



**Kent County Levy Court Business
Meeting Notice and Agenda
555 Bay Road , Dover, DE 19901
Levy Court Chamber - Room 203
Tuesday, August 11, 2026**

7:00 PM, BUSINESS MEETING

Join the Meeting:

The public is welcome to attend in person, via WebEx, or by phone.

To join via WebEx go to:

<https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b>

or by phone: 1-408-418-9388; Meeting Access Code: 2342 429 6539; Password: #

Call to Order

Invocation

Pledge of Allegiance

Moment of Silence for our Troops and First Responders

Roll Call and Determination of Quorum

Adoption of Agenda

Public Comments on Agenda Items

- *Note: Public Comments for Public Hearing Item(s) will be during their public hearings.*

Consent Agenda 26-12

- *(Item(s) on the Consent Agenda are considered routine and/or non-controversial and will be acted upon by a single roll call vote of the Levy Court. There will be no separate discussion of this/these item(s) unless a Commissioner so requests, in which event the item(s) shall be removed from the Consent Agenda and considered separately under New Business.)*

Approval of Levy Court Business Meeting Minutes of Tuesday, July 21, 2026

PUBLIC HEARING

Mr. Angel:

Ordinance LC26-12, An Ordinance to amend the current Kent County Code, Volume I, Chapter 68 Personnel Policy, §68-21 Sick Leave

CLOSE PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

Mr. Hertz:

Chemical Contract: Quicklime-Bid Award

Mr. Angel:

Introduction of Ordinance LC26-14, An Ordinance to amend the current Kent County Code Volume I, Chapter 68, Personnel Policy, §68-7 Vacancies, Recruitments and Appointments, Section (D)5 to Update Pre-Employment Drug Screening for Public Hearing on Tuesday, September 1, 2026.

Mr. Sweeney:

SL-26-06 Harmony Hills II: Appeal of a Decision to Deny a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

OTHER BUSINESS

- Move to go into Executive Session immediately following the Business Meeting 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), and (9)

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

EXECUTIVE SESSION, if needed

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

ADJOURN

Posting Info:

Posted: 8/4/26

Revised:

Posted by: L. Tanaka

Time: 5:30PM

Take down: Upon Replacement or on 8/12/26

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.

**MINUTES OF THE KENT COUNTY LEVY COURT
LEVY COURT BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, JULY 21, 2026**

Call to Order at 7:02 p.m. by President Joanne Masten

Invocation by Commissioner Terry Pepper

Pledge of Allegiance led by Commissioner Paul Hertz

Moment of Silence for our Troops and First Responders by Commissioner Jody Sweeney

Roll Call and Determination of Quorum

Honorable Terry L Pepper
Honorable Joanne Masten
Honorable Jeffrey W Hall
Honorable Allan F Angel
Honorable Robert J Scott
Honorable George "Jody" Sweeney
Honorable Paul Hertz

Adoption of Agenda

Motion to approve Agenda as Presented **M-26-092** made by Honorable Robert J Scott; seconded by Honorable Terry L Pepper; carried by vote 7 yeas.

Public Comments on Agenda Items - None

Consent Agenda 26-11

Approval of Levy Court Business Meeting Minutes of Tuesday, June 9, 2026 and June 23, 2026

Paramedic Sign-On Bonus Program (Action item from June 16th Workshop)

Motion to approve Consent Agenda 26-11 **M-26-093** made by Honorable Robert J Scott; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

PRESENTATIONS:

- 1.) Resolution 4169 - Retirement of Michael W. Harrington, Utility Construction Coordinator

Motion to approve Motion M-26-094 carried by seven (7) ayes. made by Honorable Terry L Pepper; seconded by Honorable Paul Hertz; failed by vote yeas.

Mr. Michael Harrington was present this evening to receive Resolution 4169, a resolution honoring his 28+ years of service to the Kent County Levy Court.

2.) Employee of the Month for August 2026

Mr. Kenneth Kelly was present for this evening's recognition as the August 2026 Employee of the Month.

3.) Resolution 4170 - Retirement of Rose M. Wurzel, Wills Clerk II - for the record

Ms. Rose Wurzel was not available for the presentation of her resolution.

Motion to approve Motion M-26-095 made by Honorable Robert J Scott; seconded by Honorable George "Jody" Sweeney; carried by vote 7 yeas.

4.) Resolution 4175 - Retirement of Frederick J. Burke, Environmental Program Manager - for the record

Motion to approve Motion M-26-096 made by Honorable Robert J Scott; seconded by Honorable Terry L Pepper; carried by vote 7 yeas.

INTRODUCTIONS

INTRODUCTIONS - Four new employees were introduced for the record.

PUBLIC HEARINGS

Mr. Angel

1.) Ordinance LC26-04, An Ordinance repealing the current Kent County Code, Volume I, Chapter 41, Ethics, Code of, and replacing it with a new Chapter 41, Relating to Ethics, Post-Employment Restrictions and Standards of Conduct and removing Chapter 68, Personnel Policy § 68-7 Vacancies, recruitments and appointments, paragraph H.

Joel Gartner, Director of Administration gave a brief synopsis of Ordinance LC26.04.

Motion to table Ordinance LC26-04 **M-26-097** made by Honorable Robert J Scott; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Mr. Hall:

- 1.) Ordinance LC26-06 Data Centers: An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V - Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use.

Sarah Keifer, Director of Planning presented Ordinance LC26-06 to the Levy Court Commissioners and was available for any questions they may have.

In Favor:

Linda Parkowski, Greg Stubbalo, Vonderlear Smack, Caroline Trueman, Max Flaxman, Marissa McClenton, Linda Lewis, Haley Gerardi, Cynthia Rusomano, Camerson Sweeney, Connor Greenwood, Mary Louve, Eric Buckson, April Murray, Debora Foor, Heide Patton, Patrick Bates, Christopher Beardsley, Greg Layton, Joy Woodruff, John Starke, Maryellen Bowers, Shawn Samuel, Piper Champiny, George Jones, Francis George.

In Opposition:

Mike Humphrey, James Crissman, Zachary Papen, Chris Jenerick, Ezra Bennett, Jeff Allen, Jerome Hudson, Mollie Raley Hall, Ann Borgman, Nancy Shenkind(?)

Online In Opposition were: Bernetta Kerns, Callie Champiny, Doreleena Sammons Hacket, Denise Long, Cheryl Baylor

Motion to approve Ordinance LC26-06 **M-26-098** made by Honorable Jeffrey W Hall; seconded by Honorable George "Jody" Sweeney; carried by vote 7 yeas.

Mr. Hertz:

- 1.) Ordinance LC26-10, 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.

(Ref: Application: CZ-26-02; Taylor, Joseph Lewis IV & Christina L: Request to amend the Zoning Map from AR(Agricultural Residential) to BN(Neighborhood Business) located outside the Growth Zone Overlay District / MN-00-187.00-01-45.00-000)

Ms. Keifer presented LC26-10 to the commissioners.

Joseph Talor, IV, Melissa Clarke and Dennis Norwood spoke IN FAVOR of Ordinance LC26-10.

There was NO OPPOSITION to this ordinance.

Motion to deny Ordinance LC26-10, **M-26-099** An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware. made by Honorable Paul Hertz; seconded by Honorable Jeffrey W Hall; failed by vote 3 yeas.

Motion to approve Ordinance LC26-10, **M-26-100**, An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware. made by Honorable Terry L Pepper; seconded by Honorable George "Jody" Sweeney; carried by vote 4 yeas.

Mr. Pepper:

- 1.) Ordinance LC25-24 amending Chapter 128 (Fees), Article XI (Fees Enumerated), 128-49 (Meeting Room Fee Schedule)

Joel Gartner gave a brief synopsis of Ordinance LC26-10.

Motion to table Ordinance LC25-24, **M-26-101**, amending Chapter 128 (Fees), Article XI (Fees Enumerated), 128-49 (Meeting Room Fee Schedule) made by Honorable Robert J Scott; seconded by Honorable George "Jody" Sweeney; carried by vote 5 yeas.

Mr. Scott:

- 1.) C-26-04 McCoy, Bianca & Tyrel: Request for Conditional Approval of a Home Occupation (Daycare) located inside the Growth Zone Overlay District / Parcel #SM-00-140.02-01-53.00-000

Ms. Keifer presented Ordinance LC26-04 to the commissioners.

Bianca McCoy was present and spoke IN FAVOR of this ordinance.

There were no persons IN OPPOSITION to this ordinance.

Motion to approve C-26-04, **M-26-102**, McCoy, Bianca & Tyrel, made by Honorable Robert J Scott; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

- 2.) Resolution 4174, A Resolution to extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4E(10), Chapter 187 of the Kent County Code - Griffith Lake Estates

Department: Planning Services

There were no parties present IN FAVOR of or IN OPPOSITION to Resolution 4174.

CLOSE PUBLIC HEARINGS

NEW BUSINESS

Mr. Angel:

- 1.) Potential Action Item from Workshop: Proposed Policy P26-01, County Vehicle GPS and Camera Policy

Proposed Policy P26-01 was presented to the Levy Court Commissioners by the County Administrator, Kevin Sipple.

Motion to approve **M-26-104**, Proposed Policy P26-01, County Vehicle GPS and Camera Policy made by Honorable Allan F Angel; seconded by Honorable Robert J Scott; carried by vote 7 yeas.

- 2.) Potential Action Item from Workshop: Introduction of Ordinance LC26-12, An Ordinance to amend the current Kent County Code, Volume I, Chapter 68 Personnel Policy, §68-21 Sick Leave for Public Hearing on Tuesday, August 11, 2026.

Department: Administration

Mrs. Masten:

- 1.) Potential Action Item from Workshop: Recreation Center Chiller Replacement

Vice President Scott took over the meeting for President Masten at this point.

Motion to approve **M-26-105**, Recreation Center Chiller Replacement made by Honorable Joanne Masten; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Mr. Hertz:

Chemical Contract: FY27 Ferric Chloride- Bid Award

Sam Bautista, Director of Public Works was present to give a brief introduction to the Bid Award.

Motion to approve **M-26-106**, Chemical Contract: FY27 Ferric Chloride- Bid Award made by Honorable Terry L Pepper; seconded by 0; carried by vote 7 yeas.

INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS

Commissioner Angel commented on the need to have the Caesar Rodney statue back in Kent County. He also mentioned the need for a second way in and out of subdivisions or increasing road width to 28 feet to ensure public safety. Mrs. Masten agreed that this needs to be addressed and advised she has this noted to speak with Ms. Keifer about.

Meeting was ADJOURNED at 11:18 p.m. by President Masten.

Brenda A. Wootten, Clerk of the Peace

Certifying Officer [Name, Title]

Brenda A. Wootten

Signature

INTRODUCED BY: Commissioner Allan F. Angel
DATE INTRODUCED: July 21, 2026
PUBLIC HEARING DATE: August 11, 2026
HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: January 1, 2027

ORDINANCE 26-12

AN ORDINANCE AMENDING THE CURRENT KENT COUNTY CODE VOLUME I CHAPTER 68, PERSONNEL POLICY §68-21 SICK LEAVE (J). TO ESTABLISH A NEW EFFECTIVE DATE OF JANUARY 1, 2027.

WHEREAS, the Kent County Levy Court deems it advisable to amend the Kent County Code to update the Personnel Policy to reflect the calendar year basis for personal leave accrual and ensure employees are aware of changes to the personal leave benefit for nonexempt employees;

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. §68-21 (J) Sick Leave of the Kent County Code is hereby amended to allow more time to communicate with nonexempt employees about changes to the personal leave policy as approved by Ordinance LC26-02.

Section 2. §68-21 (J) Sick Leave of the Kent County Code is now effective on January 1, 2027.

NOTE: Actual text of this chapter is attached to this document.

Section 3. This Ordinance is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware, in the Delaware Code, Title 9, Section 4110.

Section 4. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any or the remaining provisions.

Section 5. This Ordinance shall take effect January 1, 2027.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

President, Kent County Levy Court
This 21st day of July, 2026

ATTEST: _____
Clerk of the Peace

SYNOPSIS

This ordinance amendment updates the policy with a new effective date for implementation of the benefit.

TEXT

§68-21 Sick leave (J). Full-time nonexempt employees in the classified service are eligible to take up to three working days per calendar year of personal leave for undisclosed reasons, which shall not be charged against accrued sick leave.

Suggested motion: I move to approve Ordinance LC26-11, An Ordinance Amending the current Chapter 68, Personnel Policy §68-21 (J) Sick Leave to Establish a New Effective Date of January 1, 2027.



Kent County
Department of Public Works

MEMORANDUM

DATE: August 4, 2026

TO: Levy Court Commissioners

FROM: Sam Bautista, P.E., Director of Public Works
Colby Harrington, Assistant Director of Public Works

RE: CHEMICAL CONTRACT: QUICKLIME- BID AWARD

One of the key chemicals currently required in our Biosolids Class A Process (both liquid and solid) is Quicklime. The solids process uses quicklime for pH adjustment as required to meet Class A standards outlined in our Distribution and Marketing permit through DNREC.

An "Invitation to Bid" was publicly advertised on June 22, 2026, and June 29, 2026, in the Daily State News for a new contract. Bid documents were requested by three (3) vendors and two (2) bid-clearing houses. A bid opening was held on July 16, 2026. One Company (Usalco, LLC) notified us that they were not bidding. Bids were submitted by Greer Industries, Inc. and Carmeuse North America. Bid results are shown in the table below.

TABLE 1. BID SUMMARY		
BIDDER	UNIT BID PRICE	TOTAL BID
Greer Industries, Inc	\$397.84 per ton	\$915,032.00
Carmeuse North America	\$531.19 per ton	\$1,221,737.00

Greer Industries Inc was the lowest bidder, meeting the bid specifications and the Department has been satisfied with both Greer's service and product. Greer's proposed unit price of \$397.84 per ton is an increase of \$66.98 from the previous contract extension. The FY27 budget is fully funded to cover the estimated cost for Quicklime in FY27. Therefore, the Department recommends contract award to Greer Industries, Inc and the following motions:

1. **"Move to award the one-year Quicklime chemical contract to Greer Industries, Inc. at a unit bid price of \$397.84 per ton for the period from September 1, 2026, to August 30, 2027, with the option for two (2) one-year extensions. Funding shall be FY2027 Sewer Fund Operating Budget." AND**
2. **"Move to authorize the President of the Levy Court to execute the contract."**

Reviewed and Concurred:

Susan Durham, Finance Director

INTRODUCED BY: Commissioner Allan F. Angel
DATE INTRODUCED: August 11, 2026
PUBLIC HEARING DATE: September 1, 2026
HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

ORDINANCE LC26-14

AN ORDINANCE AMENDING THE CURRENT KENT COUNTY CODE VOLUME I CHAPTER 68, PERSONNEL POLICY §68-7 VACANCIES, RECRUITMENTS AND APPOINTMENTS, SECTION D (5) TO UPDATE PRE-EMPLOYMENT DRUG SCREENING.

WHEREAS, the Kent County Levy Court deems it advisable to amend the Kent County Code to update the Personnel Policy to comply with findings from Federal case law regarding drug and alcohol screening for prospective employees;

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. Kent County Code Volume I, Chapter 68 Personnel Policy §68-7 (D) 5. is hereby amended by deleting the language identified in brackets and strike-through, and adding underlined language as follows:

Consistent with applicable law, candidates selected for employment in designated safety-sensitive positions ~~[must]~~ shall be required to submit to and pass a substance use test for illegal and illicit drug use, misused prescription drugs and abusive consumption of alcoholic beverages ~~[-and to the extent permitted by applicable law, marijuana will be included in testing]~~. This testing will occur after an offer of employment has been extended but before employment commences ~~[-usually on the first day of employment]~~. If the selected candidate fails to pass the test or a second confirming test, if applicable, the offer of employment shall be withdrawn, and they shall be ineligible for any appointment for a period of one year.

Section 2. This Ordinance is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware, in the Delaware Code, Title 9, Section 4110.

Section 3. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any or the remaining provisions.

Section 4. This Ordinance shall take effect upon adoption.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

President, Kent County Levy Court
This 11th day of August, 2026

ATTEST: _____
Clerk of the Peace

SYNOPSIS

This ordinance amends Kent County Code to reflect new requirements for pre-employment drug screening.

Suggested motion: I move to approve Ordinance LC26-14, An Ordinance Amending the current Chapter 68, Personnel Policy §68-7(D)5. Vacancies, Recruitments and Appointments.

July 16, 2026

VIA CERTIFIED MAIL & EMAIL

Sarah E. Keifer, AICP, Director of Planning Services
Kent County Levy Court
Administrative Complex
555 Bay Rd.
Dover, Delaware 19901
sarah.keifer@kentcountyde.gov

**RE: Harmony Hills II, Subdivision Application SL-26-06
NOTICE OF APPEAL**

Dear Ms. Keifer:

This office represents TPD Management LLC (the "Applicant"), the applicant for Major Subdivision Application No. SL-26-06, Harmony Hills II.

Pursuant to 9 *Del. C.* § 4811 and Kent County Code, § 187-21(D), please accept this letter as the Applicant's formal notice of appeal from the July 9, 2026 decision of the Kent County Regional Planning Commission denying preliminary approval of Application No. SL-26-06, Harmony Hills II. Please also schedule this appeal for a hearing before the Kent County Levy Court at the earliest practicable date during August 2026.

The Applicant intends to submit a brief in support of its appeal so that the Levy Court has sufficient time to review and consider the issues presented before the hearing. Accordingly, please advise whether any applicable rules establish a deadline or briefing schedule for the submission of appellate materials, as I have not identified any such requirements in the Kent County Code or on the County website.

Thank you for your attention to this matter. Please let me know if you have any questions or require any additional information.

Respectfully,

/s/ Alex C. Burns

Alex C. Burns, Esq.

ACB/mgl

Cc: TPD Management LLC

1413 Savannah Road, Suite 1 | Lewes, Delaware 19958 | T (302) 645-2262 | F (302) 644-0306
www.lawbmf.com

DOVER, DE | LEWES, DE | GEORGETOWN, DE | WILMINGTON, DE | BALTIMORE, MD



DEPARTMENT OF PLANNING SERVICES

July 10, 2026

Email: dbarry@pennoni.com
Pennoni Associates Inc.
Douglas D. Barry, PE
121 Continental Drive
Suite 207
Newark, DE 19713

Re: SL-26-06 Harmony Hills II

Dear Applicant,

At its Business Meeting on July 9, 2026, the Regional Planning Commission voted to **deny** application SL-26-06 Harmony Hills, a preliminary plan for a 93-lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district based on public safety.

The following reasons were given:

"You have a situation here that probably should have been something else on this site and not what you're doing now. I'm very concerned about the public safety of not only the children, but the adults themselves that are going to be living in that district, with one-way in and one-way out. If you have an accident at Peach Tree and the Entrance going into the subdivision, it would not be adequate passage for emergency vehicles, fire departments or whatever the case may be, illness or whatever. That presents a major problem for me. I was really hoping that they could work this out, apparently, they can't work it out, but those things need to be looked at very closely prior to coming before this commission. There are two of us on this commission that are in the fire service. We look at the public safety issues very clearly, that is a big dangerous issue when things pass. If you correct that problem, next time I'll vote for it. But I'm not going to vote and put those people's lives in jeopardy to live in that submission."

Should you have any questions or require further assistance, please contact me at the Planning Office (302) 744-2471.

Sincerely,



Sarah E. Keifer, AICP
Director of Planning Services

cc: TPD Management LLC (email:fdimondi@msn.com)
KCRM LLC (US Mail)
Ethel Higgins (US Mail)



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

July 2, 2026

Application Number	:	SL-26-06
Preliminary Plan Title	:	Harmony Hills II
Zoning District	:	RMH (Residential Manufactured Home) / RS1 (Single-Family Residential)
Site Area	:	25.61 acres ±
Proposed Number of Lots	:	40 Duplexes + 53 Single-Family Lots
Relation to Growth Zone	:	Inside

I. STAFF RECOMMENDATION:

Staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Code, as follows:

A. Code Requirements:

1. The final plan must meet all requirements of Chapters 171, 187, and 205 of the Kent County Code and all items in the final plan column of Appendix D of Chapter 187. This may include items that are not specifically outlined below. The final plan must be recorded within 24 months of the date of preliminary approval.
2. A list of additional requirements for the final plan is attached to this report.
3. In accordance with §187-43, it is required that a bond be filed for or deposited in escrow with the County or a letter of credit issued in a sum sufficient to ensure completion of requirements such as buffers, landscaping, and/or open space improvements imposed by the Levy Court or Regional Planning Commission. Such surety bond or letter of credit shall be required prior to issuance of a building permit as outlined in §187-83.B. This surety will guarantee that, if the developer is not able to financially complete the project, the funds will be available to complete the amenities promised to the residents of the community.

