Lee Wheeler, Rebecca Trifillis, and Brian Pinkerton.

Chairman Ferguson called the meeting to order.

**Project**

**Conceptual Subdivision Review-Fox Meadow Estates**

An application by Ronald H. Sutton Jr. of Civil Engineering Associates LLC on behalf of Mrs. Lucille Adamo, Mr. Richard Wheeler and Mrs. Lee Wheeler for a conceptual subdivision of 394 parcels (285 townhouses, 60 duplexes and 49 single-family). The property is zoned R1 (One Family Residential), R2 (Multifamily Residential), R3 (Group Housing Residential) and C1 (Neighborhood Commercial) and is located within the City limits of Harrington. The property is approximately 101.48 acres and is located on the west side of Raughley Hill Road and north of Delaware Avenue. The property is further described as eight separate parcels 6-09-170.02-01-06.00, 01.00, 12.00, 11.00, 10.00, 09.00, 08.00, and 07.00.

The City Planner stated that tonight, the Commission is hearing the Conceptual Subdivision Review for Fox Meadows Estates. The application was duly advertised, letters were sent to adjacent property owners and the property across the street, as required by the Code. The applicant was notified by mail. She stated that all postings were done properly and they are ready for the presentation.

**Ron Sutton – Civil Engineering Associates**

Mr. Sutton stated that he is here representing Mrs. Adamo and Mr. and Mrs. Wheeler. He stated that they are here tonight representing their Concept Plan for Fox Meadow Estates. They are proposing 394 units, 285 townhouses, 60 duplexes, and 49 single-family homes.

Mr. Sutton stated that this project has been before the Planning & Zoning Commission before when they were looking for rezoning. During that portion, one of the requests was to reduce some of the R3 and increase the R2 zoning, which they did. At this time, they are at a density of 394 units and the first time they were over 400.

All the streets were designed in concurrence with the City ordinances, the alleys and rear sidewalks were also designed in accordance with the new ordinances. All open space will be designed in accordance with the ordinances. They have ample open space designed and, at the preliminary stage, indicate what types of active open space they will be including.

They are in receipt of the letter from URS and they have reviewed the comments and they have three (3) things that they would like to clarify from the letter. The first item is:

**Planning & Technical – Item No. 2(a)**

It states that the sidewalks located on Raughley Hill Road will be developed to DOT's specifications. He wanted to point out that it is not a sidewalk, but a multi-modal path and it is a ten (10) foot wide blacktop sidewalk, it is not concrete.

**General Layout – Item No. 4- R1 Zoning**

Mr. Sutton stated that the City Planner has mentioned that the front setback is 35-feet on R1, but in the Code that they have, it references that the front setback is 35-feet or matched to the house on either side. They have several situations where they are going to have single-family homes next to townhouses. Therefore, they were looking for more common front setback. You have a single-family setback with 35-feet, a townhouse with 15-feet, and a R2 or duplex with 25-feet. He stated if you stand on the street with all of these different setbacks, a single-family house could look like a garage to a townhouse, since it would be pushed back 20-feet beyond its front.

The City Planner stated that she agrees with the Concept, but the Code is written for existing structures. Mr. Sutton stated that it does not state "existing" in the Code. The City Planner stated that they cannot give a setback reduction for a zoning, so they may have to go to the Board of Adjustment. Mr. Sutton stated that he agreed; however, the City Planner stated that they will get a written clarification from the City Solicitor. Mr. Sutton stated that he believes that this will be the process; however, they are looking for something a little more standard, somewhere around 20-feet, with some stagger along the units.

The City Planner told the Planning & Zoning Commission that we will have to get an interpretation from the City Solicitor on the setbacks and that will not be

able to be considered tonight. However, there will be a determination made within the next two (2) weeks for their Preliminary Site Review submission.

**Item 4(d) –**

The intersections line up with driveway locations that would be proposed based on the layout. The units located directly in front of the main entrance and intersection locations should be reworked for traffic safety.

Mr. Sutton stated that he wanted to point out that there are no driveways on the Entrance Road. The units will be fronting another road, plus the intersection. The City Planner stated that we went over this before with the Planning & Zoning Commission where you requested the driveway not be in a major intersection where there is an alternative route, whether it is rear entrance, whether it is a side entrance. Mr. Sutton asked if this area was her only concern. The City Planner stated at this time, since they do not see setbacks, layouts, and where the setbacks are, since some of the driveways, based on your setback, would be pushed further out of the intersection. Until the setbacks, lot widths, and depths are put on the Plan, they would then be able to take each parcel for the driveways.

Mr. Sutton stated that they did not receive any comments from the City Engineer. She stated that the Planning Commission wanted the comments ahead of time so you can be prepared. He stated that there are two pages from the Engineer. He stated that the parcels are done because that was an oversight on their part.

Mr. Sutton stated that they have the existing tax ditch easement size and condition, they have all of that information and they can provide that from DNREC.

Mr. Sutton stated that they have the proper right-of-way dedicated 60-foot and 50-foot per DOT regulations.

Mr. Sutton stated that extending the 10-inch water main up to their site is something that they knew about. He stated that there is a manhole in the pavement on the northeast portion of the intersection and gravity is not going very far, since that it only about 4-feet deep.

Mr. Sutton stated that they do not intend on filling the wetlands in the commercial area; they will stay as is.

The City Engineer stated that he is in the process of getting some information on the Smith Avenue Pump Station at this time and they will work with the developer on that area, but it only has a three (3)-inch force main coming out of it and he has included a sketch of the sewer utilities and the water.

The City Planner stated that we should talk about the topics that need to be discussed on the planning side and then ask for comments from the applicant. She does want to commend the applicant, since there is some grey area on when they submitted and when the new regulations came out. The project has been going on way before the Planning Commission saw it. In the interim of this, the City did change the regulations and one was sidewalks must be to the rear of townhouse units, so you can access your property. They did adhere to all the new regulations, which there is a grey area of what they would be subject to.

There is also the regulation that states behind the townhouse groups, you must have an alley for a rear access, since we reduced the setbacks on townhouses to make it a little closer to the road than it used to be, since they do want the junk in the back. The applicant has installed alleys everywhere where townhouse groups butt up to each other. You will see that there are not alleys behind every townhouse group, because it does not butt another townhouses group.

The City Planner stated that the active green approach on the active open space as you drive into the development, there is a large green area with a proposed community center and, that will be determined, it can be classified active on all the recreation space once we get to the Preliminary Plan, but she did want to let them know that she likes the essential area where everybody can go to versus the typical subdivision areas.

There are some factors that the City Planner needs to verify more as they go through the project, the setback lines, what meets the lot depth, what meets the lot width and those get 100-percent verified once they get into the Preliminary process, because they are actually required on the Plan. They run into problems where some of the lots are so small that corner lots can never be built on because there are two front yards. However, they do like to catch those at the Preliminary state before they go into too much more design.

The City Planner stated that if you look at Lots 369 – 394 and you will see that the sidewalks are behind the townhouses. She is recommending that the sidewalks, if they have 2, 3, or 5 units, just continue linking. This could also be calculated if you needed the recreation space as part of the trail. She stated that you would be able to link this as part of the trail, as part of your active recreation. It may also get them out of unnecessary top lot equipment quota.

The City Planner stated that one of the biggest concerns that she has on the development, is that this is one of the first subdivisions we had come through without any kind of elevations or any kind of illustrations on the character. While the Code requires them to have illustrations or narrative, the applicant has done the narrative. Her concern is that they are not seeing the character, so, therefore, without seeing the character, it is hard to know what the community

center is going to look like, what the structure is going to look like, what the light poles are going to look like, what the street signs, etc., and it very preliminary at Conceptual, but every subdivision we have seen, has shown illustrations of some kind as far as the type of product we are looking at. She is concerned about not having that information and she is anticipating that it to be at Preliminary.

Mr. Slattery asked how many subdivisions have we seen to date. The City Planner stated, Cabin Creek, Harmill Village, and Harrington Garden Apartments, which are the three of the top of her head.