4. §187-62 requires the development to have a bus stop. The plan proposes a stop on the south side of Harmony Hill Drive, north of the intersection with Harmony Hill Circle. If required by the school District and/or Delaware Transit Corporation (DTC), the plan should also show a bus turnout area consistent with the design exhibits shown in Section 187-62.D. and E.

B. Recommendations:

Kent County Code §187-56(C) states that subdivision and/or land development plans shall be designed in accordance with the design requirements and standards contained in this chapter, with the objective of achieving the most advantageous and efficient use of land resources and yielding high quality living environments. For this reason, Staff has the following recommendations:

1. **An easement should be established on Lot 6 to allow the applicant or future HOA to install an entrance sign.** Due to the layout of the development, there is no open space available for a sign and the other lot near the entrance (Lot 1) has little room to accommodate signage.
2. **The applicant should explore options for claiming the area surveyed on the plans as Lands of Unknown Ownership.** If the applicant is able to claim ownership, it would prevent the area from becoming a landlocked, unbuildable parcel.
3. **Any tree clearing should not occur from April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, as recommended by DFW.**

II. WAIVER REQUESTS:

The applicant is requesting a waiver from Kent County Code §187-53I(4), Table X-3, requiring that stormwater management ponds/basins meet a minimum distance of 100' from the nearest residential dwelling setback line. The applicant is requesting the waiver to allow Stormwater Facility 1 to be 35' from the nearest residential setback and Stormwater Facility 2 to be 40' from the nearest residential dwelling setback line. Staff recommends that this waiver request be **APPROVED**. The proposed distances will still maintain the 30' setback required from parcel lines, which will allow sufficient buffer from the residential lots and provide enough room for access and maintenance of the stormwater area.

III. BACKGROUND INFORMATION:

- The applicant is requesting approval of a 93-lot development, with 40 duplex lots and 53 single-family lots.
- The Comprehensive Plan calls for medium-density residential uses in this area. The proposed subdivision plan is in conformance with the Comprehensive Plan.
- The subject site is 25.61± acres. Two of the parcels are currently utilized for single-family residences and the third parcel is vacant woodlands.
- The site is located on the east side of Harmony Hill Dr., approximately 0.13 miles east of Peachtree Run, east of Camden.
- The character of the surrounding area is primarily residential, with one institutional use and some vacant parcels. The project is adjacent to three residential subdivisions: Seabrook Village to the southwest, Harmony Hill to the northwest, and Star Hill Village to the northeast. There are also several individual single-family residences to the north and south of the site. Star Hill Elementary School is located to the northeast, and there are vacant parcels to the southwest and southeast.
- The site will be served by Kent County Sanitary Sewer and Tidewater Utilities.
- A landscape plan has been provided showing the proposed active open space improvements and tree plantings. Based upon the area of this project, the applicant is required to plant 50 trees. The applicant is proposing to plant 35 trees on individual lots and 16 trees along the street and within the open space parcels. The applicant is proposing a 0.7322-acre active open space area in the western open space parcel, which includes a gazebo with picnic tables, playground equipment, a volleyball court, and a paved walking trail.
- This proposal was exempt from the PLUS process, as it is located within the Kent County Growth Zone and proposes less than 200 dwelling units.

IV. AGENCY COMMENTS:

The following County and State agencies have reviewed the preliminary plan prepared by Pennoni Associates Inc. and have provided the following requirements, conditions and recommendations:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, Engineering Division

Contact: Brian L. Hall, Engineering Project Manager II

Requirements:

1. The property is “legally” located in KCSDD1 – Tidbury Branch Area.

2. The proposal must proceed in accordance with all applicable provisions of the Kent County Code, Chapters 128 (Fees) & 180 (Standards).
3. “Technically”, there are existing gravity sewer mains located on these properties.
4. Depiction of all existing and proposed SS easement, R-O-W, and dedication areas.
5. Creation of Kent County streetlighting & garbage collection districts (Kent County Code, Chapter 187).

Comment:

1. The Engineering Division grants “Conditional Approval”.

B. DEPARTMENT OF TRANSPORTATION

Contact: Joshua J. Schwartz

Comments:

1. The designer submitted for a pre-submittal meeting through PDCA and was held on March 2, 2026.
2. The developer shall submit plans for a Record Plan and Entrance Plan.

C. KENT CONSERVATION DISTRICT

Contact: Jared Adkins

Requirements:

Kent Conservation District has no objection to the proposed major subdivision.

1. A Stormwater Assessment Study must be submitted, and a pre-application meeting must occur prior to submitting a sediment and stormwater detailed plan application.
2. A detailed sediment and stormwater management plan must be reviewed and approved by Kent Conservation District prior to any land disturbance (i.e. clearing, grubbing, filling, grading, etc.). The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the District’s office.
3. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities.

Advisory Comments to the Applicant:

1. The Kent Conservation District has drainage issues to the Northeast of the site on headstart lane. We will want to look at reducing any runoff from the proposed site to this area.
2. A new subdivision shall establish a stormwater maintenance district as a condition of approval. Fees for the district shall not be incurred until the

subdivision is complete and the stormwater infrastructure approved by the Kent Conservation District.

3. A minimum 15-foot maintenance access easement from the roadway is required at each facility.
4. It is strongly recommended that all storm drain pipes be designed in open space.
5. A letter of no objection to recordation will be provided upon approval of a Sediment and Stormwater Management Plan.

D. DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION

Contact: Malcolm Jacob, Transportation Planner

Comments:

Peachtree Run Road, a major collector road, is not suitable for use by pedestrians. The road has a Level of Traffic Stress (LTS) of 4, and it has no shoulders and fragmented sidewalks, making it unsafe for anyone traveling without a personal vehicle. Dover Kent MPO's South Central Kent County Circulation & Sufficiency Study recommends pedestrian improvements to Peachtree Run Road. More specifically the study calls for sidewalks on the east side of Peachtree Run Road between Vanessa Drive and Lochmeath Way, as well as crosswalks across all approaches of the Peachtree Run Road and Lochmeath Way intersection. Pedestrian improvements to Peachtree Run Road are also identified as a necessary short-term project in Dover Kent MPO's Metropolitan Transportation Plan (MTP), Innovations 2050, and they are supported in the 2017 Kent County Regional Bike Plan .

The MPO believes these sidewalks should be completed before the proposed neighborhood is built, as without these improvements, residents of the neighborhood will be forced to rely on a personal vehicle to leave their street. A pedestrian connection from Harmony Hill Drive to Lochmeath Way in particular would benefit the residents as it would provide a safe route to the nearby businesses and the DART bus stops. Note that there is another DART bus stop on the western side of Peachtree Run Road across from the intersection with Harmony Hill Drive. Therefore, a crosswalk connecting to this location should also be considered.

Five-foot-wide sidewalks are shown in the site plan, matching the pedestrian facilities currently in place on Harmony Hill Drive. Pathways will also connect to the playground and other facilities. This internal network of sidewalks should be supplemented with ADA curb ramps and marked crosswalks at intersections and other key locations.

Note that the site plan proposes a total of 94 residential units. Assuming each household takes an average of ten (10) vehicle trips per day, the neighborhood would

contribute to an increase of approximately 940 daily trips on Peachtree Run Road, in addition to the trips currently generated by Harmony Hills. The applicant will need to work with DelDOT to ensure the surrounding roadways and intersections are able to handle the increase in capacity, and that congestion will not occur.

To address the issues of congestion and site access, Dover Kent MPO typically recommends that a new neighborhood include additional entrances. In addition to reducing congestion impacts, this will allow for better connectivity for motorists, bicyclists, and pedestrians, and it will improve access for first responders. In this case, there are two possible connections to Harmony Hill Drive, though each would have its unique challenges.

The first possible connection would be via Headstart Lane, which runs perpendicular to Harmony Hill Drive; the two roads will intersect once Harmony Hill Drive is extended. The challenges with this solution are that Headstart Lane is unpaved and not wide enough to accommodate vehicle traffic in both directions, and there are fences on both sides of the road as well as other obstructions. This is particularly the case at the southern end of the road (south of Greater Life Christian Church). If this access point were created, residents could enter and exit the neighborhood via Voshells Mill Star Hill Road. However, significant right-of-way issues would need to be addressed first.

The second possible connection would be via Casterline Court, one of three cul-de-sacs in the Seabrook Village neighborhood off of Lochmeath Way. This cul-de-sac has fewer constraints than the other two, which include houses and utilities. The challenge with this solution is that Newell Branch, a tributary of the St. Jones River, separates the two neighborhoods. The area along the stream is classified as wetland, meaning substantial environmental consideration would be needed for a road connection at this location. Even if environmental damage were avoided, the location of Newell Branch makes this connection less feasible.

Given the numerous constraints surrounding Harmony Hills, it would be difficult to create a second entrance to the neighborhood. However, Dover Kent MPO recommends that all the options be considered, so that the residents of Harmony Hills and first responders have improved access.

E. DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DIVISION OF FISH & WILDLIFE

Contact: Faith Garcia, Environmental Review Coordinator

Comments: Attached.

V. OWNER/DEVELOPER:

The owner shall be aware of and be prepared to comply with all comments regarding this project stated in this report. All comments must be addressed in the final plan prior to final approval. Letters of “No Objection to Final Approval” from the following agencies will be required prior to final approval:

- A.** DelDOT, Division of Highways
- B.** Kent Conservation District
- C.** Office of State Fire Marshal
- D.** Kent County Department of Public Works
- E.** Kent County Division of GIS / 911 Addressing
- F.** Tidewater Utilities

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services.

ENC: Data Sheet
Exhibit A – Location Map
Waiver Request
Additional Plan Requirements for Final Approval
DNREC Div. of Fish & Wildlife Comments (pg. 2-6)
Preliminary Plan



Kent County Levy Court

LOCATION AND ZONING MAP Exhibit A

Application: SL-26-06
Harmony Hills II

APPLICANT:

TPDL Management LLC

OWNER: Ethel Higgins &

KCRM, LLC

ENGINEER:

Pennoni Associates, Inc

c/o Douglas D Barry, PE

PRESENT ZONING DISTRICT:

RMH (Residential Manufactured Home)

RS1 (Single-Family Residential)

PRESENT USE:

Agricultural/Residential

PROPOSED USE:

52 Single Family Lots & 42 Duplexes

Major Subdivision

LEVY COURT DISTRICT:

5th - Sweeney

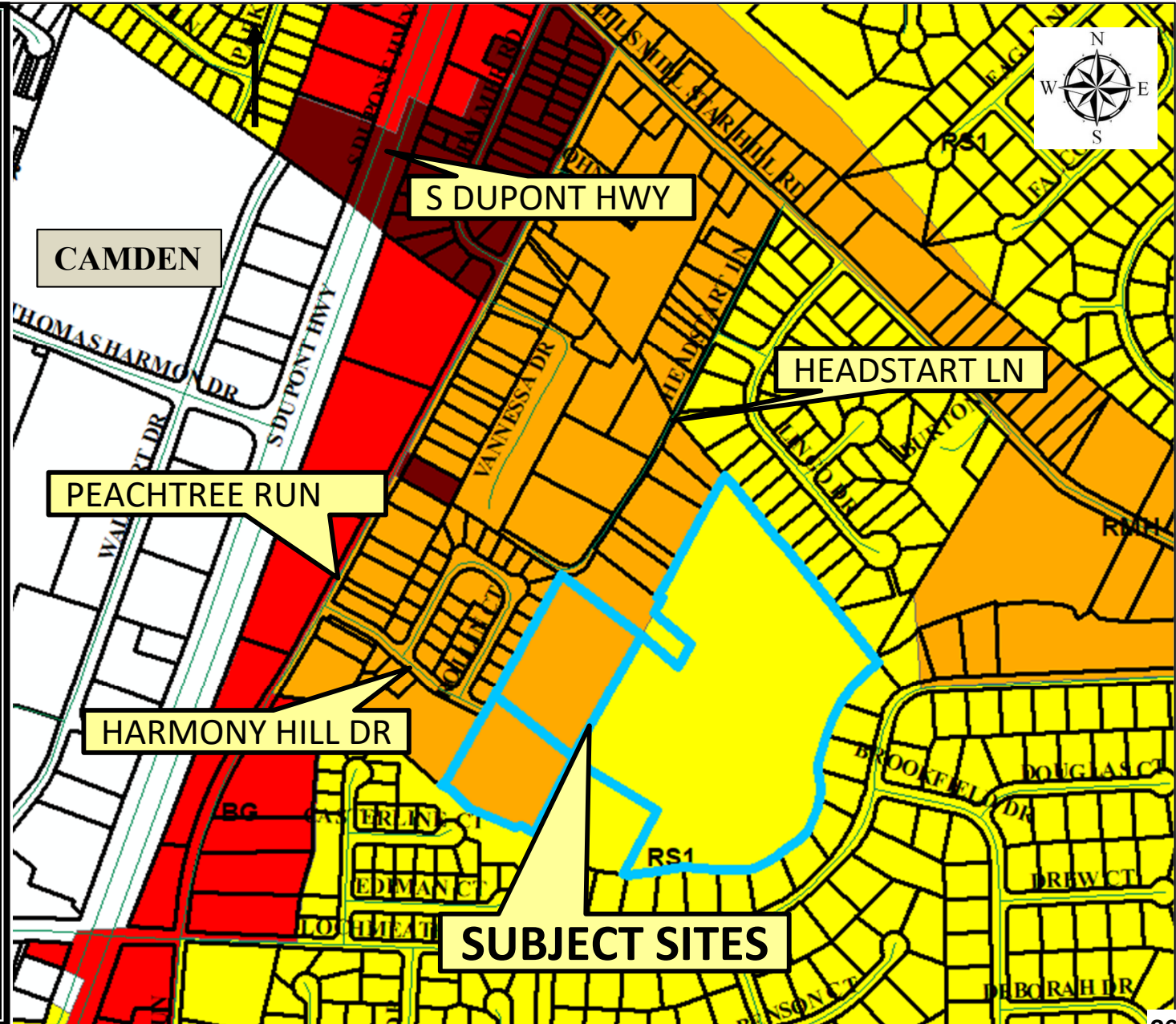
TAX MAP NO:

NM-00-094.00-02-38.00-000

NM-00-094.00-02-40.00-000

NM-00-094.00-02-41.00-000

LOCATION: Located on the east side of Harmony Hill Dr., approximately 0.13 miles east of Peachtree Run, east of Camden.





June 03, 2026

SALTA-25008

Jesse Lindenberg, AICP, Planner
Kent County Levy Court – Division of Planning
555 S Bay Road
Dover, Delaware 19901

RE: Waiver Request Letter – Harmony Hills II Residential Subdivision
Dover, Kent County, Delaware

Dear Jesse:

Please consider this letter as our formal request for a waiver from the Kent County Subdivision and Land Development Ordinance in support of the Harmony Hills II Residential Subdivision Project in Dover, Kent County, Delaware.

Waiver Request

Per Table X-3 ("Utility Infrastructure Bulk Standards"), stormwater management ponds/basins are to be setback a minimum of 30' from parcel lines and a minimum of 100' from building setback lines associated with the proposed lots within the subdivision. While the Applicant fully intends on complying with the requirement to locate permanent stormwater management ponds/basins a minimum of 30' from parcel lines, we are respectfully requesting a waiver from the requirement to locate permanent stormwater management ponds/basins a minimum of 100' from internal lot setback lines. The additional area within the designated passive open space is needed for stormwater management purposes for the project to meet the runoff and volume reductions stipulated by the Delaware Sediment and Stormwater Regulations as well as the Kent County Drainage Code.

If you have any questions/comments or require additional information, please do not hesitate to contact me at this office. We thank you for your continued assistance with this project.

Respectfully submitted,

PENNONI ASSOCIATES INC.

A handwritten signature in blue ink that reads "Douglas Barry". The signature is fluid and cursive, with the first name "Douglas" and last name "Barry" clearly legible.

Douglas D. Barry, PE
Associate Vice President

Attachments

cc: TPD Management LLC



DEPARTMENT OF PLANNING SERVICES

Additional Plan Requirements for Final Plan Approval

1. The creation of trash and streetlight districts are required in accordance with the provisions of §187-53(H). The applicant shall contact the Kent County Department of Public Works for information on this process (Phone 302-744-2430).
2. §187-53.C. requires that this project shall be served by a central water system that includes fire protection. Fire hydrant locations shall be located on the plan accordance with the Delaware State Fire Protection Regulations.
3. All major subdivisions must have lighted entrances. Indicate the type of lighting for the subdivision entrances on the plan.
4. In accordance with §187-60(H), sidewalk design and installation must comply with federal requirements of the Americans with Disabilities Act (ADA) and shall incorporate barrier-free access ramping at points of intersection with street crossings and at other locations so as to accommodate barrier-free pedestrian movement and access to buildings, parking areas, and other site amenities. All sidewalks shall be designed as an “accessible route” and shall conform to ANSI 117.1-1998 standards for handicapped accessibility. Provide typical curb ramp detail on the plan.
5. Active recreational improvements must be constructed in a proportion equal to or greater than the proportion of residential dwelling units completed. A construction schedule for the completion of the approved active recreational improvements will be required prior to final plan approval.
6. Acknowledgement of and compliance with §187-70, Ownership and maintenance of active recreation areas and passive open spaces, shall be required prior to final plan approval.
7. In accordance with §187-70, a copy of all Homeowners’ Association documents must be submitted for review by the Planning Department prior to consideration by the RPC for final approval, including the Articles of Incorporation for the Homeowners’ Association, Bylaws, and Maintenance Obligations Declaration documents.
8. This project will be required to join a stormwater maintenance district in accordance with §187-90.4(D)(1-5) of the Code.

Zone Overlay District / Parcel # ED-00-078.00-01-01.05-000

DFW Comments: A review of our database indicates that there are currently no records of state-rare or federally- listed plants, animals or natural communities at this project site.

4. **SL-26-06 Harmony Hills II:** Request for a Major Subdivision approval of a 94 lot Major Subdivision including 52 single-family homes and 42 townhouses located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00 094.00-02-38.00.000

DFW Comments:

Tricolored Bat

A review of our database indicates that the tricolored bat (*Perimyotis subflavus*) may occur on or adjacent to the project site. Due to population declines largely caused by white-nose syndrome, a fungal disease known only to affect bats, this species is proposed to be federally-listed as endangered under the U.S. Endangered Species Act (ESA). Section 7 consultation may be necessary. To determine the potential effect your project may have on the tricolored bat, visit the [USFWS Information for Planning and Consultation](#) (iPaC) tool to obtain an official species list and to use the final Range-wide Northern Long-eared Bat and Tricolored Bat Determination Key (Dkey).

Forested Wetlands

The forested wetlands on this property could support an array of plants and animals, most notably wetland dependent species such as amphibians. To reduce impacts to these species, we recommend following:

1. Avoid disturbance to and filling of isolated wetlands.
2. Maintain an upland buffer of at least 100 ft along wetlands.
3. Maintain input to natural wetlands at the pre-construction level. Avoid causing an increase or decrease in the naturally occurring water level.

4. Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off, which can contain oil and other pollutants.
5. Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
6. Design the development to exclude curbs. If road curbing is part of the design, curbing that allows small animals, such as turtles and salamanders, to climb out of the roadbed (such as Type 2 or Cape Cod curbing) is preferred over steep, vertical curbing.
7. Use open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.

For further information, contact our Environmental Review team (DNREC_EnvReview@delaware.gov). Additional information can also be obtained from the Partners in Amphibian and Reptile Conservation (PARC) '[Habitat management guidelines for amphibians and reptiles of the Northeastern United States](#)' or the PARC website: <http://www.parcplace.org>.

Forest Loss and Fragmentation

Based on a study conducted by the Delaware Forest Service, between 2002 and 2009, nearly 16,000 acres of unprotected forests occurred on land approved for development. The study also found that the average size of a forested parcel is less than 10 acres, illustrating that along with forest loss is an increase in forest fragmentation. Another study found that the cumulative loss of forest in Delaware has led to a corresponding loss of forest-dependent species (Environmental Law Institute. 1999. Protecting Delaware's Natural Heritage: Tools for Biodiversity Conservation. ISBN#1-58576-000-5).

For migratory birds, it is extremely important to conserve large tracts of forests in the State of Delaware due to its position within the Atlantic flyway. In addition, forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities.

Developments that occur within wooded areas significantly reduce the habitat value for wildlife due to clearing, fragmentation, and subsequent landowner activities. Actual forest loss may be higher than initial estimates once this site is built out and homes,

driveways, sidewalks, roadways, and stormwater management ponds are constructed. In addition, residents may clear additional trees for play areas, dog kennels, sheds, swimming pools, etc. Species that can tolerate habitat loss and fragmentation may attempt to co-exist with residents, while more sensitive species will likely be extirpated from the site and be forced into surrounding areas. Either scenario can result in an increase in human/animal conflicts.

Cumulative forest loss throughout the state is of utmost concern to our Division which is responsible for conserving and managing the states wildlife (see www.fw.delaware.gov and the Delaware State Code, Title 7). Because of an overall lack of regulatory protection, we must rely on landowners and/or the entity that approves projects (i.e., counties and municipalities) to consider implementing measures that will aide in forest loss reduction.

Although leaving a forest intact is usually more beneficial to the existing wildlife and is preferential to clearing, we offer the following recommendations which, if implemented, will reduce impacts:

1. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, we recommend that clearing not occur **April 1st to July 31st**. This clearing recommendation would only protect those species during one breeding season, because once trees are cleared the result is an overall loss of habitat.
2. We recommend that efforts to minimize the amount of clearing needed for the footprint of homes and infrastructure be employed. Landowners will likely desire amenities such as dog kennels, swimming pools, sheds, play areas etc. If feasible, mechanisms should also be put in place to reduce future clearing by landowners.
3. Given the benefit of trees in erosion control and flood abatement, tree removal for stormwater management should be minimized. This could include site plan reconfiguration to locate stormwater management facilities to non-forested areas, reducing the number and/or size of ponds, or employing alternative methods that do not require tree removal. Options should be discussed with project engineers or with the appropriate Sediment and Stormwater Plan approval agency.
4. To protect the function and integrity of wetlands, a minimum **100 ft buffer** should be left intact around the perimeter. This recommendation is based on peer reviewed scientific literature that shows an adequately sized buffer that effectively protects wetlands and streams - in most circumstances - is about 100-foot in width. Upland buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual

life cycle. Lot lines, roadways, and infrastructure should not be placed within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.

5. Larger, connected areas of open space should be left intact rather than smaller, fragmented sections that are often placed throughout subdivisions. These small, disconnected areas behind lots, on corners, and in other irregular places are often underutilized and can become a maintenance problem. In general, larger, connected areas are more beneficial to wildlife and may be more useful to the residential community as well. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

Nuisance Mosquitos

Wetlands adjacent to this project provide significant habitats for mosquito production. Adult mosquitoes are not constrained by wetland boundaries and may emigrate from nearby wetlands to infest the development. This can lead to increased demands by residents for mosquito control services that the Mosquito Control Section is statutorily obliged to try to deliver and will then come at some additional expense to the State. This added cost burden for the State should be considered and recognized if the project is approved. If the applicant has any questions regarding mosquito control issues, they can contact the Mosquito Control Section Administrator at 302-739-9917.

Nuisance Waterfowl

Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short, manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 ft in width) around the ponds (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond.

At this time, we do not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the homeowners association or land manager.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

5. **S-26-03 Preston Automotive Group:** Request for site plan approval for construction of an Auto Dealership, Retail & Restaurant space totaling 50,666 sq. ft. located inside the Growth Zone Overlay District / Parcel # NM-00-103.00-02-03.04-000

DFW Comments:

Tricolored Bat

A review of our database indicates that the tricolored bat (*Perimyotis subflavus*) may occur on or adjacent to the project site. Due to population declines largely caused by white-nose syndrome, a fungal disease known only to affect bats, this species is proposed to be federally-listed as endangered under the U.S. Endangered Species Act (ESA). Section 7 consultation may be necessary. To determine the potential effect your project may have on the tricolored bat, visit the [USFWS Information for Planning and Consultation](#) (iPaC) tool to obtain an official species list and to use the final Range-wide Northern Long-eared Bat and Tricolored Bat Determination Key (Dkey).

Forested Wetlands

The forested wetlands on this property could support an array of plants and animals, most notably wetland dependent species such as amphibians. To reduce impacts to these species, we recommend following:

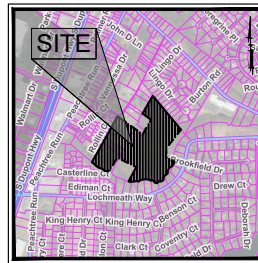
1. Avoid disturbance to and filling of isolated wetlands.
2. Maintain an upland buffer of at least 100 ft along wetlands.

KENT COUNTY APPROVAL	
ENGINEER CERTIFICATION	
I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREIN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEFS REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.	
DATE _____	
DOUGLAS D. BARRY, PE PENNION ASSOCIATES LICENSE NUMBER 15061	
OWNER/DEVELOPER CERTIFICATION	
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND, IF IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.	
ETHEL HIGDON _____	
DATE _____	
OWNER/DEVELOPER CERTIFICATION	
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND, IF IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.	
ROSELLI _____	
DATE _____	
WETLAND CERTIFICATION	
I HEREBY CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, WATERS OF DELAWARE, AND WATERS OF THE ATLANTIC COAST REGION, VERIFICATION 1.0 (2010) AND STATE REGULATED WATERS AND SUBSEQUENT LANDS SUBJECT TO REGULATION BY THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL UNDER TITLE 7 CHAPTERS 86 AND 72 OF THE DELAWARE CODE. AN ON-SITE INVESTIGATION WAS CONDUCTED ON JULY 15, 2016 IN CONJUNCTION WITH THE 1500 CORPS OF THE UNITED STATES NAVY, MARINE CORPS IN CONNECTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS' REGULATORY DELINEATION MAP, ATLANTIC COAST REGION, VERIFICATION 1.0 (NOVEMBER 2016) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HEREON IS, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY EXPRESSES THE LIMITS OF WATERS OF THE UNITED STATES, WETLANDS, AND SUBSEQUENT LANDS WITHIN THE SUBJECT PROPERTY. NO STATE REGULATED WATERS ARE PRESENT WITHIN THE SUBJECT PROPERTY.	
MICHAEL MARINA, PENNION ASSOCIATES _____	
DATE _____	

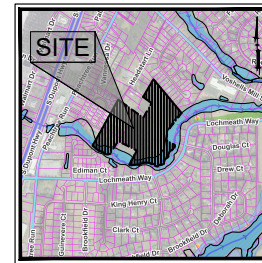
91 BRENDA LANE - SUITE A
CAMDEN, DELAWARE 19934



SOILS MAP
Scale: 1" = 1000'



LOCATION MAP
Scale: 1" = 1000'



WETLANDS MAP
Scale: 1" = 1000'

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
2	NOTES SHEET
3	EXISTING CONDITIONS & DEMOLITION PLAN
4	RECORD SUBDIVISION PLAN
5	LINE AND CURVE TABLES
6	SITE PLAN
7	GRADING PLAN
8	UTILITY PLAN
9	LANDSCAPE PLAN
10	LANDSCAPE NOTES AND DETAILS
11	ACTIVE RECREATION PLAN
12	ACTIVE RECREATION DETAILS

PROPOSED AREAS

TOTAL ACREAGE WIN BOUNDARIES	25.61 ACRES
TOTAL ACREAGE WIN STREET RIGHT OF WAY	4.08 ACRES
TOTAL ACREAGE WIN LOTS	11.28 ACRES
TOTAL ACREAGE WIN ACTIVE RECREATION AREA	0.73 ACRES
TOTAL ACREAGE WIN PASSIVE OPEN SPACE	9.73 ACRES
TOTAL ACREAGE WIN WETLANDS	2.17 ACRES
TOTAL STORMWATER MANAGEMENT AREA	0.50 ACRES
RMH MINIMUM LOT AREA	0.08 ACRES
RMH MAXIMUM LOT AREA	0.17 ACRES
RS1 MINIMUM LOT AREA	0.12 ACRES
RS1 MAXIMUM LOT AREA	0.31 ACRES

PROPERTY SUMMARY

PARCEL #1:		7.00-09400-02-4100-000
PARCEL #2:		7.00-09400-02-4050-000
PARCEL #3:		7.00-09400-03-3800-000
DEED BVP:		
PARCEL #1:		D 9451200
PARCEL #2:		D 7181246
PARCEL #3:		W Q286
SITE ADDRESS:		
PARCEL #1:		256 HEADSTART LN
PARCEL #2:		202 HEADSTART LN
PARCEL #3:		1207 WHEATLEY WAY DOVER, DELAWARE 19901
OWNER:		
PARCEL #1:		KORN LLC
PARCEL #2:		KORN LLC
PARCEL #3:		ETHEL HOGGINS
OWNER ADDRESS:		
PARCEL #1:		1875 WINDSWEPT CIRCLE
PARCEL #2:		1875 WINDSWEPT CIRCLE
PARCEL #3:		1207 WINDTAC RD DOVER, DELAWARE 19901
DEVELOPER:		TPOL MANAGEMENT LLC
DEVELOPER ADDRESS:		
PARCEL #1:		91 BRENDIA LANE, SUITE A
PARCEL #2:		CAMDEN, DELAWARE 19394
LOT AREA:		
PARCEL #1:		2.36 ACRES
PARCEL #2:		6.91 ACRES - 6.91 ACRES COMBINED
PARCEL #3:		18.73 ACRES
TOTAL:		26.81 ACRES
ZONING:		
PARCEL #1:		RMH - RESIDENTIAL MANUFACTURED HOMES
PARCEL #2:		RMH - RESIDENTIAL MANUFACTURED HOMES
PARCEL #3:		RS - SINGLE-FAMILY RESIDENTIAL
EXISTING USE:		RESIDENTIAL/AGRICULTURE
PROPOSED USE:		DUPLEXES (40), SINGLE FAMILY HOMES (53) 40 DUPLEXES PROPOSED ON PARCELS 1 AND 2 & 1 SINGLE-FAMILY HOME ON PARCEL #1 AND 30 SINGLE-FAMILIES ON PARCEL #3)
EXISTING NUMBER OF LOTS:		3
PROPOSED NUMBER OF LOTS:		93
AVERAGE LOT SIZE (DUPLICATE):		0.09 ACRES
AVERAGE LOT SIZE (SINGLE FAMILY):		0.15 ACRES
ENVIRONMENTAL CONSTRAINTS:		
WETLANDS, GROUNDWATER RECHARGE, FOREST		ENTIRE SITE IS LOCATED WITHIN AN EXCELLENT RECHARGE AREA. COMPLIANCE WITH SECTION 401-79.2-20 MUST BE DEMONSTRATED)
WATER GROWTH ZONING:		WITHIN GROWTH ZONE
WATER SERVICE:		TOWNSHIP UTILITIES
SEWAGE SERVICE:		SEWER COUNTY
ACTIVE RECREATION AREA:		0.73 ACRES
PASSIVE OPEN SPACE:		6.53 ACRES
STORMWATER MANAGEMENT AREA:		6.50 ACRES
NUMBER OF PERMANENT MONUMENTS FOUND AND PLACED:		
EXISTING		19
PROPOSED:		30
NUMBER OF PERMANENT PINS FOUND AND PLACED:		
EXISTING		0
PROPOSED:		174
MAXIMUM SLOPE:		< 15%
MINIMUM SLOPE:		0.5%

FOREST CONSERVATION CALCULATIONS

PROPOSED PROJECT DENSITY	93/25.61 = 3.63
FOREST CONSERVATION REQUIRED (TABLE XI-1)	40%
EXISTING FOREST COVER ON ASSEMBLAGE	21.13 ACRES
SUBTRACT AREAS TO BE CLARED FOR STREET R/W	4.00 ACRES
NET FOREST COVER ON ASSEMBLAGE	17.05 ACRES
REQUIRED FOREST COVER TO BE PRESERVED	6.82 ACRES (0.40" / 17.05)
PROPOSED FOREST COVER TO BE PRESERVED	7.60 ACRES
	(> 6.82 ACRES - MEETS CODE)

ACTIVE RECREATION CALCULATION:

* INSIDE GROWTH ZONE: 300 SQ. FEET PER DWELLING UNIT OR $\frac{1}{2}$ ACRE, WHICHEVER IS GREATER.

LIGHTING

A STREETLIGHT DISTRICT SHALL BE CREATED FOR THE DEVELOPMENT, IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF PUBLIC WORKS. ADDITIONALLY, THE SUBDIVISION MUST INCLUDE A LIGHTED ENTRANCE.

ZONING SUMMARY (RMH)

MINIMUM LOT SIZE (SF)

REQUIRED	PROPOSED
3,000	3,270
NA	7,711
25	25
25	25
6	5.93 (41/6.75)

MINIMUM FRONT YARD SETBACK (FEET)
MINIMUM SIDE YARD SETBACK (FEET)
MINIMUM REAR YARD SETBACK (FEET)
MAXIMUM BUILDING HEIGHT (FEET)
TRACT AREA (ACRES)

ZONING SUMMARY (RMH)

MINIMUM LOT SIZE (SF)

REQUIRED	PROPOSED
4,500	7,250
NA	7,250
40	>40
40	>40
6	5.93 (41/6.8)

MINIMUM FRONT YARD SETBACK (FEET)
MINIMUM SIDE YARD SETBACK (FEET)
MINIMUM REAR YARD SETBACK (FEET)
MAXIMUM BUILDING HEIGHT (FEET)

ZONING SUMMARY (RS1)

MINIMUM LOT SIZE (SF)

REQUIRED	PROPOSED
5,000	5,170
NA	13,718
45	45
45	45
4	2.78 (52/18)

THESE PLANS ARE PRELIMINARY NOT FOR CONSTRUCTION

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

**PLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS**
DOVER, KENT COUNTY, DELAWARE

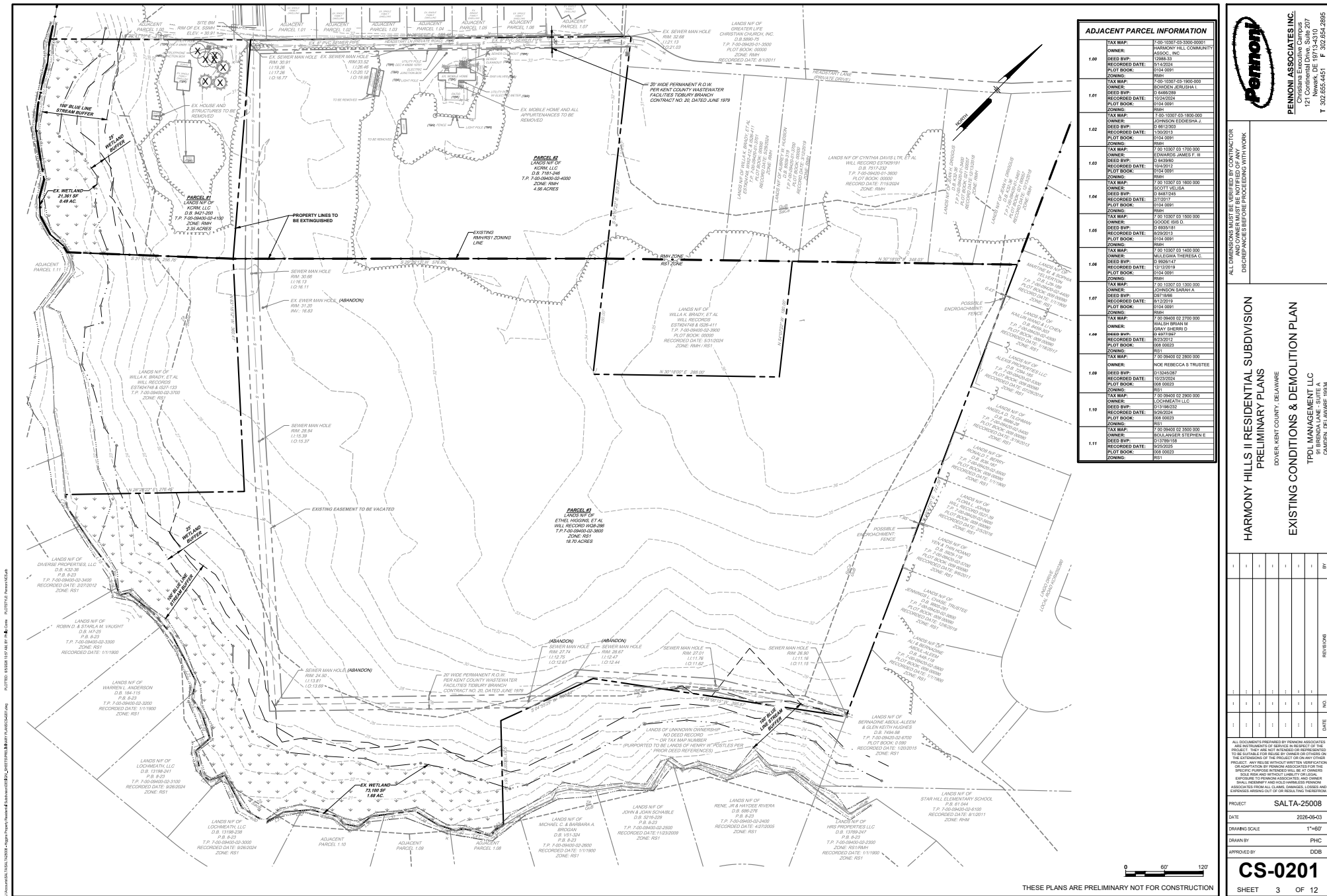
[illegible]

ALL DOCUMENTS PREPARED BY PENNINO ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNINO ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNINO ASSOCIATES. OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNINO ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	SALTA-25008		
DATE	2025-06-03		
DRAWING SCALE	AS SHOWN		
DRAWN BY	PHC		
APPROVED BY	DOB		
CS-0001			
SHEET	1	OF	12



PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895



ADJACENT PARCEL INFORMATION	
1.00	TAX MAP: 7-00-1000-03-3000-0001 OWNER: HARMONY HILLS COMMUNITY ASSOC., INC. DEED BVP: 01/10/2013 RECORDED DATE: 01/10/2013 PLOT BOOK: 01/10/2013 ZONING: RMH
1.01	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.02	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.03	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.04	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.05	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.06	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.07	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.08	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.09	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.10	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH
1.11	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 03/04/2008 RECORDED DATE: 03/04/2008 PLOT BOOK: 01/04/2008 ZONING: RMH

PENNONI ASSOCIATES, INC.
1275 Delaware Avenue, Suite 200
Newark, DE 19710-4310
T 302.655.4451 F 302.654.2895

ALL DIMENSIONS MUST BE NOTIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
EXISTING CONDITIONS & DEMOLITION PLAN
DOVER, KENT COUNTY, DELAWARE
TPDL MANAGEMENT LLC
CAMDEN, DELAWARE 19554