She stated that the concern with this development, and she will be very upfront, she and the Engineer have had conversations, there is not a known development, at this time, for the project. The project is going for approval and then it will be built, as approved by the regulations. The concern is that you could have five 5, 6, 7 or 28 different builders that could come in and build, buy one lot at-a-time and build, and change the entire character which is in the Code, or the type of architectural design, and architectural theme. In order for the Planning Commission to ensure the architectural theme is protected as presented, she thinks if we wanted to lay out design standards, which is sort of what you started, that conversation needs to take place in detail at the Preliminary stage. If it is not, you could have all different kinds or architectural themes out in this development... If that is the wish of the Planning Commission, then you need to give them some guidance, so when a developer comes in, the then they have guidance on what the architectural theme is. She stated that this protects the developer, Planning Commission and public from what was presented and what is truly being built.

The City Planner stated other than the comments that she wanted read into the record, valid active open space, she does not have any other planning related comments.

The City Planner stated that she wanted the Planning Commission to know, that Harrington has endorsed a mixed-use development district for zoning. However, it has not been written. In the Comprehensive Plan, you have stated that you want properties to mixed-use; however, the Zoning Code has not been written. This is the only way an applicant can come in and conform to the Comprehensive Plan is to split up the zoning in this manner. She stated that they have this one and another one, which was Harmill Village, and they had two (2) types of uses. They met the intent of the mixed-use; however, in this applicant you have three (3) mixed-use housing and a commercial component. She stated that during this process, she wants them to learn, so when we go to rewrite the Zoning Code, what we like and what we do not like, because we have had to do a lot of amenities, they have kept it like a subdivision with true City blocks, etc... She stated that this is what the City's Code has forced the developer to do at this time.

Mr. Moyer asked about driveways coming into intersections, there are five lots where there is no alley, so he assumes it will be front-loaded. Mr. Moyer stated that the Lots were 77, 387, 303, 330 and 329; those are sidewalks behind those properties.

Mr. Moyer asked about the storm water management, are they going to be standing ponds or will they be dry. Mr. Sutton stated that they would be wet ponds.

Mr. Moyer asked if there will be any lift pumps or grinders used in this development. Mr. Sutton stated that they will be grinders within the development. There will be an overall pump station that is located at the entrance on the left side. Mr. Sutton stated that everything will be gravity to a pump station.

Mr. Moyer stated that he appreciated them taking the comments that the Planning Commission made by doing less townhouses and increasing the small property.

Chairman Ferguson stated that they would take public comments.

There were no questions from the public.

The City Planner stated to wrap up the questions from Mr. Moyer, the driveway alignment, she is assuming that the Planning Commission is endorsing the recommendations set forth by the Planner and Engineer to work out for the Preliminary Design and to come back with the information that is requested. She stated that there no motions for the Conceptual Plan.

Mr. Moyer asked about the children and school buses in the morning. Mr. Sutton stated that there will be a bus stop. He stated that they have provided parallel parking along the open space, they made the street wider and provided parallel parking; he stated that this was a curb so the sidewalk can connect through. He stated that there will be a bus stop, but they have not determined where to put that yet.

Mr. Sutton stated that the school districts do not use those bus stops for their buses. They will tell you what corner the kids are to meet at, and it is all based on, what kids go to what schools, during what year. He stated that they are only allowed to walk one-quarter mile to a bus stop. Therefore, one bus stops in the subdivision, if they put a bus stop up front, they will not allow a person to walk that far to a bus stop. They will designate a bus stop at one of these corners, since they can only one-quarter mile. He believes that the bus stop that they put in three will serve as a transit bus stop in the future.

The City Planner stated that in the recreation/open space, you can do some gazebo type of shelter to classify it as part of the open space and can be classified as a shelter for the children. However, she would recommend that, as much as possible, that they work with the school district; that, if there needs to be one (1) or two (2) stops, that they work with the school district as much as possible. Mr. Sutton stated that they have met with the school district and talked with them and they will not point out bus stops until they know how many children they will have.

Mr. Steigler asked if anything had been determined as to what will be put on the alleys behind the property – fencing or shrubbery. Mr. Sutton stated that it will be left open, since it is a tax ditch easement and they will have a landscape plan. He stated that they do not see on the drawing that there is already a lot of heavy existing landscaping; trees through this area, and to the best of their ability, they will leave as many trees as they can, since they understand their value. The City Planner stated that there is a buffer requirement between commercial and residential that they will need. However, she did want to say that the property owners adjacent were invited to the meeting tonight to make comments and they have received no comments on what type of buffer, what kind of input on concept, and a reminder to the Planning Commission, as they go forward with Preliminary and Final, you do not accept public comments, since we are not writing letters to the adjoining property owners.