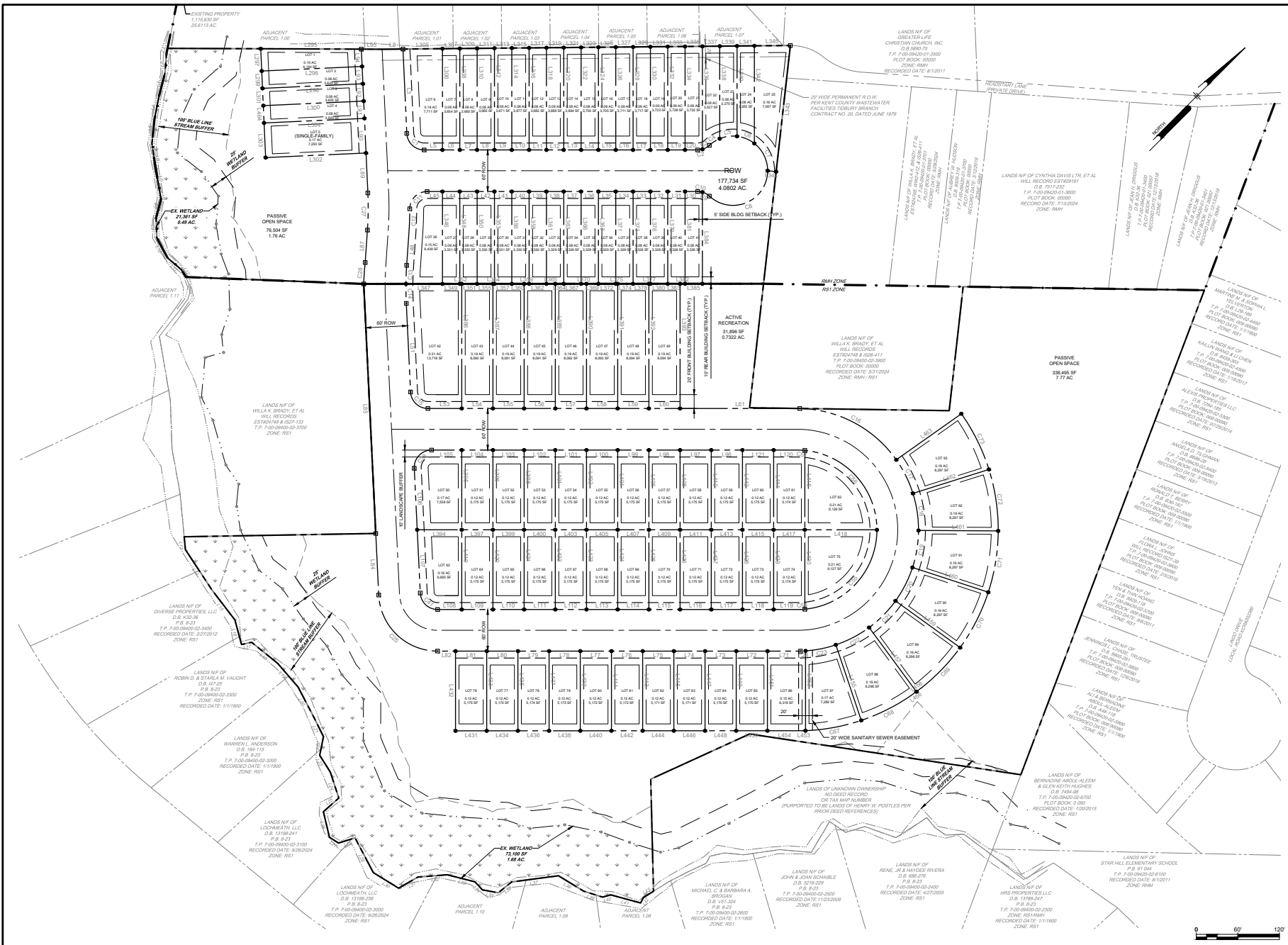
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ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES, INC. ARE INTENTIONS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE UTILIZED OR RELIED ON BY OTHERS OR FOR ANY OTHER PURPOSE. ANY RELIANCE WITHOUT WRITTEN VERIFICATION OF ANY PART OF A PENNONI ASSOCIATES, INC. PROJECT SPECIFIC PURPOSES INTENDED WILL BE AT OWNERS RISK. PENNONI ASSOCIATES, INC. SHALL NOT BE RESPONSIBLE FOR ANY SUCH RELIANCE. PENNONI ASSOCIATES, INC. SHALL INDEMNIFY AND HOLD HARMLESS ANY OTHER PARTY ASSOCIATED FROM A CLAIM, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: SALTA-25008
DATE: 2025-06-03
DRAWING SCALE: 1"=60'
DRAWN BY: PHC
APPROVED BY: DDB
SHEET 3 OF 12

CS-0201

U:\unpublished\salta_25008\salta_25008.dwg Project: Salta Hill Elementary School - 25008.dwg Date: 11/19/2011 11:11 AM User: J. Schaefer





PENNONI ASSOCIATES INC.
12710 Conestoga Road
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

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AND OWNERS MUST BE NOTIFIED OF ANY
DISTURBANCES TO UTILITIES OR ADJACENT
PROPERTIES.

**HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS**

RECORD SUBDIVISION PLAN

DOVER, KENT COUNTY, DELAWARE

TPDL MANAGEMENT LLC
CAMDEN, DELAWARE 19834

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PROJECT: SALTA-25008

DATE: 2026-06-03

DRAWING SCALE: 1"=60'

DRAWN BY: PHC

APPROVED BY: DOB

CS-1000

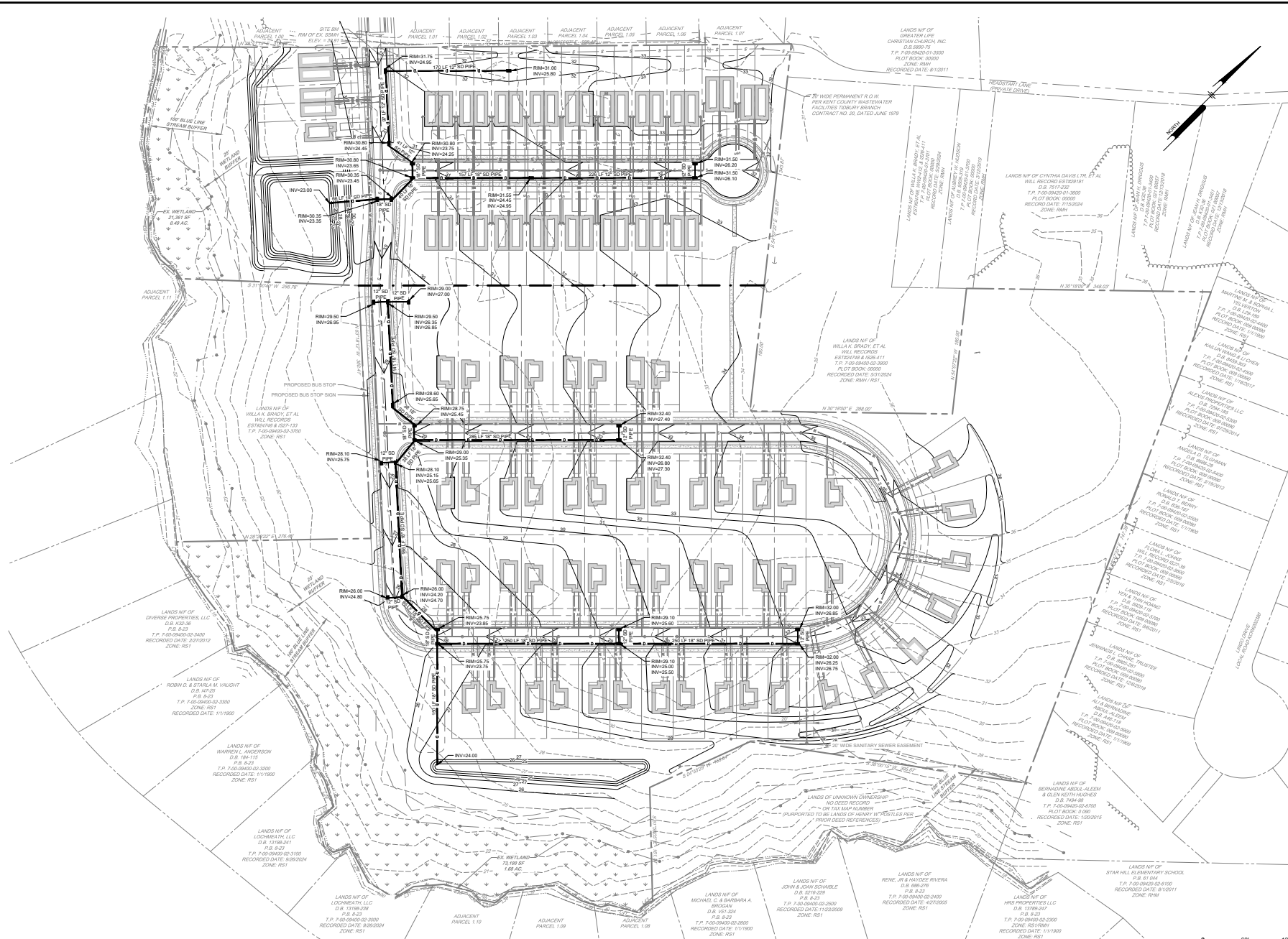
SHEET 4 OF 12

#	BEARING	DISTANCE
1	N 49°19'49"E	33.75
2	S 67°50'25"E	33.60
3	N 46°40'47"E	33.62
4	N 48°19'21"E	34.05
5	N 45°24'33"E	35.85
6	S 69°55'37"E	37.65
7	N 70°23'28"E	43.28
8	N 45°23'28"E	28.12
9	N 62°17'47"E	26.75
10	N 65°10'32"E	32.81
11	S 69°59'44"E	25.70
12	S 67°15'59"E	12.77
13	S 69°59'34"E	18.56
14	S 86°50'43"E	68.75
15	S 82°02'11"E	44.40
16	N 73°50'38"E	36.83
17	N 66°26'20"E	14.84
18	S 68°57'23"E	45.13
19	S 76°14'15"E	48.39
20	N 65°07'24"E	37.07
21	N 67°50'23"E	33.16
22	N 49°19'49"E	33.75
23	S 67°50'25"E	33.60
24	N 46°40'47"E	33.62
25	N 48°19'21"E	34.05
26	N 45°24'33"E	35.85
27	S 69°55'37"E	37.65
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37	N 73°50'38"E	36.83
38	N 66°26'20"E	14.84
39	S 68°57'23"E	45.13
40	S 76°14'15"E	48.39
41	N 65°07'24"E	37.07
42	N 67°50'23"E	33.16
43	N 49°19'49"E	33.75
44	S 67°50'25"E	33.60
45	N 46°40'47"E	33.62
46	N 48°19'21"E	34.05
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48	S 69°55'37"E	37.65
49	N 70°23'28"E	43.28
50	N 45°23'28"E	28.12
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53	S 69°59'44"E	25.70
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55	S 69°59'34"E	18.56
56	S 86°50'43"E	68.75
57	S 82°02'11"E	44.40
58	N 73°50'38"E	36.83
59	N 66°26'20"E	14.84
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61	S 76°14'15"E	48.39
62	N 65°07'24"E	37.07
63	N 67°50'23"E	33.16
64	N 49°19'49"E	33.75
65	S 67°50'25"E	33.60
66	N 46°40'47"E	33.62
67	N 48°19'21"E	34.05
68	N 45°24'33"E	35.85
69	S 69°55'37"E	37.65
70	N 70°23'28"E	43.28
71	N 45°23'28"E	28.12
72	N 62°17'47"E	26.75
73	N 65°10'32"E	32.81
74	S 69°59'44"E	25.70
75	S 67°15'59"E	12.77
76	S 69°59'34"E	18.56
77	S 86°50'43"E	68.75
78	S 82°02'11"E	44.40
79	N 73°50'38"E	36.83
80	N 66°26'20"E	14.84
81	S 68°57'23"E	45.13
82	S 76°14'15"E	48.39
83	N 65°07'24"E	37.07
84	N 67°50'23"E	33.16
85	N 49°19'49"E	33.75
86	S 67°50'25"E	33.60
87	N 46°40'47"E	33.62
88	N 48°19'21"E	34.05
89	N 45°24'33"E	35.85
90	S 69°55'37"E	37.65
91	N 70°23'28"E	43.28
92	N 45°23'28"E	28.12
93	N 62°17'47"E	26.75
94	N 65°10'32"E	32.81
95	S 69°59'44"E	25.70
96	S 67°15'59"E	12.77
97	S 69°59'34"E	18.56
98	S 86°50'43"E	68.75
99	S 82°02'11"E	44.40
100	N 73°50'38"E	36.83
101	N 66°26'20"E	14.84
102	S 68°57'23"E	45.13
103	S 76°14'15"E	48.39
104	N 65°07'24"E	37.07
105	N 67°50'23"E	33.16
106	N 49°19'49"E	33.75
107	S 67°50'25"E	33.60
108	N 46°40'47"E	33.62
109	N 48°19'21"E	34.05
110	N 45°24'33"E	35.85
111	S 69°55'37"E	37.65
112	N 70°23'28"E	43.28
113	N 45°23'28"E	28.12
114	N 62°17'47"E	26.75
115	N 65°10'32"E	32.81
116	S 69°59'44"E	25.70
117	S 67°15'59"E	12.77

PARCEL SURVEY TABLE						
CURVE #	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C21	175.00	017°40'31"	54.31	27.13	54.09	S 17°40'31" E
C22	175.00	017°40'31"	54.31	27.37	54.09	S 01°58'58" W
C23	175.00	014°38'39"	44.72	22.48	44.60	S 11°12'33" W
C24	150.00	020°28'03"	7.46	3.73	5.28	S 28°40'49" W
C25	85.00	087°14'12"	126.42	81.00	117.27	S 73°04'42" W
C26	366.89	04°26'48"	31.03	15.51	31.02	N 95°56'18" E
C27	470.00	006°32'04"	53.60	26.83	53.57	N 95°52'14" E
C28	25.00	087°45'48"	40.48	26.34	36.20	S 1°05'55" E
C29	115.00	087°45'48"	40.48	26.34	36.20	S 1°05'55" E
C30	115.00	002°32'38"	8.85	3.44	8.84	N 92°30'52" E
C35	115.00	088°26'08"	186.69	104.48	154.71	N 18°18'17" E
C36	115.00	088°26'08"	186.69	104.47	154.89	S 77°13'15" W
C37	115.00	002°30'41"	7.35	3.68	7.35	S 13°09'18" W
C38	250.00	019°12'23"	82.04	41.30	81.77	S 19°58'53" W
C39	250.00	010°47'38"	79.98	40.25	79.73	S 62°58'15" W
C40	250.00	010°47'38"	79.98	40.25	79.73	S 1°40'46" E
C41	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E
C42	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E
C43	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E

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PENNONI ASSOCIATES INC.
12100 Rte. 1
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION PRELIMINARY PLANS

DOVER, KENT COUNTY, DELAWARE

GRADING PLAN

TPDL MANAGEMENT LLC
CAMDEN, DELAWARE 19834

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PROJECT: SALTA-25008

DATE: 2026-06-03

DRAWING SCALE: 1"=60'

DRAWN BY: PHC

APPROVED BY: DOB

CS-1501

SHEET 7 OF 12

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
AND ANY INSTRUMENTS OF SERVICE IN CONNECTION WITH THE
PROJECT. THEY ARE NOT TO BE USED FOR ANY OTHER PROJECT
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FROM PENNONI ASSOCIATES. ANY REUSE OF THESE DOCUMENTS
WITHOUT WRITTEN PERMISSION FROM PENNONI ASSOCIATES
IS A VIOLATION OF THE PROFESSIONAL ETHICS OF THE
ENGINEER AND MAY BE SUBJECT TO PROSECUTION.
PENNONI ASSOCIATES SHALL BE RESPONSIBLE FOR THE
ACCURACY OF THE INFORMATION PROVIDED TO THEM BY THE
CLIENT. PENNONI ASSOCIATES SHALL NOT BE RESPONSIBLE
FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THEM
BY ANY OTHER PARTY.

PLANTING NOTES AND SPECIFICATIONS

- ALL TOPSOIL SHALL BE A MINIMUM 4" IN ALL 500' AREAS, 4" IN SEEDER AREAS AND 8" IN TREE, SHRUB AND GROUND COVER BEDS.
- ALL LANDSCAPE AND GRASS AREAS ARE TO BE HAND RAKED AND LEFT CLEAR OF ALL STONES, ROCK, CONSTRUCTION DEBRIS AND ANY UNSUITABLE MATERIALS.
- LANDSCAPE CONTRACTOR WILL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION AND PLANTING INSTALLATION.
- ALL PROPOSED LANDSCAPING TO BE NURSERY GROWN, TYPICAL OF THEIR SPECIES OR VARIETY. THEY ARE TO HAVE NORMAL VIGOROUS ROOT SYSTEMS FREE FROM DEFECTS AND INFECTIONS AND IN ACCORDANCE WITH ANSI Z60.1.
- ALL PROPOSED PLANTINGS SHOULD BE INSTALLED PER STANDARDS OF THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, LATEST EDITION, AND STATE NURSERY LANDSCAPE ASSOCIATIONS WITH REGARD TO PLANTING, PIT SIZE, BACKFILL MIXTURE, STAKING AND GUYING.
- ALL PLANTING CONTAINERS AND BASKETS SHALL BE REMOVED DURING PLANTING. ALL PLANTS SHALL BE SET PLUMB AND POSITIONED SO THAT THE TOP OF THE ROOT COLLAR MATCHES, OR IS NO MORE THAN TWO (2") INCHES ABOVE, FINISHED GRADE. REPLANT AMENDED BACKFILL IN 8-INCH LAYERS AND COMPACT BACKFILL TO ELIMINATE VOIDS. CONTRACTOR SHALL PROVIDE A FOUR-INCH HIGH EARTHEN WATERING SAUCER ALONG THE PERIMETER OF EACH PLANTING PIT. CONTRACTOR SHALL WATER NEWLY PLANTED VEGETATION PRIOR TO MULCHING PLANTING PIT. ALL VOIDS SHALL BE FILLED AND SETTLED INTEGRATED AS REQUIRED.
- AFTER INITIAL WATERING AND PRIOR TO MULCHING, CONTRACTOR SHALL APPLY HERBICIDES AND PRE-EMERGENT HERBICIDES AS REQUIRED TO ELIMINATE ANY WEED SEEDS OR PLANTS PRESENT ON ROOT BALL.
- ALL PLANTING BEDS AND PITS SHALL BE MULCHED WITH DOUBLE GROUND HARDWOOD MULCH AT A MINIMUM DEPTH OF 3".
- SEEDBED PREPARATION:
 - APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TESTS OR FERTILIZER MAY BE APPLIED AT THE RATE OF 360 POUNDS PER ACRE OR 4 POUNDS PER 1000 SQUARE FEET USING 9-20-10 OR EQUIVALENT. IN ADDITION, 300 POUNDS 4-12 PER ACRE OR EQUIVALENT OF SLOW RELEASE NITROGEN MAY BE USED IN LIEU OF TOP DRESSING.
 - WORK LIMES AND FERTILIZER INTO THE SOIL AS PRACTICAL TO A DEPTH OF 4-INCHES WITH A DISC, SPRING TOOTH HARROW OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISING OPERATION SHOULD PARALLEL TO THE GENERAL CONTOUR. CONTINUE TILLAGE UNTIL A REASONABLE UNIFORM FINE SEEDBED IS PREPARED. ALL BUT CLAY OR SILTY SOILS AND COARSE SANDS SHOULD BE ROLLED TO FIRM THE SEEDBED WHENEVER FEASIBLE.
 - INSPECT SEEDBED JUST BEFORE SEEDING. IF TRAFFIC HAS LEFT THE SOIL COMPACTED, THE AREA MUST BE RETILLED AND FIRMED AS OUTLINED BELOW.
- IN AREAS DESIGNATED AS SOIL RESERVE SOIL IS TO BE INSTALLED ON MINIMUM 4" TOPSOIL. AREAS TO BE SOODED ARE TO BE PREPARED AS NOTED ABOVE FOR SEEDER AREAS.
- TOPSOIL WITH A QUALITY ORGANIC SOIL AMENDMENT SHALL BE USED FOR ALL PLANTING AND SEEDING OPERATIONS.
- NOTIFY ALL UTILITY COMPANIES AND LOCATE ALL UTILITIES PRIOR TO EXCAVATING PLANT PITS. PLANT LOCATIONS MAY BE ADJUSTED IN THE FIELD TO AVOID INTERFERENCE WITH UNDERGROUND UTILITIES.
- SHOULD ANY DISCREPANCY ARISE BETWEEN THE PLANTING PLAN AND THE PLANTING SCHEDULE, THE PLAN SHALL GOVERN AS TO THE QUANTITY OF PLANT MATERIAL.
- ALL SHADE TREES TO BE PRUNED OF SIDE BRANCHES TO A HEIGHT OF 8' ABOVE GRADE EXCEPT WHERE NOTED IN PLANT SCHEDULE.
- ALL PLANT MATERIAL SHALL BE APPROVED UPON ARRIVAL TO THE SITE, UNLESS OTHERWISE NOTIFIED.
- PROPOSED PLANT MATERIAL MAY BE SUBSTITUTED BY SIMILAR PLANTS PRIOR TO INSTALLATION, SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND KENT COUNTY.
- DISTURBANCE OF EXISTING VEGETATION SHALL BE LIMITED TO WORK AREA. CONTRACTOR IS RESPONSIBLE FOR FINE GRASSING AND SEEDING ALL DISTURBED AREAS.
- ALL PLANTS SPACED 7' O.C. OR CLOSER SHALL BE IN CONTINUOUS MULCHED BEDS.
- SEED ALL DISTURBED AREAS WITH GRASS SEED MIX SPECIFIED IN SEDIMENT CONTROL REQUIREMENTS.
- ALL PLANT MATERIAL SHALL BE WARRANTED AGAINST DEATH AND UNSATISFACTORY GROWTH FOR A MINIMUM PERIOD OF ONE YEAR AFTER THE DATE OF WRITTEN FINAL ACCEPTANCE BY KENT COUNTY. ANY PLANT MATERIAL THAT DIES OR PERFORMS POORLY DURING THE WARRANTY PERIOD SHALL BE PROMPTLY REMOVED AND REPLACED IN KIND.