Mr. Sutton stated that the one thing that they did for Mr. Martin is that they relocated the pump station. They originally had the pump station behind Lot 8, closer to Raughley Hill Road and it was adjacent to his property. He asked them to move it, and they moved it.

Mr. Moyer asked about the width of the alleys. Mr. Sutton stated that they are in Code; he believes it is 16-feet with no speed bumps. It will then be a City maintained roadway, when accepted by the City; both the alleys and the roads.

Mr. Slattery stated that being a fire fighter, he likes the alleys to get to the rear of the structure.

Chairman Ferguson asked if there were any other comments.

Mr. Sutton stated that he knows that there is not a vote at this meeting, but at what point do they know that they can continue to Preliminary. The City Planner stated that this is the point, her letter, the City Engineer letter, and any recommendations that they received.

Mr. Sutton stated after this meeting, per their Code, they have to get DOT approval, Kent Conservation District approval and their two (2) entities are the longest and hardest approval process and also the most costly. The City Planner stated that when they rewrite the Code, they want everything as front loaded as

possible. The Planning Commission, she assumes understands, that all this all the recommendations for them to go to what we call for final design, since they are going to get outside agency approvals. However, the last application that we saw was Cabin Creek for Conceptual, they front-loaded a lot more, but they were not required to because they did building restriction lines and lot widths so that they could truly validate everything so that we have a 100-percent comfortable feeling going into the Preliminary.

The City Planner stated that she has not gotten the scale to get the building restrictions see if every lot will be built upon until she gets to Preliminary. She stated that if they want to submit to them for comments, prior to going to anywhere else, they have that right. In that way, they would have a feeling on their comments before they go to the Planning Commission.

Mr. Sutton stated that they know that the City's corner lots are double frontage, and that is a standard throughout the State. They did, what they feel and they think it is a good job, of making sure every one of these lots can be built. They are very comfortable; the City Planner stated that they are offering if they want their comments in the interim just to make sure, since they will not do another set.

Mr. Moyer asked if the Planning Commission see the Conceptual drawings of what this proposal is going to look like. Mr. Sutton stated that they probably will not see elevations from them. They are going to be doing approvals for the land and then they are going to have an architectural theme designed for this project. They will work with the City Planner and Planning Commission to final and get recorded so it becomes a legal document. Therefore, when they come in here and build, the City has the ability to enforce those architectural standards.

The City Planner stated that she assume that the next submittal that they receive, they will have a detailed architectural theme and it will have to be detailed to give the picture of what you will see in there.

Mr. Sutton stated that when they end up developing this and they come in for the permit, you will see the actual house, each individual house to make sure that it complies with the building standards.

The City Planner asked when they get to the Subdivision Agreement, they are going to have one developer put all the infrastructure in and it is not being phased, or are we going to work on that. Mr. Sutton that is was too early to say. The City Planner stated that it is odd that they are not working with the developer to know what the character, who is responsible for what, that will be worked out in the Subdivision Agreement.

Mr. Sutton stated that he is sure that his clients to be happy to sell this immediately and have somebody on board, but the way the economy is, they are a couple of years out, and, hopefully, when things come back, they will get somebody on board. The City Planner stated that they are lacking a component for the process.

The City Planner stated that there are several different ways that you can write an architectural theme, you can write it that every house in the same block will not have the same type of materials and colors and we have see that in design standards. She is assuming that what he is going to do is write some sort of a type of architectural theme design standards manual. Mr. Sutton stated that they may have some examples of what they are going to do, plus what type of street lights.

Mr. Moyer asked if they were going to have a minimum square footage per home, what is to prevent, as it stands, from going in a building 3,300 square foot home and next door someone putting a very small home. Mr. Sutton stated with the mixed-use design the way that they have everything staggered through, the townhouses are limited in size, they have mixtures of 30's and 24-wide townhouses. He stated that when you are next door to a single-family home, if you look at Lot 210 and 209, 210 have double-frontage and you are left with a decent area which to build and it would a little bigger than the townhouse. This is what will set up the different types of homes and the different type of units... He stated that there will be different looks, different porches, porticos, gable looks, and a lot of different things they can do to break this up and make it very appealing. The City Planner stated that she can give them the section on the Design Standards, that we have written, which will allow them to cherry pick their options where everything would not look the same, but would give them some options.

Mr. Moyer asked what restrictions they going to place on the building to keep the City happy. The City Planner stated that this will be worked on during the Subdivision Agreement. She stated that when an applicant comes to the Planning Commission and if it not part of the motion or part of the record, or part of the agreement, it is all topic on both sides. On the Subdivision Agreement, part of the attachment, would be the architectural theme, would be the infrastructure; therefore, it would be recorded with the property like a home restriction. Any Zoning Compliance issued here previous to a building permit, would have to conform to "A-Z" before it is issued and this document is probably the most important on top of somebody actually doing the inspection.

Mr. Moyer stated that he guess he misunderstood when he asked if they were going to see drawings of what was going in there and he believed he stated "no". Mr. Sutton stated that initially they are just looking at doing it verbally, and if not verbally, then written. He stated that he wants the protection of the character. Mr. Moyer stated that he knows that the City will have control. But he

wanted to know if they will have control, but putting down what you want to see there, and then allow the City to enforce it. Mr. Sutton stated that this is how the procedure will work, they will have everything in writing, documented, and they will have the opportunity to review it. The City Planner stated that if they wanted to pull up the architectural theme as a separate meeting, if they wanted to do that while they were still in the outside submittals. Mr. Sutton stated that he has not talked to his clients; but getting to the Preliminary will probably be at least a year. They could put something together in the next couple months and get it to them to review preliminarily and perhaps provide them with some feedback. He stated that he is speaking off-the-cuff; not necessarily have a hearing, but a working document.

The City Planner stated that she feels that this would be good for the Planning Commission to have some sort of assurance, since in five to ten years if this starts developing, we may not be working with anybody that is on the Commission now, which has been through several public hearings, and we have a good product so far. She knows that the Planning Commission and the Council will as well; want some sort of protection that this is to be the same type of character. She stated that when the City is working with a developer, it is good to have the proper tools to enforce and do the way it was promised.

The City Planner stated that she does not have a problem working with the applicant to get some architectural drawings.

Rebecca Trifillis, the attorney for the Adamo/Wheeler Project, She stated that they expected a determination on the legal setback issue within two (2) weeks. She wanted to know if they would receive all of the comments from the end result of this meeting. The City Planner stated that she could not have them done in two (2) weeks, but when the minutes are done, we will get them to you. She stated that they will not be getting any additional written comments outside. The City Planner stated that they have her comments and she will give them the City Engineer's comments, but that will be the only written comments plus the minutes for their file.

The City Engineer made a comment about phasing, but to satisfy the Conservation District, unless they have changed, they only allow twenty (20) disturbed acres at one time so you will get an idea how he is going to sequence it and the utilities will have to correspond with that also. The City Planner stated that this is on Page 6 of his application, and the applicant is aware of that with the Kent Conservation District.

There being no further business, a MOTION was made by Anthony Moyer, seconded by William Rogers to adjourn the Planning & Zoning Commission meeting. The MOTION passed unanimously and the meeting adjourned.

Tape Transcribed By:

Carolyn Porter  
Clerk of Council

occupy only the first floor, and the second floor will be used for storage only. The City Planner stated that she has no objection to the parking waiver request.

The City Planner stated that the last parking waiver downtown was for Downtown Junction which the building also covers the entire parcel. The bank next to 14 Commerce Street gave a verbal no objection but not a letter.

Vice Chairman Rettig asked if the parking spaces near the property are owned by the bank. The City Planner replied yes.

Vice Chairman Rettig asked if the waiver would remain if the use changed. The City Planner stated that if the use changes in the future, the property would be subject to what the requirements are in the Code at that time.

A MOTION was made by Commissioner Brode, seconded by Commissioner Rogers, to grant a parking waiver for 14 Commerce Street. The MOTION passed unanimously.