LANDSCAPE MAINTENANCE NOTES:

ANY AND ALL PLANT MATERIAL THAT DIES OR FAILS TO THRIVE SHALL BE IMMEDIATELY REPLACED WITH LIKE SPECIES. RECOMMENDED ANNUAL MAINTENANCE OF SITE VEGETATION TO INCLUDE BUT NOT BE LIMITED TO:

- FERTILIZER:** MOW LAWN - FERTILIZE TWICE PER YEAR.
- PRUNING:** PRUNING SHALL BE LIMITED OR REMOVAL OF DEAD WOOD OR BRANCHES FOR TREES OR FOR SIGHT DIFFERENCES/SAFETY REASONS. PRUNING OF SHRUBS AND TREES SHALL BE LIMITED TO THE PRUNING NECESSARY TO MAINTAIN THE NATURAL SHAPE OF THE PLANT EXCEPT FOR SHEARED BRANCHES.
- PEST CONTROL:** PRE-EMERGENT WEED CONTROL FOR MOWN LAWNS AND SHRUB BEDS MAY BE APPLIED IN FEBRUARY. CHEMICAL TREATMENT FOR INSECT INFESTATION AND DISEASE MAY BE APPLIED AND SHALL BE SPECIFIC TO THE PROBLEM.
- MULCHING:** MULCHING SHALL BE MAINTAINED AT A DEPTH OF 3" IN PLANT BEDS AND AROUND BASE OF TREES.
- MOWING:** MOWN LAWN BRED MIX SHALL BE MOWN AT REGULAR INTERVALS THROUGHOUT THE GROWING SEASON. GRASS HEIGHT SHOULD NOT EXCEED 3 INCHES. MOWER BLADES SHALL BE SET AND 2-1/2 INCHES UNLESS OTHERWISE DIRECTED. WHERE APPLICABLE, RAN GARDEN AND/OR MEADOW SEED MIXES SHALL BE MOWN ONLY ONCE YEARLY IN LATE WINTER.
- PLANT PROTECTION:** AVOID EXCESS INTRUSION INTO THE ROOT ZONE AREA OF ESTABLISHED PLANTINGS.
- WATERING:** UNLESS STATED OTHERWISE IN THESE DOCUMENTS, PROVIDE APPROXIMATELY 1-INCH OF RAINFALL/WATER PER WEEK THROUGHOUT THE GROWING SEASON FOR THE FIRST YEAR.

PLANTING NOTES:

SET PLANTS PLUMB AND FACE TO GIVE THE BEST APPEARANCE OR RELATIONSHIP TO ADJACENT AREAS.

PRUNE ONLY TO REMOVE DEAD AND/OR BROKEN BRANCHES. ALWAYS PRUNE TO NODE OR CROTCH. DO NOT CUT LEADER.

SET TOP OF ROOT BALL SLIGHTLY ABOVE ADJACENT FINISHED GRADE.

REMOVE ALL FLAGGING, TWINE, STRING, TAGS, ETC., FROM BRANCHES AND LIMBS/TRUNKS FOLLOWING PLANTING.

3" MIN. LAYER OF MULCH

BACKFILL WITH SOIL REMOVED FROM EXCAVATION PIT. REMOVE STONES AND ROCKS LARGER THAN 2" AND OTHER DEBRIS. BREAK UP SOIL CLUMPS WHEN BACKFILLING. LIGHTLY COMPACT BACKFILL TO REMOVE AIR POCKETS AND VOIDS.

FINISHED GRADE

DEPTH OF BALL

SUBGRADE

BALL DIA.

2 x BALL DIA.

DO NOT MOUND MULCH AROUND TRUNK. KEEP MULCH PULLED AWAY FROM TRUNK MIN. 1"

COMPLETELY REMOVE WIRE BASKET. REMOVE BURLAP FROM TOP 1/3 OF BALL. IF WIRE IS SYNTHETIC OR TREATED (NONBIODEGRADABLE) REMOVE COMPLETELY.

DECIDUOUS TREE PLANTING

NOT TO SCALE



PENNONI ASSOCIATES INC.
Landscape Architecture
127 Columbia Center
Newark, DE 19710-4310
T 302.655.4541 F 302.654.2895

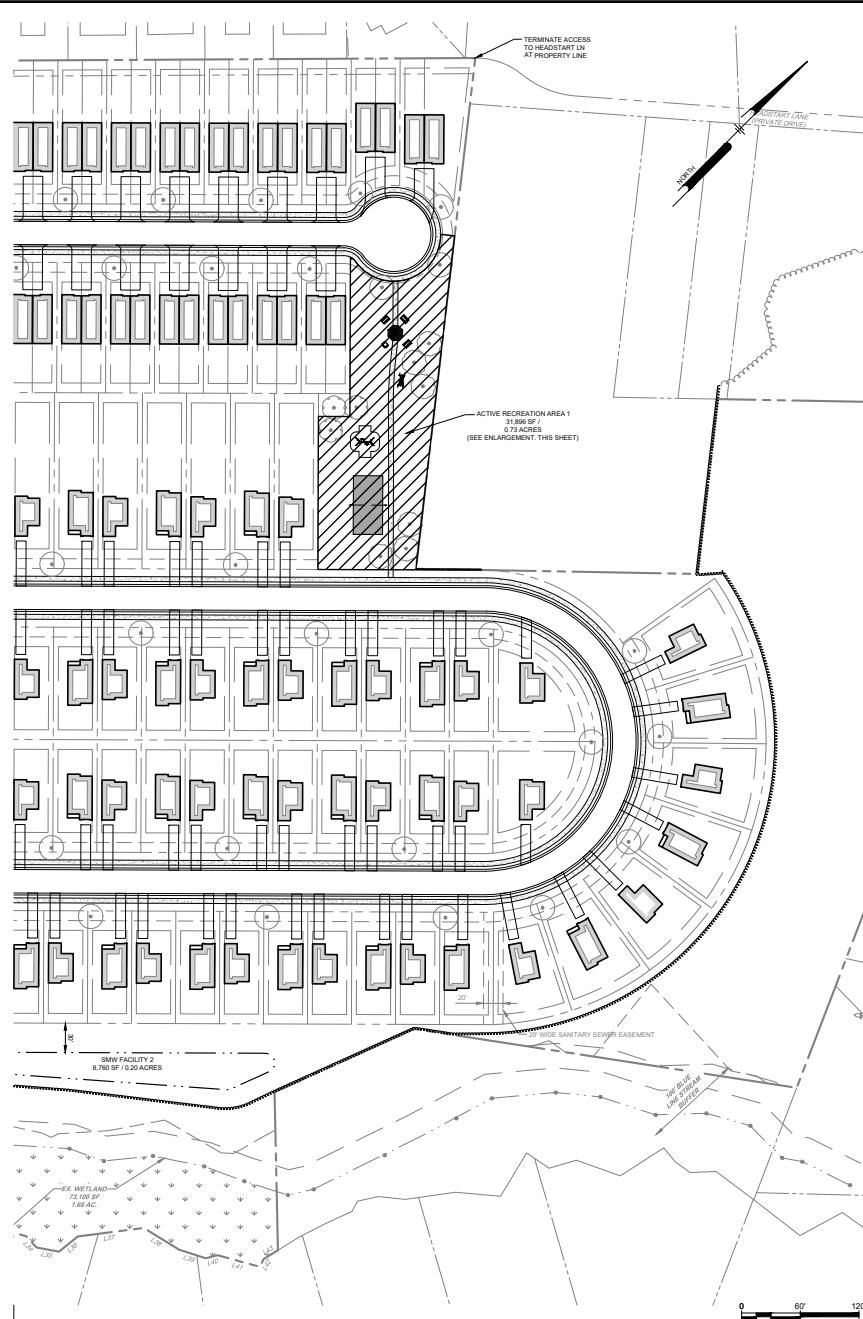
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
DOVER, KENT COUNTY, DELAWARE

LANDSCAPE NOTES AND DETAILS

TPDL MANAGEMENT LLC
CAMDEN, DELAWARE 19554

DATE	NO.	REVISIONS	BY





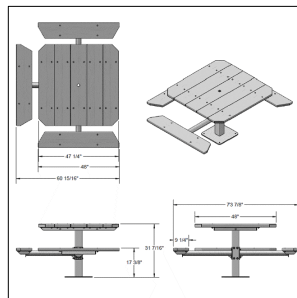
NOTE:
PROVIDE COMPLETE SHOP DRAWINGS FOR BENCH AND ANCHORING.

BENCH DETAIL

SCALE: NTS



SAND VOLLEYBALL COURT



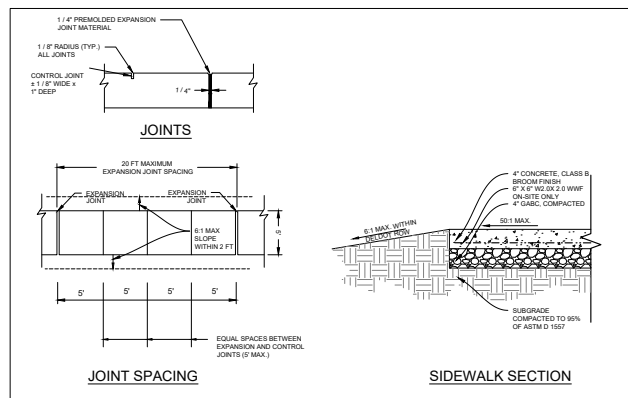
ADA COMPLIANT PICNIC TABLE



PICNIC PAVILION/GAZEBO



TOT LOT



PAVED TRAIL DETAIL

SCALE: NTS

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS

DOVER KENT COUNTY, DELAWARE

ACTIVE RECREATION DETAILS

TPDL MANAGEMENT LLC

91 BRENDA LANE - SUITE A
CAMDEN, DELAWARE 19934

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PROJECT	SALTA-25008
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DATE	2026-06-03
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DRAWING SCALE NONE

DRAWN BY	PHC
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APPROVED BY	DOB
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CS-2202

CC 2202

SHEET 12 OF 12

THESE PLANS ARE PRELIMINARY NOT FOR CONSTRUCTION

FW: Harmony Hills II

From Sarah Keifer <sarah.keifer@kentcountyde.gov>

Date Tue 7/7/2026 2:53 PM

To Jason Berry <jason.berry@kentcountyde.gov>; Kathleen Andrews <Kathleen.Andrews@kentcountyde.gov>

 4 attachments (4 MB)

Re: Harmony Hills 11 Development Project; Harmony Hills Bus Stop Approval.pdf; CS-1002-6 SITE PLAN 2026-07-07.pdf; GIS Exhibit.pdf;

From: Douglas Barry <dbarry@Pennoni.com>

Sent: Tuesday, July 7, 2026 2:28 PM

To: Sarah Keifer <sarah.keifer@kentcountyde.gov>; Jesse Lindenberg <Jesse.Lindenberg@kentcountyde.gov>

Cc: fdimondi@msn.com; Sal Leone (sal@fadoffice.net) <sal@fadoffice.net>; Tyler Patterson <tyler@pattersongroupde.com>

Subject: Harmony Hills II

Sarah – Good afternoon. Hope you are doing well.

At last Thursday's Public Hearing for Harmony Hills II, two items were brought up by the Regional Planning Commission – bus stop and a second entrance – that we would like to respond to.

Bus Stop

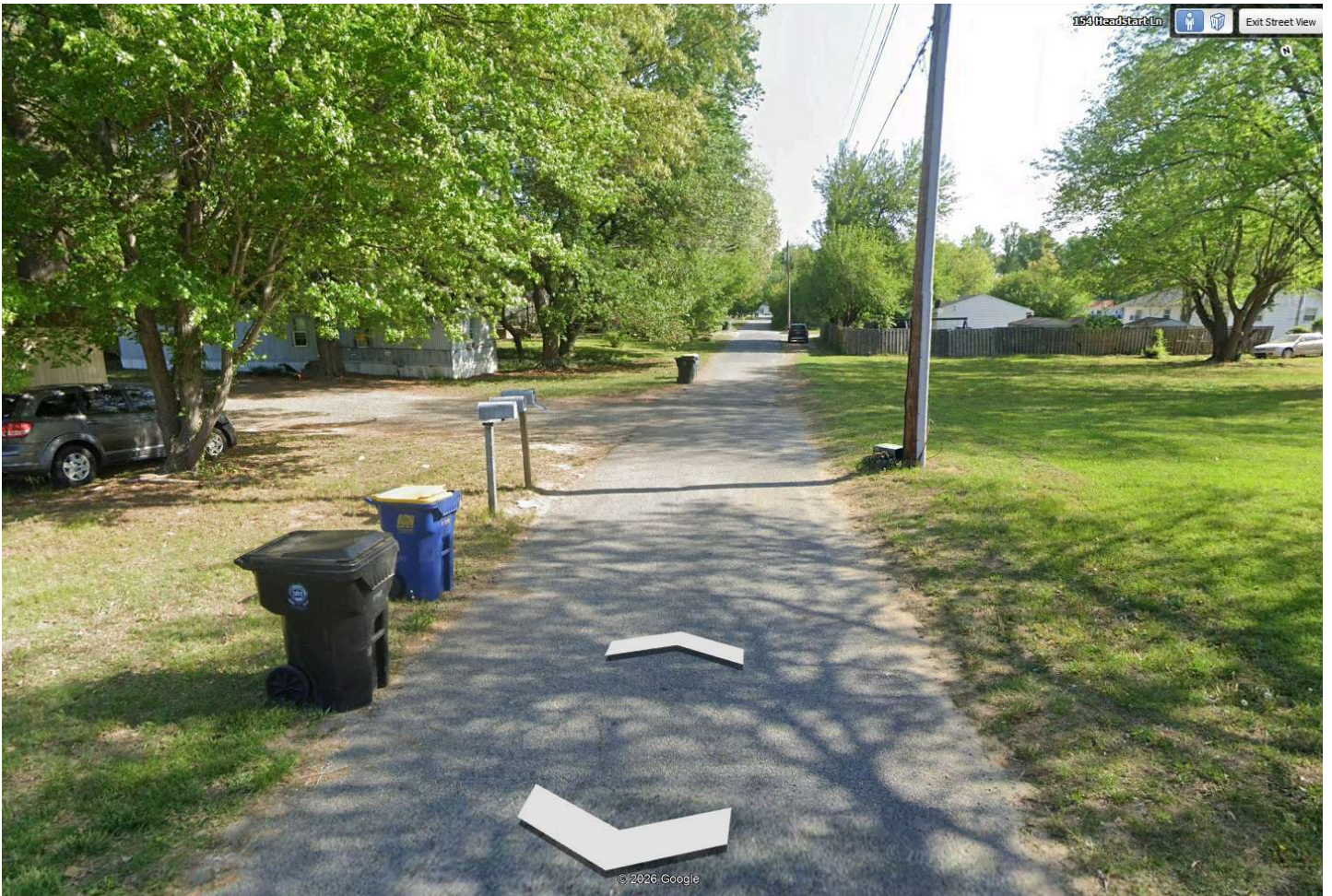
The developer was able to connect with the Caesar Rodney School District to discuss a proposed bus stop location within the proposed community. Please refer to attached email correspondence. In it, Bill Webb from the Caesar Rodney School District identifies two locations within the community for a bus stop. Students within the community can use the new sidewalks, painted crosswalks, and handicap ramps to safely walk to these bus stops. The bus stops will consist of signage and a concrete landing adjacent to the sidewalk for a bench for children to sit and wait for the bus. Please refer to attached Site Plan. In addition, a plan endorsed by Mr. Webb approving these two bus stop locations has been attached to this email.

Second Entrance

The proposed community consists of 93 new residential lots. Table XI-1 of the Kent County Code requires a second entrance for major residential subdivisions consisting of more than 51 lots, only when the second entrance is possible and permissible. Please refer to attached GIS Exhibit. A second entrance is not possible and permissible because the property is surrounded by a blue-line stream, its associated 100' riparian buffer area, and/or existing private residential lots. A second entrance through these environmentally protected areas and/or the existing private residential lots is not feasible.

Headstart Lane is a private drive serving multiple properties between the subject property and Voshells Mill Star Hill Road. The developer does not own any other property adjacent to Headstart Lane and converting this private drive to a public thoroughfare is outside the scope of this project.

Upon a cursory investigation, Headstart Lane lacks ample right-of-way to be converted to a public thoroughfare and would have to be completely rebuilt per DelDOT public street standards. Construction of this road would have significant impacts to the existing lots along this private drive, including driveway/yard impacts, right-of-way dedications, utility impacts, and increased stormwater runoff. In addition, it appears that converting Headstart Lane to a public thoroughfare would result in some existing dwellings along Headstart Lane to be within the public right-of-way, which is not permissible. Other existing dwellings may also be well within the front yard building setback adjacent to public roadways, as mandated by Kent County. Please refer to photograph below.



We look forward to this Thursday's Business Meeting. If you have any questions/comments or require additional information, please contact me at this office.

Thanks Sarah!

Respectfully,

Douglas Barry, PE
Associate Vice President

Pennoni
Christiana Executive Campus, 121 Continental Drive, Suite 207 | Newark, DE 19713
Direct: +1 302-351-5302 | **Mobile:** +1 302-353-7587
www.pennoni.com | dbarry@Pennoni.com



[Celebrating 60 Years!](#)

Re: Harmony Hills 11 Development Project

From Webb William <William.Webb@cr.k12.de.us>

Date Mon 7/6/2026 3:16 PM

To Francis DiMondi <fdimondi@msn.com>

Cc Douglas Barry <dbarry@Pennoni.com>; Sal Leone <sal@fadoffice.net>; Tyler Patterson <tyler@pattersongroupde.com>

You don't often get email from william.webb@cr.k12.de.us. [Learn why this is important](#)

Good afternoon, Sir.

We just lost power so I'm emailing from my cell.

I would like to use the first stop near the entrance followed by the second stop at the bend in the far-right corner of the picture.

Thanks

Bill Webb

Get [Outlook for iOS](#)

From: Francis DiMondi <fdimondi@msn.com>

Sent: Monday, 06 July 2026 14:43:44

To: Webb William <William.Webb@cr.k12.de.us>

Cc: Douglas Barry <dbarry@pennoni.com>; Sal Leone <sal@fadoffice.net>; Tyler Patterson <tyler@pattersongroupde.com>

Subject: Harmony Hills 11 Development Project

Mr. Webb,

Good afternoon..My name is Frank DiMondi and I got your name and contact information from Mike Marasco. Mike mentioned that you were the right guy to reach out to concerning our project. I left you a voicemail this afternoon but figured I would also try to reach you via email. I am a member of an LLC that is developing the new Harmony Hills 11 development right off of Peachtree Run behind the Honda motorcycle shop.