### **The Legacy Subdivision – Elevation Resubmittal Review**

An elevation review on behalf of Mrs. Lucille Adamo, Mr. Richard Wheeler, and Mrs. Lee Wheeler for a conceptual subdivision of 389 parcels (285 townhouse, 60 duplex and 44 single family). The property is zoned R1 (One Family Residential), R2 (Multifamily Residential), R3 (Group Housing Residential), and C1 (Neighborhood Commercial) and is located within the City limits of Harrington. The property is approximately 101.48 acres and is located on the west side of Raughley Hill Road and north of Delaware Avenue. The property is further described as eight separate parcels 6-09-170.02-01-06.00, 01.00, 12.00, 11.00, 10.00, 09.00, 08.00, and 07.00.

The City Planner stated that the comments from the last Planning and Zoning Commission Meeting were forwarded to the applicant. The architect's written comments on the reasoning behind some of the changes were provided tonight. At the last meeting, it was determined that the single family house was fine, the duplex needed a little bit of work, and the townhouse unit needed a lot of work. The City Planner stated that she brought samples of approved townhouse elevations from other projects.

Michael Cohalan stated that he is the architect for the project. He stated that he gave the buildings an integrated look and used a hip roof and gable roof dormers throughout. The site plan mixes the single family, duplex, and townhouses together. Keeping the same style gives the project harmony. Mr. Cohalan stated that he has added and varied the roof profiles and introduced color to the new elevations. He stated that having no standards or restrictions, he developed what he believed was best look for the project.

The City Planner stated that there are no design standards, but the Code does require elevations. The submitted elevations show trees; the site plan does not

have planted trees on any parcels; the landscaping is done minimally on the open space areas. The project is not to the step where lot landscaping would be discussed. Trees would soften the look of the houses.

The City Planner stated that the Planning and Zoning Commission had no problems with the single family house elevations that were reviewed at the last meeting. Commissioner Rettig stated that he likes the changes in the single family house to match the duplex and townhouses. There were no further comments on the single family house elevations.

The City Planner stated that at the last meeting, the Commissioners were looking for separation of the units with characteristics to make it look like two units. The City Planner presented samples of previously approved duplex and townhouse elevations. Some features to make units look individual are roof pitch changes, offsetting, color differential, different materials (brick, stone, siding), different types of windows, and different ornamentation around the doors.

The City Planner asked Mr. Cohalan if he feels the designs meet the character of the City of Harrington. Mr. Cohalan stated that it has traditional characteristics with country details.

The City Planner stated that the project has sixty duplexes, forty-four single family houses, and two hundred eighty-five townhouses.

There were no comments from the Planning and Zoning Commission on the duplexes.

Mr. Cohalan stated that the elevations show a unit of four townhouses, but the site plan calls for up to eight townhouses in a unit. The City Planner stated that this design locks the townhouses into a condo type association since there is no separation between the roofs and siding. Having a separate roof line makes ownership for maintenance purposes clearer and is a good selling feature. Mr. Cohalan stated that the design currently has paired entrances and roofs but can be changed. There is not a lot of room on the footprint to stagger the townhouses. Commissioner Brode stated that the townhouses still look like an apartment building rather than individual townhouses.

Discussion occurred regarding the metal roof that was added to the revised townhouse elevations.

Ron Sutton stated that there will be sixty to eighty-five buildings that contain townhouses. Vice Chairman Rettig stated that the large buildings are more noticeable and the Commission just wants to be careful.

The City Planner stated that landscaping requirements can be included in the subdivision agreement or can be included in the notes.

The City Planner stated that there is very little chance that the buildings in the elevations will be built, but it is required to have a base that the Planning and Zoning Commission is comfortable with, especially with a mixed use. One or multiple developers could come in to build and will have to adhere to the approved standards or present a change.

The Commission suggested separate dormers, separating the porches and entryways, and alternating brick and stone or colors on the bottom.

The City Planner stated that she can meet with the applicant once the townhouse elevations are revised to be sure the Commissioners' suggestions are incorporated.

A MOTION was made by Commissioner Rogers, seconded by Vice Chairman Rettig, to approve the elevations for The Legacy Subdivision for the single family houses and the duplexes unconditionally and to approve the elevations for the townhouses with the following conditions: the metal roofs are to be removed and the units are to be divided to show individual townhouses by working with the City Planner for approval.