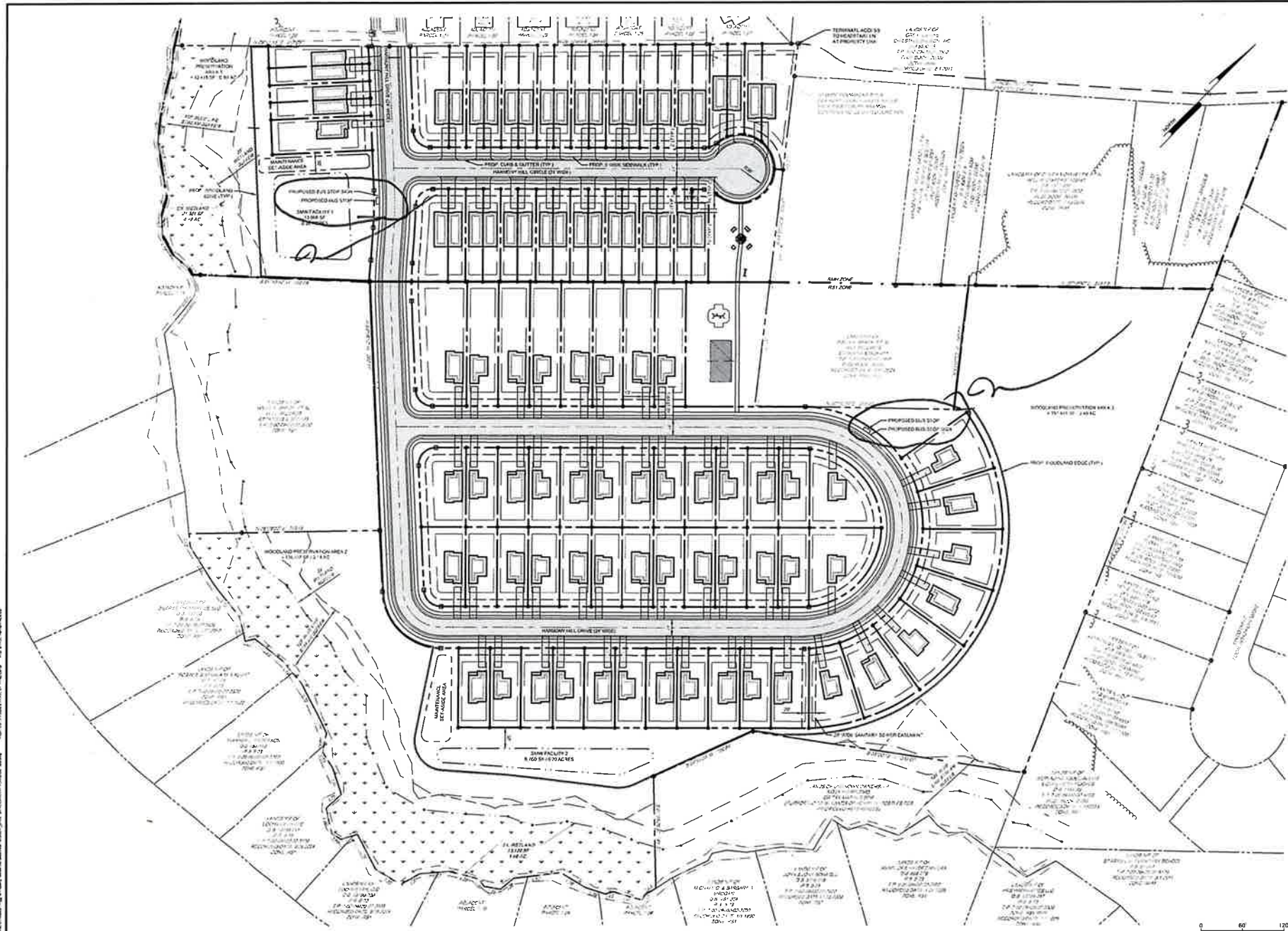
There appears to be some confusion regarding our request to locate a bus stop in the development in order to meet The County's requirements. The County has asked us to reach out to the School District again about locating the bus stop inside the new development. Unfortunately, the County's Planning Commission needs the district to sign off on the location before they will push our project forward to Kent County Levy Court for approval. We are now facing a deadline of 12:00pm tomorrow.

The site of the new development meets the County's regulations and requirements. It is properly zoned and is in the County growth zone map. The project has been designed as an affordable housing project which the County desperately needs.

I have attached a simple plot plan with a couple of suggestion on where the bus stop could be located. At this point all we need is an email from the School district acknowledging that the bus stop has been discussed and that a location has been agreed upon. I have also copied our engineer Doug Barry from Pennoni Associates on this email. If you should have any questions, please do not hesitate to contact Doug or myself directly. Your help in this matter would be greatly appreciated.

Thanks,

Frank DiMondi



Penntoni

PENNTONI ASSOCIATES INC.
121 Colonial Drive, Suite 207
Newark, DE 19714-4910
T 302 633 4451 F 302 634 2885

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND FIELD SURVEYOR PRIOR TO CONSTRUCTION
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
DOVER Kent County, DELAWARE

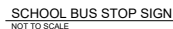
SITE PLAN
TPDI MANAGEMENT LLC
51 BRINDLE LANE - SUITE A
PRAIRIE RIDGE, MISSOURI 63057

NO.	DATE	BY	CHKD.	APP'D.	REVISION
1	11-07	PHC	DOO		

PROJECT: SALTA-2500B
DATE: 2006-06-01
DRAWING SCALE: 1"=60'
DRAWN BY: PHC
APPROVED BY: DOO

CS-1002
SHEET 6 OF 12

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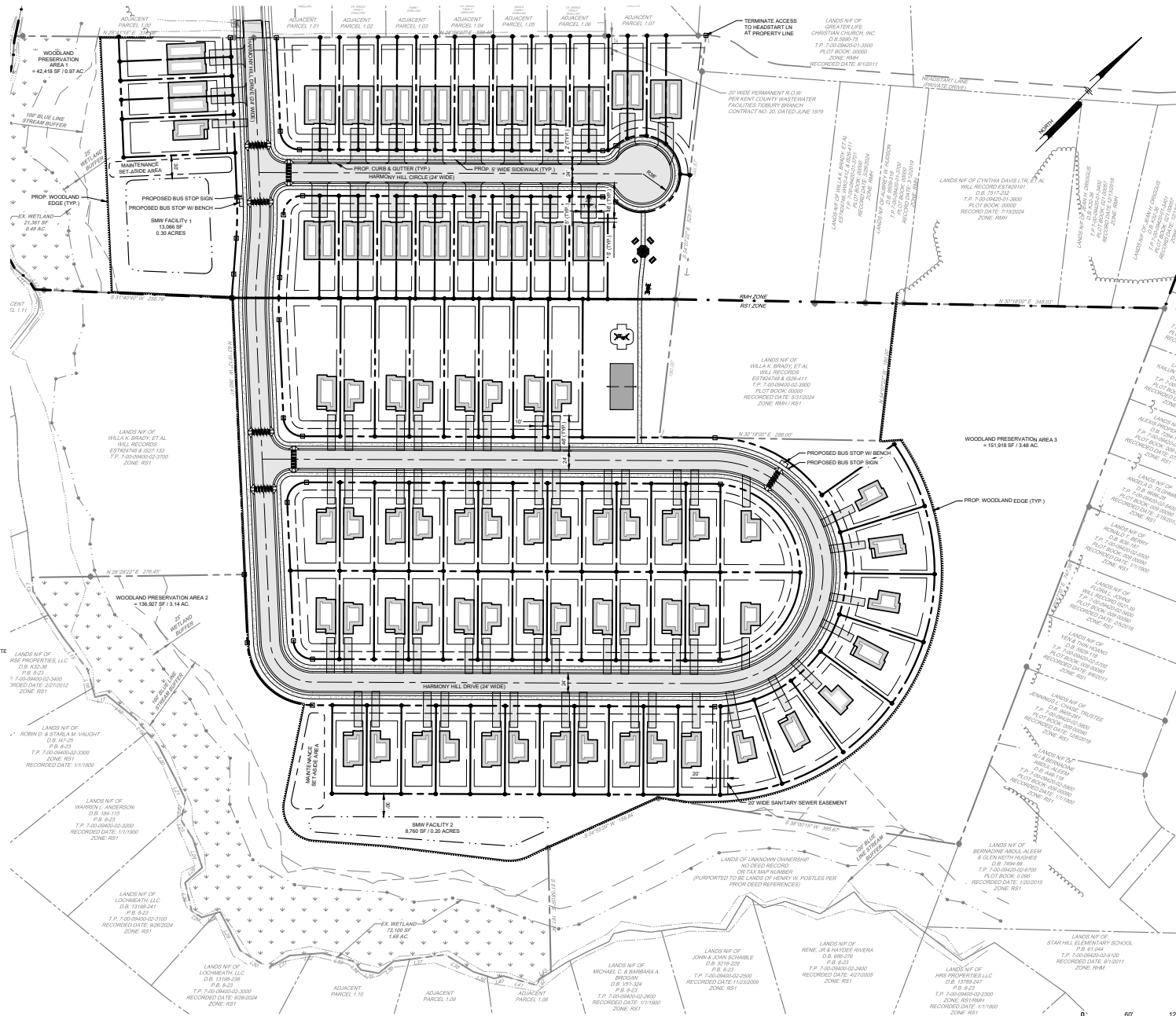


STEEL BENCH WITH POLYSTYRENE RECYCLED PLASTIC GRAY SLATS.
AS DISTRIBUTED BY MARDER ASSOCIATES, NARBERTH. (610)
668-2015

AS MANUFACTURED BY LANDSCAPE FORMS,
1-800-430-6200,
"GRETCHEN" MODEL, OR APPROVED EQUAL.

TITLE: 72" L - BACKED GRETCHEN'S BENCH FREESTANDING /
SURFACE MOUNT

BENCH
NOT TO SCALE



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Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

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AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS

DOVER, KENT COUNTY, DELAWARE

TPDL MANAGEMENT LLC

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TPDL MANAGEMENT LLC

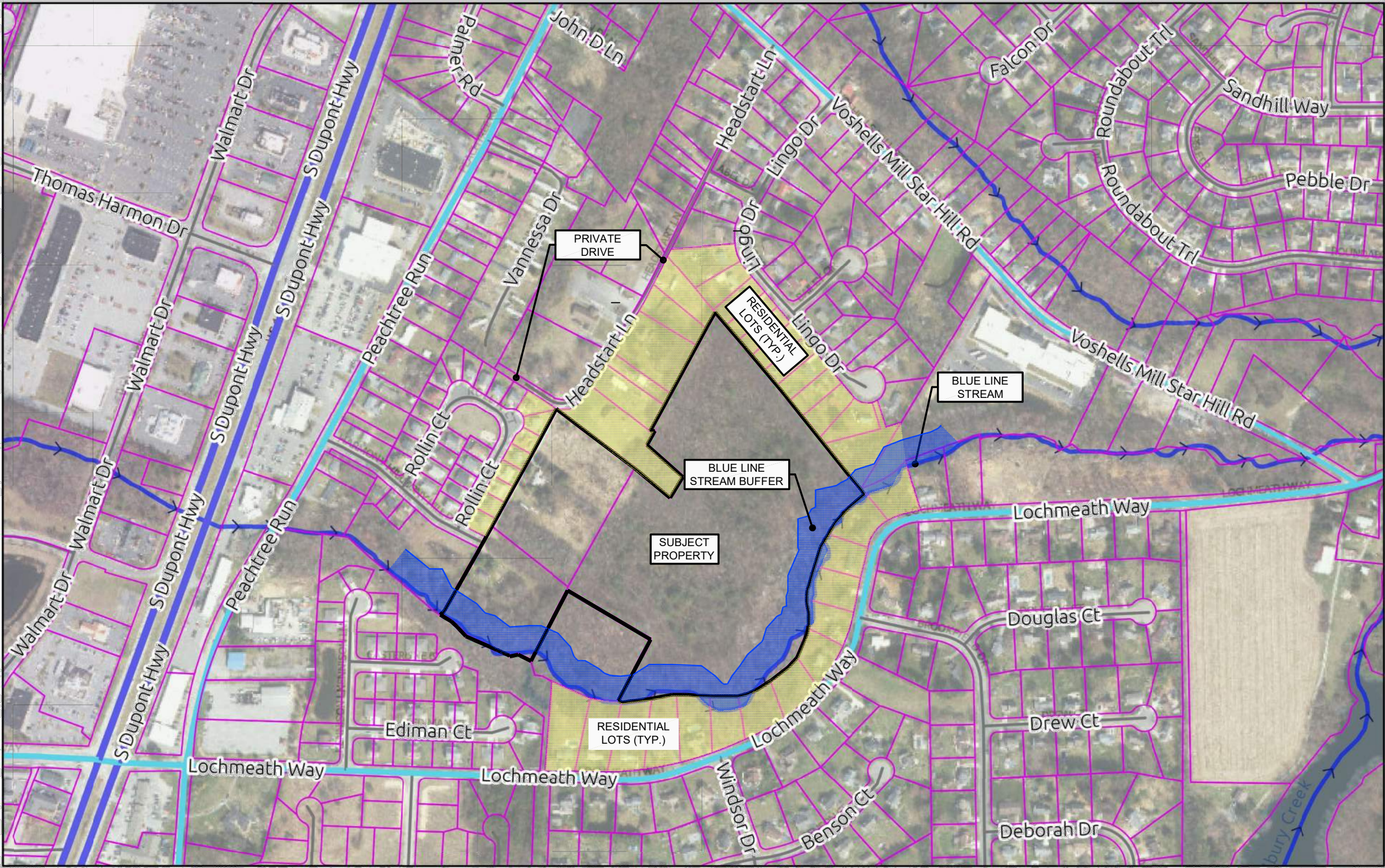
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PROJECT	SALTA-25008
DATE	2026-06-03
DRAWING SCALE	1"=60'
DRAWN BY	PHC

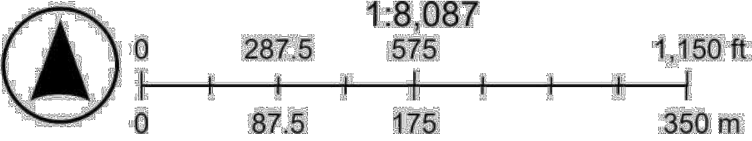
CS-1002

Kent County GIS Map



7/6/2026, 2:23:44 PM

- | | | | |
|--------------------|-----------------|-------------------|--------------|
| Parcels | Major Collector | Blue Line Streams | Green: Green |
| Roads | Minor Collector | Imagery 2024 | Blue: Blue |
| Principal Arterial | Locals | Red: Red | |



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REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
Conference Call Included
July 2, 2026

The following members were present:

David Peterman
Peter Servon
Denise Kaercher
Glenn Gauvry
Delbert Mills
Paul Davis
Bill Jester

Also present:

Sarah Keifer - Director of Planning
Tanner Jameson - Attorney

SL-26-06 Harmony Hills II: Request for approval of a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

Plan Number and Title	: SL-26-06 Harmony Hills II
Location\	: Located on the east side of Harmony Hill Dr., approximately 0.13 miles east of Peachtree Run, east of Camden.
Owner	: Ethel Higgins 1207 Whiteoak Rd. Dover, DE 19901 KCRM LLC 1875 Windswept Cir. Dover, DE 19901
Applicant	: TPD Management LLC 91 Brenda Ln., Suite A Camden, DE 19934
Engineer	: Pennoni Associates Inc. c/o Douglas D. Barry, PE 121 Continental Dr., Suite 207 Newark, DE 19713
Present Zoning District RS1 (Single-Family Residential)	: RMH (Residential Manufactured Home) /
Levy Court District	: 5 th - Sweeney
School District	: Caesar Rodney
Fire District	: Camden-Wyoming
Size of Site	: 25.61 acres ±
Number of Proposed Lots	: 40 Duplexes + 53 Single Family Lots
Active Open Space	: 0.73 acres ±

Passive Open Space	: 9.72 acres ±
Stormwater Management Area	: 0.67 acres ±
Wetlands Area	: 2.17 acres ±
Total Acres Within Woodlands	: 21.13 acres ±
Woodland Preservation	: 7.60 acres ±
Average Lot Area	: 5,232 sq. ft. (0.12 acres ±)
Minimum Lot Area	: 3,625 sq. ft. (0.08 acres ±)
Maximum Lot Area	: 11,848 sq. ft. (0.27 acres ±)
Relation to Growth Zone	: Inside
Density	: RMH - 5.93 units per acre RS1 – 2.78 units per acre
Streets	: Public – To be constructed according to Delaware Division of Highways Specifications
Water	: Tidewater Utilities
Sewer	: Kent County Sewer
Kent County Property	
Identification Numbers	: NM-00-094.00-02-38.00-000, NM-00-094.00-02-40.00-000, NM-00-094.00-02-41.00-000

Mr. Jester: Please give us your name and address and you can be sworn or affirmed.

Douglas Barry: Douglas Barry, Professional Engineer, Pennoni Associates, 121 Continental Drive, Newark.

Mr. Jameson: And sir, do you swear from that the testimony you're about to give will be the truth?

Mr. Barry: Yes, Sir.

Mr. Jameson: Thank you.

Mr. Barry: So, 1st and foremost, thank you for being here. Such a hot evening the day before a holiday, we appreciate it. Appreciate your time. We are here tonight requesting preliminary approval of a 93 lot major sub division consisting of 40 duplexes and 53 singles. I think the previous advertisement might have said 40 duplexes that got corrected or I'm sorry, 40 towns that got corrected to the 40 duplexes in time for tonight's agenda. The assembly consists of three properties adjacent to the existing Harmony Hill Subdivision. They are split zoned RMH, RS1 and they're within the County designated growth zone. The plan before you is by right that's in conformance with the Cant County code and it's in in conformance with the Kent County comprehensive plan. It's also consistent with the character of the surrounding area. As Mr. Jester said, the project will be served by public water, tide water, and public sewer, Kent County, and Kent County's actually issued conditional approval. We agreed to comply with the staff recommendation report, including the sign easement been a Lot Number 6. We will agree to put that sign easement to be on that lot. We have submitted plans to the Caesar Rodney's School District on multiple occasions. We haven't heard back. The plans do show a bus stop on Harmony Hills Drive Extended. That's shown preliminarily. The final location will be in concert with what the school district in the DTC mandates. So, but for now there is a bus stop on the extended portion of the road in compliance with Kent County code. We are seeking one waiver from the requirement

to maintain storm water management facilities, a minimum of 100 ft from residential setback lines. While we agree to comply with the 30 ft offset from parcel lines, we are seeking this waiver so we can minimize post development discharge rates and volumes in accordance with Kent County drainage code. We met with the Kent Conservation District several times, twice, to discuss the intent for stormwater management. As also met with DeIDOT on multiple occasions, the internal subdivision streets, as well as the intersection of Harmony Hill Drive in peach tree run will need to be improved. So, after preliminary approval, we will be submitting formal plans to Delta for review and consideration. But for now, I think that's, that's it and we'll keep it short. I'm here to answer any questions, developers here as well, and we're happy to answer any questions you might have.

Mr. Jester: I thank you very much. And when I went out there today. I've read plans for 48 years but I had a little difficulty seeing how you were tying in back out to Peachtree Run. And when I went out there today and tried to get back on that road, I'm glad you say you're going to do some improvements because you cannot even see the traffic coming north. There's bushes blocking and everything there, so you're actually going to include where the intersection is there?

Mr. Barry: Correct. Where there's a, small deceleration lane. We're gonna be extending that and we'll address any concerns the State has at that time as well.

Mr. Jester: Are you going to be widening the road for any kind of left turn going south straight?

Mr. Barry: Not a left turn, there's a left turn there already that meets the dimensional requirements of the State, but we will have to add a right turn or deceleration lane into the subdivision.

I understand ... in auditable ... down there. That's correct?

Mr. Jester: Oh, ok, because I saw where you had the lot six and you wanted the signage and all to understand.

Mr. Barry: That's a private drive and there's NO intent to make it public and have public access through that private drive for this project.

Mr. Jester: I actually surveyed that years ago when I worked at DeIDOT and DeIDOT came over and did some hot mix work on it, tried to try to stay net straightened out, but it's still in terrible shape, right?

Mr. Barry: Right.

Mr. Jester: Okay, I'm going to open up to commissioners. Mr. Davis.

Mr. Davis: Oh, thank you for being here tonight you obviously meet the county code, ok? There's NO question about that. What you don't meet in, my judgment, is public safety. You're putting a subdivision in there with one way in and one way out, I went down at myself just the other day and spent a lot of time down there. So if you have an accident or where that stub is that goes around the back, and that house is on fire, and the fire department is there and it got it blocked. You can't get back to help those people. If you have an ambulance call, a secondary fire

call. I'm not happy with these subdivisions coming in here one way in and one way out and want to be right up front about it. You meet the code. When I look at public safety issues, I'm the fire service. Fire company can't get back there if the if the thing is blocked. Go down there and they got an answer call, there's NO way you're going to get back there because I spent a lot of time looking at Head Start Lane. Now, if Head Start Lane was repaired and things like that, and you tied it in, I wouldn't have a problem with it. But I have a major problem building these subdivisions, one way in and one way out and people buying properties and they think for the secondary entrance. You got school buses going to be going in there. Emergency vehicles going in there, it's gonna get blocked. Those people who are gonna be pinned in that subdivision. So I know you met the code, but I'm gonna lay it right on the table how I feel about the public safety. Your buying this property to build a bunch of nice places which is great. We need housing, but you're overlooking these people that's gonna live there, and I think that's a sad day with developers. Thank you.

Mr. Jester: Have you looked into anyone alternative about going out because I know one way you're really constrained by wetlands and all and the other way on Head Start Lane, the right-of-way on that particular roadway don't know what you'd have to do there. Have you looked at any alternatives at all?

Mr. Barry: So the, so the property's landlocked. It's surrounded by a Blue Line Stream in every direction. There is a private drive, but that it's private, it's not public, so there's NO way for the developer to make it a public street and access the property that way.

Mr. Jester: Yeah, cause I know you're adding 190 trips per day coming out of that roadway and I'm like Mr. Davis being a part of the fire service, so I don't know. I studied this, looked at this, went down there and actually walked it, and I didn't see any other way alternative either. I think Mr. Mills might have a question about the bus stop.

Mr. Mills: Yeah, the school bus stop. If we could pull the map back up there on the design of the development. If you could pinpoint out where you are seeing it. I looked at it on the map and I saw it said bus stop but where is it at on that map. Is that a DeIDOT stop or is that a school bus stop? Because there's a difference there's a difference let me explain there's a difference in it. Now you cannot stop a school bus where you're stopping DeIDOT busses for pickups. That's out outrageous you can't. I've been in the school bus business for many many years; so I know. Now on the map where it shows this stop, where does the bus go after you pick up kids inside there? There's no place I can see on here for sufficient turnaround.

Mr. Barry: The actual bus stop is not for DeIDOT. It's only for school busses.

Mr. Mills: Where is the turnaround for them at that bus stop

Mr. Barry: If you could turn it page six.

Mr. Jester: Had you asked him a question Mr. Mills?

Mr. Mills: I'm waiting for an answer, yeah.

Mr. Barry: I'm gonna wait till the sheet came up. While they're pulling it up, like, I said earlier, that's shown preliminarily. We haven't heard back from the school district.

Mr. Mills: Right, you probably won't.

Mr. Barry: Right, so we'll reach out to them again. We'll reach out to the DTC and to provide the final location of that.

Mr. Mills: The entrance into that development where it's at is that what's the distance back to the furthest house on that, if it's over half a mile, the kids can't walk out to the end, they have to have a bus stop someplace. The bus stop is on here but where is the bus going to turnaround?

Mr. Barry: It'll come south and then pick up the, the students and then loop around the subdivision street and then back up to the north.

Mr. Mills: That's not the best idea, I can tell you right now for a bus to go into development and have to loop around the streets to get turned around. We're trying to, what we're trying to do is try to get these buses coming in these developments in a place for that bus to be able to turn around right there, not back up. I'm talking about loop around and place for cars to be able to park for these people to bring these kids to these bus stops. To make it safer for these kids, we want to keep them off highway of any way possible we can on any street, so that means I'm looking at this development here we need to rearrange something here and it can be done. It's very simple to do it. Thank you.

Mr. Jester: Is there any pull off area by the bus stop where cars will be able to sit and wait and drop their kids off? I don't see any curve where you moved it over so there'll be any kind of parking area at the bus stop to allow the kids to wait for the bus to get there.

Mr. Barry: Yeah, so there'll be a stop sign there, so when the school bus comes in, it'll stop at the stop sign, it'll pick up the students and then it'll turn around.

Mr. Jester: I'm talking about the parents that are going to wait for that bus to be there. A lot of times they create where they do a reverse curve and you know and move the curve over so there's areas to park, so the cars aren't in the driving lane while they wait for the bus.

Mr. Barry: Understood. And someone asked about a half a mile walking distance or something like that. It's not that far, it's only like a 10th of a mile. And there are sidewalks, crosswalks, ADA ramps, so these kids will have a safe route to that bus stop. But again, if the school district wants us to put it in a different spot, I think the developer will be happy to appease them.

Mr. Jester: So you'll have to, you're going to try to have your answer to what is it serve by the end of what day Monday?

Mrs. Keifer: No, tomorrow's a holiday, so it'll be close of business Tuesday.

Mr. Jester: Okay. You'll try to have an answer to us.

Mr. Barry: Like I said, we reached out to him I wanna say three times, I haven't heard back, so we'll try we will continue to try.

Mr. Jester: I think you know our concerns now, so.

Mr. Barry: Understood.

Mr. Jester: Is there any other commissioners have any questions? If not, thank you very much. we'll see how this goes.

Unidentified caller: I have questions. I'm on the phone.

Mr. Jester: Is there anyone else here in favor of this application would like to speak?

Unidentified caller: I am not in favor. I have questions. I'm on the phone.

Mr. Jester: Okay, we're on the favor side now ma'am. I'll be asking you in a few minutes to come on. Anybody here else in favor of this application or on the phone? They usually raise their hand. Nobody wants to speak. Okay, so we'll go over the against side. 1st of all, we'll take care of the woman on the phone. I don't know if she says she's not against, but I guess she got some kind of questions she wants answered. Ma'am, could you introduce yourself and you can be either sworn or affirmed by attorney?

Stephanie Cantres: Okay, good afternoon. My name is Stephanie Cantres. I am a resident of Harmony Health.

Mr. Jester: Your address?

Ms. Cantres: 168 Rollin Court Dover Delaware 19901.

Mr. Jameson: And do you swear or affirm that the testimony you're about to give tonight will be the truth?

Ms. Cantres: Absolutely yes.

Mr. Jester: Okay ma'am, go ahead with your question.

Ms. Cantres: Yes, my concern is this development that they are proposing to have, it's more than a hundred homes considered safe. There's only one entrance id out. If there is a fire, an emergency, it's only going to be from ph tree run into Harmony Hill Lane, and then back into the proposed development. It's a very large development for only one entrance in and out. Did the Fire Marshall approve the condition?

Mr. Jester: Thank you for your comments. We've already kind of touched on that subject and how hazard it is. Pardon me, but does that mean you're against this application?

Mrs. Cantres: I am against because like the gentleman said before, it does meet the code, quote unquote, but it is very concerning. I have children, I have nieces, I have nephews in my own development, but if, you know, families from any new development or new homes and something would happen, how would they, you know, get in and out? Also the school safety, there is only one school bus stop and there is a DelDOT bus stop right on Peachtree Run It is the 104

bus that it stops across from the entrance and in the entrance for DeIDOT for any residents or community members to take the DeIDOT bus. I think it's going to be too congested.

Mr. Jester: Yeah, I think we've already.

Ms. Cantres: And it is also more than a mile. I'm sorry, it is going to be more than a mile when they, because looking at their plans, looking at the plans posted in the picture and also in your meeting it is going to be more than a mile for when the school buses come out or children to come out or parents to come and drop off their children at the bus stop.

Mr. Jester: They're actually creating a bus stop back in the development, ma'am, we've already been through that with the engineer and he's going to look at it extensively to see if it can be redesigned for our concerns.

Ms. Cantres: OK, the bus stop is gonna be in the development, but it's still going to be one entrance in and one entrance out.

Mr. Jester: That's correct.

Ms. Cantres: Headstart Lane, it's a small lane. And I, and in this plan that you have posted right here in harmony Hill and right here on your, in the meeting online, it does not show another or secondary entrance. That is very concerning safety reasons, very concerning.

Mr. Jester: Yeah, we went through that already ma'am. So we got the engineering studying all those things so they can get back to us by next week. So, I think Mr. Davis has a comment.

Mr. Davis: I have another question for the engineer if he can come back up. This subdivision, is that owned jointly by the 1st subdivision. Harmony Hill, the same people have it.

Mr. Barry: I'm sorry, can you ask that again?

Mr. Davis: Are both subdivisions owned by the same developer?

Mr. Barry: NO. I don't know who the developer was of Harmony Hills, but those lots that think have all been sold.

Mr. Davis: Okay, so two separate owners.

Mr. Barry: That's my understanding.

Mr. Davis: Because I got thinking what are you going about the school bus drop in the 1st subdivision? Was that ever addressed as a one in the 1st one? Yeah, maybe you can check that out if there's one there. Why couldn't you use that one for both subdivisions?

Mr. Barry: I mean we could in theory, but our intent was, the lots that are more south closer to the blue line stream that are far away from that. We wanted a second bus stop for that.

Mr. Davis: Well may I look at things to me. Public safety comes 1st. I don't know how I'm gonna vote on this, I have to think about it, but I just want you people to understand, you gotta start putting two instances, one in, one out because it's not right. You're buying these small parcels, not you, they're in small parcels, you got one road in there, they can't get out, if there's something happened at the main interest and that's not a good public safety issue to have. And that's I feel very strongly about that. Thank you.

Mr. Jester: Any other commissioners have any comments? Is there anyone else on the phone against this subdivision that would like to speak? Do you have anybody on the phone at all?

Unidentified caller: Yes. Hello?

Mrs. Keifer: Yes, could you give us your name and address please.

Velisa Scott: Yes, my name is Velisa Scott 149 Rolling Court Harmony Hill.

Mr. Jameson: And do you swear from testimony you're about to give tonight will be the truth?

Ms. Scott: Yes. I've basically heard everything. I agree with the commissioners far as safety and the bus stop issue and the one way in, one way out, and I actually oppose it due to safety, and we have multiple kids in our development already.

Mr. Jester: With the kids in your development now, do you have a bus stop in the development or is that on the road?

Ms. Scott: It's right at the stop time when you go out of the entry, the bus stops in the middle of the road on peace tree, and that's where the kids are picked up.

Mr. Jester: It's right at the entrance of Harmony Hill Dr, right?

Ms. Scott: Right, right. At the stop phone yes.

Mr. Jester: Okay, thank you. Do you have anything else you'd like to say?

Ms. Scott: No y'all touched everything that was concerning to me, yeah. That's fine.

Mr. Jester: Thank you very much for calling in. Is there anybody else on the phone would like to speak that is against this application?

Warren Collen: No sir.

Mr. Jester: Seeing there's NO one else on the phone or anybody here in house that would like to speak will be taking this application. Okay, I took her 1st. I'm sorry my fault. Please come up and give us your name and address so you could be sworn or affirmed.

Stephen Rucker: Good evening, I'm Stephen Rucker. My address is 3826 Peachtree Run Road, Dover Delaware. I live on Peachtree right East, excuse me, West of Harmony Hills development. And you all have made...

Mr. Jester: Hold on. You've gotta be sworn.

Mr. Jameson: Do you swear from the testimony you're about to give will be the truth?

Mr. Rucker: Yes.

Mr. Jameson: Thank you

Mr. Jester: Please pull the mic up, we can't quite hear you. OK, thank you.

Mr. Rucker: You all have mentioned concerns about this development. I am also concerned because I do live right there in front of Harmony Hills, the current development, and the traffic on peach tree currently, as Mr. Chairman mentioned, extreme amount and to add a subdivision with a one in, one out would increase the traffic right there on page three tremendously so definitely need another way to get into that harmony Hills two development besides Peachtree Ln. As the engineer mentioned, he does have some wetlands that he can go through that can connect to lock meet way. He can also maybe go down Headstart Lane. Again, that Headstart Lane would have to be required and brought up to the standards, of course. But those are possible solutions that the developer could use to get that subdivision back there without the issues on peach tree with the bus stop, the school bus stop, so forth. So, all those things are tremendous, to watch the school buses come down Peachtree during the school year and the traffic that is trying to get, you know, down Peachtree to Star Hill Elementary or just up, you know, the road up toward magnolia. Wow. And then in the afternoon for the school buses and the traffic parents trying to get their kids from Star Hill or from Magnolia. And then also trying to make that left hand turn right now into Harmony Hills, ooh, the traffic just backs up while that school bus has stopped there, right? Both, you know, northbound and southbound lanes, that school bus stops and the traffic just backs and backs and backs and eventually does clear, but between the hours of 03:30 and 04:30 you cannot get across peach tree, where I live anyway and where Harmony Hills entrances. It is just overwhelming, and then the same thing is in the morning. So, definitely take into consideration more than one entrance in exit into the development, along with the other issues with the bus stops, so, things to consider.

Mr. Jester: Thank you very much for your concerns. I think we all have that same. Any commissioners have any questions for this gentleman? If not, I'll keep it opened up. Is there anyone else here would like to speak that's against this application? Please come up to the mic and give us your name and address you can be sworn or affirmed.

Ms. Scott (on phone) I'm sorry I do have a question. My name is...

Mr. Jester: Ma'am. You had your time, I've got somebody in the audience coming up to the mic.

Flora Johns: Good evening. My name is Flora Johns. I live at 116 Lingo Drive, Star Hill.

Mr. Jameson: And do you swear or affirm that the testimony you're about to give tonight would be the truth?

Ms. Johns: Yes, I do.

Mr. Jameson: Thank you very much.

Ms. Johns: I know you all have touched on quite a few things that I'm concerned about, and, I just want to say I'm very much opposed of these developing happening behind my resident, I live on Lingo Drive. And as you could see where it says in harmony lane that sign said private property or something and it's got a little sign stand there. That's right behind my house from Lingo Drive. I don't know how much that little sign there you just passed. That my house on the other side, it maybe like harmony hills might be like 25 or 30 my it might be a few more feet behind my house. So once they build it, I mean I can hear things in harmony hills, and I live on Lingo drive, that's it that's how close we are. So I do oppose of the development there. You got 90 some says 93 developing duplexes in 53 single homes. That's a lot. And it might seems that we don't count on Lingo Drive and Star Hill, but we have to get out also. And like Mr. Davis said when the buses get to running, like in the morning, our kids comes out to the stop sign from lingo drive and the traffic backs up from the school, the parents are have to park their cars to drop their kids off. That comes all the way up to Lingo Drive sometimes. So, like I said, I'm very much opposed, I'm not gonna beat around a bush. When you start bringing in these developers, they develop the places, they run away and leave them and whatever happens to him happens, whatever happened to the people that purchase them, it happens, but the developer has his money and he's gone. So, I mean, we don't have the schools. We don't have the schools. We got Starhill elementary. We got kids coming in with these 93 duplexes in the 40 houses. Those kids, we already are overpopulated, we don't have the teachers, we don't have the schools. We bring these people in and as you were saying about the foreign company, they can't get back. 1st of all, but that many people you're gonna need another foreign company. They keep bringing in the developments and the developers is gone and we're left here struggling. So yes, I'm just saying I Flora Johns, I'm standing before you, asking you to deny this development. Thank you much. I appreciate your time.

Mr. Jester: Thank you very much. We appreciate your comments. Anybody here have any questions for her? Saying none. Thank you again. Anyone else here that would like to speak against this application, please come to the mic. Seeing none, or no hands raised, Oh, we still have one call or is she the one that's already spoke? Can I do I have to go back to her Mr. Attorney? If she's already spoke I will not recognize her for 2nd time. Do we have anybody new?

Pastor Donald Ashley: My name is Pastor Donald Ashely. I'm the pastor of the church at 240 Headstart Lane, Dover Delaware 19901.

Mr. Jameson: And do you swear from the testimony you're about to give will be the truth?

Pastor Ashely: Yes, I have great concerns about the development. We as also represent the other Star Hill Civic Association who was here away tonight that we've many times try to have Headstart Lane flipped over to public. We've even had petitions that had everybody signed, everybody was in agreement and they took us back around again to a long waiting, we've been at this for 15-20 years, trying to get this road flipped back over to the public. Years ago it was public when there was a nursery there called Headstart. That's how the name came. Headstart

Lane. When it burnt down, it went, they've flipped it back to private, so there's NO snow removal, there's NO care for the road. The road is terrible. Our church and some of us got together and put some money together just to fill the potholes if you've ever been there before or before now. And with potholes we had to drive around and I have over a hundred something congregants that meet there weekly. So if this was to come, we NO longer want to be overlooked to have Headstart Lane redone for an outlet of more people other than what we already have. It's gonna bring a lot more traffic. You know, our church has to deal with. So whatever happens and that's one of our fears that something tragic would happen to fire or anything like that because of trying to get down to one lane. It's gonna be hard for ambulance firemen or whoever it is to get down Headstart Lane like it is. So I have great concern, I wanna say as a pastor of the church, that, you know, we cannot continue I don't think we can continue into the future to overlook head start laying in the condition that it is that it is right now and add more people. Right? Which date like we've already discussed I don't want to go over it again for outlet for that, that large of development to come in and we still be overlooked. So those are my concerns as a pastor of the church on Headstart Lane.

Mr. Jester: Great comments because I used your driveway yesterday to get back on that side.

Pastor Ashley: you're welcome.

Mr. Jester: And I met a trash truck. I didn't think I was ever gonna get out of there with the poor condition of the lane was there and I saw your beautiful church back there.

Pastor Ashely: Thank you, Sir.

Mr. Jester: So. Getting back there to it and getting out with that one lane, I bet on services day everybody's kinda, good thing you already had your prayers for each other that way you can get out of there I guess.

Pastor Ashley: Absolutely, absolutely. So that is our great concern that we not be NO longer overlooked as a community. I think everybody that lives on Headstart Lane is in agreement to flip it back over to public because like I said, we get NO attention for snow or whatever it is, it's just kind of been overlooked for over 20 plus years.

Mr. Jester: Yeah, the best way to probably address that is talk to your senator or representative and also to talk to your Levy Court commissioner; try to get them all onboard. If you get them to ride back their one time I think they'll exactly how pour the conditions of the road are.

Pastor Ashely: Yeah, I think we've done that. But we keep getting the run around to where we started again. Like I said, those are our great concerns.

Mr. Jester: Thank you for your presentation. Does anybody here have any questions for the Reverend? Thanks again. Is there anyone else here in the audience would like to speak against this application? Anybody else would like to speak? Seeing nobody else here and I guess there is nobody new online, we'll be taking this application up next week. Thank you.

MINUTES OF THE KENT COUNTY LEVY COURT
REGIONAL PLANNING COMMISSION BUSINESS MEETING MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
THURSDAY, JULY 9, 2026

Call to Order for Business Meeting

The Pledge of Allegiance

Roll Call and Determination of Quorum

Peter Servon
Glenn Gauvry
Delbert W Mills Jr.
Paul Davis
William G Jester
David A Peterman

Also present were:

Sarah Keifer, Director of Planning
Max Walton, Attorney

Approval of Agenda

Motion to approve the agenda made by Paul Davis; seconded by Peter Servon; carried by vote 6 yeas.

Approval of Minutes

June 11, 2026

Motion to approve the minutes for June 11, 2026 made by Glenn Gauvry; seconded by Paul Davis; carried by vote 6 yeas.

Levy Court Action on Commission Recommendations - None

Old Business - None

New Business

C-26-04 McCoy, Bianca & Tyrel: Request for Conditional Approval of a Home Occupation (Daycare) located inside the Growth Zone Overlay District / Parcel: SM-00-140.02-01-53.00-000

Motion to recommend approval of application C-26-04, a conditional use for a home occupation (daycare) located inside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated July 2, 2026, Exhibit B - Public Hearing Testimony dated July 2, 2026, and the findings of fact that:

1. The subject site is zoned AC (Agricultural Conservation) and S205-53 permits a home occupation - daycare as a conditional use.
2. The location is appropriate and not in conflict with the Comprehensive Plan.
3. The public health, safety and general welfare will not be adversely affected.

made by Paul Davis; seconded by Glenn Gauvry; carried by vote 6 yeas.

CZ-26-02 / LC26-10 Taylor, Joseph Lewis IV & Christina L: Request to amend the Zoning Map from AR(Agricultural Residential) to BN(Neighborhood Business) located outside the Growth Zone Overlay District / Parcel: MN-00-187.00-01-45.00-000

Motion to recommend denial of ordinance LC26-02, amending the Zoning Map from AR (Agricultural Residential / Low Density Residential) to BN (Neighborhood Business) located outside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated July 2, 2026, Exhibit B - Public Hearing Testimony dated July 2, 2026, and the findings of the fact that: a. There was no mistake in the Zoning Map.

b. Most of the surrounding properties are zoned AR, and the character of the area is primarily agricultural and single-family residential.

c. The character of the area has not changed to such an extent that the Zoning Map should change.

d. The existing non-residential zoning in the area continues to be farmed or is vacant.

e. The proposed BN zoning does not conform to the 2018 Comprehensive Plan - neither map 7B nor 7C identifies the area for future Neighborhood Commercial development. made by Glenn Gauvry; seconded by Peter Servon; failed by vote 3 yeas.

Motion to recommend **approval** of application CZ-26-02 / LC26-10 for the following reasons:

- The amount of farm land
- There were questions of items being sold that were not farm related but we do not know that, it could be vegetables grown on the property, may be a combination of antiques; sale of other items that are not always consistent with the zoning.

made by Paul Davis; seconded by Delbert W Mills Jr.; failed by vote 3 yeas.

Because the motion failed to receive the required number of positive votes, the application will move forward to the Levy Court with no recommendation.

SL-26-06 Harmony Hills II: Request for a Major Subdivision approval of a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

Motion to deny application SL-26-06 Harmony Hills II made by Paul Davis; seconded by David A Peterman; carried by vote 5 yeas.

The motion, as described below, include the reasons for denial of application SL-26-06 Harmony Hills II:

"You have a situation here that probably should have been something else on this site and not what you're doing now. I'm very concerned about the public safety of not only the children, but the adults themselves that are going to be living in that district, with one-way in and one-way out. If you have an accident at Peach Tree and the Entrance going into the subdivision, it would not be adequate passage for emergency vehicles, fire departments or whatever the case may be, illness or whatever. That presents a major problem for me. I was really hoping that they could work this out, apparently, they can't work it out, but those things need to be looked at very closely prior to coming before this commission. There are two of us on this commission that are in the fire service. We look at the public safety issues very clearly, that is a big dangerous issue when things pass. If you correct that problem, next time I'll vote for it. But I'm not going to vote and put those people's lives in jeopardy to live in that submission."