Chairman Coudriet asked if the changes will cost the applicant any additional money. The City Planner stated that the developers pay an hourly rate anytime a consult is involved. Initially they pay a fees and an escrow amount. That way the taxpayers of Harrington do not have to pay for any development work. The City does not make any money; the developer pays what is billed to the City. The fees were approved by the City Council so that development is not subsidized by the taxpayers.

The MOTION to approve the elevations for The Legacy Subdivision for the single family houses and the duplexes unconditionally and to approve the elevations for the townhouses with the following conditions: the metal roofs are to be removed and the units are to be divided to show individual townhouses by working with the City Planner for approval passed unanimously.

There being no further business, a MOTION was made by Commissioner Brode, seconded by Vice Chairman Rettig, to adjourn the Planning & Zoning Commission Meeting. The MOTION passed unanimously, and the meeting adjourned at 7:33 pm.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council

**CITY OF HARRINGTON  
ORDINANCE NO. 14-17**

**AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF THE CITY OF HARRINGTON RELATING TO MUNICIPAL FEES FOR PUBLIC WORKS HOURLY RATE AND SEWER SERVICE**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARRINGTON IN COUNCIL MET:

**Section 1.** That § 180-1 A shall be amended to remove the following:

City of Harrington Fee Categories	Base Fee	Escrow Account Amount	Total Owed	Subject to Professional Fees
Public works service fee				
Public works rate, per hour	\$22	\$0	\$22	No
Utility rate, in-City users, quarterly				
Sewer base fee, users without individual sewer meter, per EDU	\$80	\$0	\$80	No
Sewer usage fee, users without individual sewer meter, per 1,000 gallons*	\$5.76	\$0	\$5.76	No
Sewer minimum charge, users with individual sewer meter, up to 20,000 gallons	\$203.20	\$0	\$203.20	No
Sewer usage fee, users with individual sewer meter, per 1,000 gallons*	\$10.16	\$0	\$10.16	No
Utility rate, out-of-City users, quarterly				
Sewer usage fee, per 1,000 gallons	\$10.77	\$0	\$10.77	No

**Section 2.** That § 180-1 A shall be amended to add the new classifications and to read as follows:

City of Harrington Fee Categories	Base Fee	Escrow Account Amount	Total Owed	Subject to Professional Fees
Public works service fee				
Public works rate, per hour	\$50	\$0	\$50	No
Utility rate, in-City users, quarterly				
Sewer base fee, per EDU	\$80	\$0	\$80	No
Sewer usage fee, per 1,000 gallons*	\$5.76	\$0	\$5.76	No

Utility rate, out-of-City users, quarterly				
Sewer usage fee, per 1,000 gallons*	\$7.66	\$0	\$7.66	No

**Repealer.** All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Effective Date.** The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.

Approved

\_\_\_\_\_  
Anthony R. Moyer, Mayor

Attest: \_\_\_\_\_  
Kelly Blanchies, Clerk of Council

Date of Adoption: \_\_\_\_\_

First Reading

**SYNOPSIS**

This Ordinance amends the Municipal Fees for the City of Harrington to amend the Public Works hourly rate, remove the rate for in-City users with individual sewer meters, which is not required, and reduce the sewer usage fee for out of City users.

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**CITY OF HARRINGTON  
ORDINANCE NO. 14-18**

**AN ORDINANCE AMENDING CHAPTER 330, SEWERS, OF THE CODE OF THE CITY OF HARRINGTON TO REMOVE THE RATE CLASSIFICATION FOR IN-CITY USERS WITH INDIVIDUAL SEWER METERS**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARRINGTON IN COUNCIL MET:

**Section 1.** That the title of § 330-1 shall be amended by deleting the existing title and substituting in lieu thereof the following:

**§ 330-1. Sewer service charge established.**

**Section 2.** That Chapter 330 shall be amended by deleting § 330-2.

**Repealer.** All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Effective Date.** The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

Approved  
First Reading

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.

\_\_\_\_\_  
Anthony R. Moyer, Mayor

Attest: \_\_\_\_\_  
Kelly Blanchies, Clerk of Council

Date of Adoption: \_\_\_\_\_

**SYNOPSIS**

This Ordinance amends Chapter 330 to combine the currently seperate classifications for sewer users with and without individual sewer meters.

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_