S-26-03 Preston Automotive Group: Request for site plan approval for construction of an Auto Dealership, Retail & Restaurant space totaling 50,666 sq. ft. located inside the Growth Zone Overlay District / Parcel: NM-00-103.00-02-03.04-000

Motion to approve application S-26-03, a Site Plan application for construction of an Auto Dealership, Retail & Restaurant space totaling 50,666 sq. ft. located inside the Growth Zone Overlay District This is based on Exhibit A - Staff Recommendation Report dated July 9, 2026 and the findings of fact that: a. The site is zoned AC (Agricultural Conservation) in which Distribution of Agricultural Products is permitted by-right with conditions by §205-53.

b. The plan complies with all applicable conditions of approval as documented in the July 9, 2026 Staff Recommendation Report.

c. The application is compliant with the Comprehensive Plan.

d. The waiver from 187-79.D requiring a 30 foot buffer along arterial streets is granted and instead a 15 foot wide buffer shall be provided as shown on the landscape plan. Pursuant to Chapter 205 of the Kent County

Code and pursuant to 9 Del. C. §§4802 and 4811, the Commission has reviewed the application and, furthermore as part of this approval, the applicant shall comply with all Staff and Agency Requirements and Planning Staff Recommendations as described in the July 9, 2026 Staff Recommendation Report, including but not limited to the following:

a. The final plan shall include a bike rack large enough to accommodate at least four bicycles between the two buildings.

made by Glenn Gauvry; seconded by David A Peterman; carried by vote 6 yeas.

SLV-26-24 HRS Properties LLC: Requesting a Waiver from 187-58(F)(2) Access. Minimum of 25% of the proposed lots must front on a connected route / 187-58(G)(1) 600' Maximum Cul-de-sac length / 187-58(H)(1) street linkage to enable a Major Subdivision, located outside the Growth Zone Overlay District / Parcel # NM-00-107.00-01-22.00-000

Motion to approve application SLV-26-24 with modifications to permit a cul-de-sac or dead-end street with a maximum length of 1,300 feet and waive the requirement that a minimum of 25% of lots within a development must front on connected routes, to allow for the submission of a Major Subdivision application. This is based on Exhibit A - memorandum from staff dated July 9, 2026 and the finding that the existing surrounding land uses prevent connection of the development to other roadways and that a modified approval represents a minimal easing of the requirements that will better support the goals and objectives of the Comprehensive Plan. made by Paul Davis; seconded by Glenn Gauvry; carried by vote 6 yeas.

Ordinance LC26-06 Data Centers: An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V - Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use.

Motion to recommend **approval** of Ordinance LC26-06, Data Centers finding that the County's existing zoning ordinance already permits the development of data centers without the explicit conditions included in this ordinance that are designed to mitigate the impacts of such development and protect the health, safety, and general welfare of the citizens of the county. made by Glenn Gauvry; seconded by Peter Servon; carried by vote 6 yeas.

Election of Officers

1. Chairperson

- a. Open Nominations
- b. Close Nominations

Mr. Peterman nominated Mr. Jester for Chair and seconded by Mr. Mills. No other nominations were made. Mr. Jester will remain Chair.

2. Vice-Chairperson

- a. Open Nominations
- b. Close Nominations

Mr. Gauvry nominated Mr. Davis as Vice-Chair and seconded by Mr. Peterman. No other nominations were made. Mr. Davis will remain Vice-Chair.

Public Comment

- Paula Workman of 16 Freedom Dr spoke in opposition of data centers in Delaware.
- Melissa Wernersbach of 25 Drew Ct spoke in opposition of allowing data centers in Delaware.
- Brittany Williams of 120 Morning Dover Ln spoke in opposition of data centers in Delaware.
- Michael Cobb of 1584 S State St discussed additional conditions that should be included into the data center ordinance prior to approving a data center project.
- Virginia Harris of 152 Voshells Mill Star Hill Rd discussed concern on the project of Harmony Hill II regarding entrances and traffic that will follow.

Commission Comments

- Mr. Jester expressed his appreciation for the input and guidance from the attorney during these meetings
- Mr. Mills also thanked the attorney for their guidance and professionalism as well as discussing the concerns for public safety.
- Mr. Walton discussed his position and the importance of following law and regulations.
- Mr. Davis discussed appreciation for the attorney and provided his reasons on why the Harmony Hills II application will be moving to Levy Court

Other Business

Adjournment

Motion to adjourn the Business Meeting held on July 9, 2026 made by David A Peterman; seconded by Peter Servon; carried by vote 6 yeas.

Certifying Officer [Name, Title]

Signature

**BEFORE THE KENT COUNTY LEVY COURT
THE GOVERNING BODY OF KENT COUNTY, DELAWARE**

IN RE: :
HARMONY HILLS II SUBDIVISION :
 :
SUBDIVISION APPLICATION NO.: :
SL-26-06 :

**THE APPLICANT'S OPENING BRIEF ON APPEAL
FROM THE JULY 9, 2026 DECISION OF THE
KENT COUNTY REGIONAL PLANNING COMMISSION**

**BROCKSTEDT MANDALAS
FEDERICO LLC**

/s/ Alex C. Burns

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Dated: August 4, 2026

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NATURE AND STAGE OF PROCEEDINGS

This is an appeal to the Kent County Levy Court, pursuant to 9 Del. C. § 4811 and Kent County Code § 187-21(D), from the July 9, 2026 decision of the Kent County Regional Planning Commission (the "Commission") denying preliminary approval of Major Subdivision Application No. SL-26-06, Harmony Hills II ("Harmony Hills II" the "Application" or the "Project").

TPDL Management LLC (the "Applicant") is the applicant for Harmony Hills II, a proposed 93-lot residential major subdivision consisting of 40 duplex homes and 53 single-family homes. The County's written notice states that the project is located inside the Growth Zone overlay district.

Notwithstanding that the Application fully complies with the County Code, on July 9, 2026, the Commission voted 5-1 to deny the Application based on public safety concerns.¹

On July 16, 2026, the Applicant timely appealed the Commission's denial and requested that the appeal be scheduled before the Levy Court. The matter is scheduled to be heard at the Levy Court Business Meeting on August 11, 2026.

This is the Applicant's Opening Brief in support of its appeal. This appeal presents a narrow question. The Commission denied the residential subdivision application. The denial completely rejected all the opinions of the Commission's most trusted advisors. First, the Kent County Department of Planning Services Staff ("Staff") determined Harmony Hills II fully complied with the Kent County Code, and therefore recommended for conditional approval. Moreover, the County's attorney advised in no uncertain terms that no code-compliance deficiency had been

¹ No Commissioner identified a provision of the Kent County Code that the Application failed to satisfy.

identified—meaning the plan fully complied with the County Code. The Commission, in an inexplicable and indefensible act, nevertheless denied the Application based on unparticularized and generalized public-safety concerns unrelated to any identified code requirement. The Applicant respectfully submits that the only appropriate outcome is that the Commission’s denial should be reversed because the stated basis for denial does not identify even one failure to satisfy an applicable requirement of the Kent County Code.

STATEMENT OF FACTS

Harmony Hills II is proposed for property identified in the Staff materials as Kent County Tax Parcel Nos. NM-00-094.00-02-38.00-000, NM-00-094.00-02-40.00-000, and NM-00-094.00-02-41.00-000. The site is located on the east side of Harmony Hill Drive, approximately 0.13 miles east of Peachtree Run, east of Camden. The Staff Report identifies the zoning as RMH (Residential Manufactured Home) / RS1 (Single-Family Residential).

The Project is consistent with the County Code and therefore does not seek any variances, conditional uses, or special exceptions. It proposes a 93-lot major subdivision consisting of 40 duplex homes and 53 single-family homes on approximately 25.61 acres. The Staff Report states that the project is located inside the Growth Zone and that the Comprehensive Plan designates the area for medium-density residential development which, as staff further concluded, conforms to the Comprehensive Plan.

Most importantly, Staff recommended conditional approval. The July 2, 2026, Staff Recommendation Report states: “Staff recommends CONDITIONAL APPROVAL based on the information submitted as the application demonstrates compliance with the conditions for approval

as outlined in the Code.” Staff also recommended approval of the Applicant's requested waiver from the stormwater-management setback requirement.

The Applicant addressed the principal issues later cited as grounds for opposition. With respect to school transportation, the Caesar Rodney School District requested two bus-stop locations within the proposed community. The Applicant's engineer advised Staff that students would be able to access those locations using proposed sidewalks, marked crosswalks, and ADA-compliant curb ramps. Thus, the proposed bus-stop locations were not merely suggested by the Applicant; they were identified by the School District itself.

With respect to access, the Dover/Kent County Metropolitan Planning Organization encouraged consideration of additional entrances but expressly recognized that “given the numerous constraints surrounding Harmony Hills, it would be difficult to create a second entrance to the neighborhood.” The Applicant's engineer similarly explained that the Code requires a second entrance for subdivisions of this size only when a second entrance is possible and permissible, and described why site conditions prevented an additional connection.

Staff recommended conditional approval because the Application indisputably demonstrated compliance with the Code. In its determination of compliance, Staff relied upon the fact that MPO expressly recognized the physical constraints affecting secondary access. It also relied upon the fact that the School District identified bus-stop locations within the development. Consistent with these conclusions, the County’s attorney advised the Commission that not a single code-compliance deficiency had been identified. The Commission did not identify any contrary code-compliance determination. Nevertheless, against all the evidence reviewed by the Commission and against the advice received by the Commission, the Commission, unexplainably, voted 5-1 to deny the Application. The written decision states that the denial was based on public-

safety concerns associated with the project's single point of access. The notice of decision does not identify any provision of the Kent County Code, or any credible record evidence, that the Application failed to satisfy, nor does it identify any objective standard that was unmet.

STANDARD OF REVIEW

The Levy Court's review "is limited to the correction of errors of law and to the determination of whether or not substantial evidence exists on the record to support the Commission's findings of fact and conclusions of law."² Questions of law, including the scope of the Commission's statutory authority and the interpretation of governing statutes, are reviewed de novo.³

Substantial evidence means, "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."⁴ The Levy Court does not have the "authority to weigh evidence, determine the credibility of witnesses or make independent factual findings."⁵ But where the Commission's decision rests on an error of law, or where the stated grounds do not identify facts tied to applicable legal standards, the decision cannot stand.

² *JNK, LLC v. Kent Cnty. Reg'l Plan. Comm'n*, No. CIV.A. 06C-03-066RBY, 2007 WL 1653508, at *5 (Del. Super. Ct. May 9, 2007).

³ *Id.*

⁴ *Olney v. Cooch*, 425 A.2d 610, 614 (Del.1981) (quoting *Consolo v. Federal Maritime Commission*, 383 U.S. 607, 620 (1966)).

⁵ *State v. Dalton*, 878 A.2d 451, 454 (Del.2005) (citing *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del.1965)).

ARGUMENT

I. SENATE BILL 23 CONFIRMS THAT BY-RIGHT RESIDENTIAL PROJECTS ARE SUBJECT TO ADMINISTRATIVE REVIEW, LIMITED TO OBJECTIVE STANDARDS.

Senate Substitute No. 2 for Senate Bill No. 23 has been enacted into law as the Housing for Every Delawarean Act (the “Act” or “Senate Bill 23”).⁶ The Act adds 29 *Del. C.* § 9223. Most importantly, § 9223 provides that a residential development application for a by-right use⁷ “shall be reviewed through an administrative review and approval process.”⁸ Planning commission or planning board review remains permissible only if that review is limited to determining compliance with applicable objective standards.⁹

The Act supersedes any inconsistent local-government review procedures.¹⁰ By-right residential development applications therefore must be evaluated based on compliance with objective standards rather than discretionary policy judgments or subjective views regarding whether a property should be developed.

Harmony Hills II is a residential project proposed in a zoning district where the use is permitted. Staff concluded that the Application complied with applicable requirements and

⁶ Senate Substitute No. 2 for Senate Bill No. 23 was signed by the Governor on July 13, 2026.

⁷ 29 *Del. C.* § 9223(a)(1) defines a “by-right” use as “a use identified as a permitted use within a zoning district under a local zoning ordinance that complies with all applicable objective standards and requirements”

⁸ 29 *Del. C.* § 9223(b) states that a “residential development application for a use that is permitted by-right under the zoning ordinance of a local jurisdiction shall be reviewed through an administrative review and approval process.”

⁹ 29 *Del. C.* § 9223(a)(2) defines “objective standards” as “standards that are measurable, uniformly applicable, and not subject to discretionary personal judgment.”

¹⁰ *Town of Fenwick Island v. State*, No. 153, 2026, 2026 WL 1468816, at *4 (Del. May 26, 2026) (“Under the Delaware Constitution, the General Assembly controls zoning within the State. Through various statutes, the General Assembly has delegated zoning authority to county and municipal governments. That delegation, however, is not immutable. The General Assembly may change or revoke delegated zoning powers and has done so frequently.”).

recommended conditional approval. The Commission did not identify any unmet objective standard. Instead, it denied the Application because Commissioners, without evidentiary support identifying a Code deficiency, disagreed with aspects of the project, particularly the existence of a single access point. Senate Bill 23 confirms that such discretionary objections cannot substitute for a determination that an application fails to satisfy objective standards.

Because the record contains no identified violation of an applicable objective standard, Harmony Hills II is entitled to approval through the administrative process required by § 9223. The Levy Court should reverse the Commission's decision to deny approval of the Application and direct Staff to complete administrative approval of the Project in accordance with the Act.

II. EVEN ASSUMING SB 23 DOES NOT APPLY, DELAWARE LAW REQUIRES THE SAME RESULT.

As the Superior Court recently cautioned, accepting a planning commission's claim that it may limit, let alone deny outright, an otherwise compliant development based on generalized policy concerns "would provide it limitless discretion and power to shape land developments well beyond the written Code" and "fly in the face of the requirement that landowners be put on written notice in advance of what is allowed."¹¹ If Delaware law does not permit a planning commission to limit a code-compliant development on that basis, it certainly does not permit the Commission to deny one outright. That is precisely what happened here. Even assuming for the sake of the argument that Senate Bill 23 does not apply to this review, well-established Delaware law does not permit the Commission to legislate from the dais by denying a code-compliant plan based on an ad hoc public-safety objection untethered to any unmet objective standard. For that reason, the

¹¹ *Smokey Hollow, LLC v. Sussex County Planning & Zoning Commission*, 2025 WL 2816524, at *1 (Del. Super. Oct. 1, 2025).

Commission's decision constitutes an error of law subject to correction by the Levy Court. Moreover, where the stated basis for denial is not tied to any identified requirement of the Kent County Code, the denial cannot be supported by substantial evidence of noncompliance.

Delaware courts have repeatedly reached the same conclusion: a land-use body may not deny a plan for a permitted use that satisfies applicable objective requirements based only on generalized health, safety, welfare, neighborhood-opposition, or planning-policy concerns.

*Tony Ashburn & Son, Inc. v. Kent County Regional Planning Commission*¹² is controlling and involved this very Commission. There, the Delaware Supreme Court reversed the Commission's denial of a subdivision application that complied with the Kent County Code. The Court held that statutes requiring consideration of health, safety, and welfare concerns did not confer authority to deny an otherwise conforming application.¹³ While the Commission may impose lawful conditions, “the Commission's power to impose conditions cannot be administratively enlarged to a power to deny a conforming application outright.”¹⁴

Ashburn did not stand alone. It adopted the reasoning of *DiFrancesco v. Mayor & Town Council of Elsmere*,¹⁵ which rejected the argument that a planning commission may reject a compliant site plan merely because the project is fairly debatable as to public health, safety, welfare, comfort, or convenience. *DiFrancesco* held that landowners are entitled to rely on permitted uses in the zoning ordinance, subject to compliance with specific criteria and reasonable

¹² 962 A.2d 235 (Del. 2008).

¹³ *Id.* at 241.

¹⁴ *Id.* at 242.

¹⁵ 2007 WL 1874761 (Del. Super. June 28, 2007), *aff'd*, 947 A.2d 1122 (Del. 2008).

conditions; otherwise, development rights would be subject to ad hoc requirements not found in the ordinance.¹⁶

*East Lake Partners v. City of Dover Planning Commission*¹⁷ reaches the same conclusion. There, the Superior Court reversed a planning commission's denial of a permitted multi-family site plan and held that the commission could not rely on a general power to protect health, safety, welfare, and neighborhood convenience to deny a use allowed by the zoning ordinance.¹⁸ The commission's role was limited to imposing reasonable conditions and safeguards; it could not effectively rezone the property by denying a permitted use.¹⁹ The governing authorities uniformly hold that compliance with applicable requirements warrants approval.²⁰ The Commission's decision therefore constitutes reversible legal error.

¹⁶ *Id.* at 3 (“When people purchase land zoned for a specific use, they are entitled to rely on the fact that they can implement that use provided the project complies with all of the specific criteria found in the ordinances and subject to reasonable conditions with the Planning Commission may impose in order to minimize any adverse impact on nearby landowners and residents. To hold otherwise would subject a purchaser of land zoned for a specific use to the future whim or caprice of the Commission by clothing it with the ability to impose ad hoc requirements on the use of land not specified anywhere in the ordinances. The result would be the imposition of uncertainty on all landowners respecting whether they can safely rely on the permitted uses conferred on their land under the zoning ordinances.”).

¹⁷ 655 A.2d 821 (Del. Super. Ct. 1994).

¹⁸ *Id.* at 827.

¹⁹ *Id.* at 825.

²⁰ *State ex rel. Daniel D. Rappa, Inc. v. Buck*, 275 A.2d 795, 797 (Del. Super. Ct. 1971) (“It is fundamental that County Council, in performing this administrative function, is bound by the subdivision regulations. If the plan submitted conforms to these regulations, there is no discretion or choice but to approve it.”).

III. THE COMMISSION'S STATED REASON DOES NOT IDENTIFY A CODE VIOLATION OR SUBSTANTIAL EVIDENCE SUPPORTING DENIAL.

A planning commission must state the grounds for disapproval with sufficient specificity to permit meaningful appellate review. A statement that a project raises public safety concerns is not enough unless the decision ties those concerns to specific facts and applicable legal requirements. Otherwise, appellate review becomes impossible because there is no legal standard against which the decision can be measured.

Here, the Commission's stated reason does not identify an unmet objective standard. It does not state that emergency access fails to meet a specific code requirement. It instead reflects a discretionary judgment that the site "probably should have been something else." The Commission's decision therefore cannot be understood as an enforcement of the Kent County Code. It can only be understood as a discretionary determination that a code-compliant project should not be approved because Commissioners believed the access arrangement presented public-safety concerns. But that is precisely the type of ad hoc decision-making consistently rejected by Delaware Courts. If the Commission believed additional measures were necessary and lawful, the proper course was to recommend a legislative amendment to the Kent County Code. It was not to deny the plan outright without identifying a code-compliance defect.

The Applicant does not question the sincerity of the concerns expressed by members of the Commission and appreciates their service to Kent County. But Delaware law does not permit a conforming application to be denied because Commissioners believe a property would be better suited for a different use or a different development pattern. Whether some Commissioners believed the property was an appropriate location for a subdivision is not the legal test.

CONCLUSION

This case is not about whether some Commissioners would have preferred a different subdivision design, a different access configuration, or even a different Code. It is about whether the Commission may deny a residential subdivision application that complied with the Kent County Code, that Staff recommended for conditional approval, that the Commission's attorney advised against denying, and for which no code-compliance deficiency was identified. Delaware law answers that question with a clear no.

The Commission's authority is to determine compliance with applicable legal requirements and, where appropriate, impose lawful conditions. It is not to deny a conforming application based on generalized policy objections untethered to an unmet code requirement.

Harmony Hills II is located within the Growth Zone. Staff concluded that it conforms to the Comprehensive Plan. Staff recommended conditional approval because the Application demonstrated compliance with the Code. The County attorney advised that no code-compliance deficiency had been identified. The Commission nevertheless denied the Application without identifying a single objective standard that was unmet.

WHEREFORE, the Applicant respectfully requests that the Kent County Levy Court reverse the July 9, 2026 decision of the Kent County Regional Planning Commission and grant preliminary approval of Harmony Hills II.

SIGNATURE BLOCK ON THE FOLLOWING PAGE

**BROCKSTEDT MANDALAS
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DATED: August 4, 2026

CERTIFICATE OF SERVICE

I, Alex C. Burns, hereby certify that on this 4th day of August, 2026, I caused two copies of The Applicant's Opening Brief on Appeal From the July 9, 2026 Decision of the Kent County Regional Planning Commission to be emailed and sent via certified mail to the following:

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