

## **MINUTES OF THE TRAINING MEETING OF MARCH 13, 2017**

The training meeting of the Sussex County Planning and Zoning Commission was held on Monday afternoon, March 13, 2017 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Martin Ross, Ms. Kimberly Hoey-Stevenson, with Mr. Vince Robertson – Assistant County Attorney, and Ms. Janelle Cornwell – Director.

Mr. Robertson stated that the purpose of the meeting was to provide an overview of how the planning process works. He began with an overview of the major subdivision; that the applicant is required to meet with staff prior to submitted and application; that a Service Level Evaluation Request is submitted to the office and forward to DelDOT; that a response is typically received back from DelDOT within 20 days; that this will determine if a Traffic Impact Study (TIS) is required; that if the subdivision contains more than 50 units, a commercial use over 75,000 SF and/or certain uses in the Environmentally Sensitive Developing Areas goes through the State's PLUS process; that the State will provide a letter with the agency comments and the applicant will respond to the comments; that some of the information in the PLUS letter are recommendations and not state code; that it will also go through the County's Technical Advisory Committee (TAC) review process; that the applicant will address Chapter 99-9C which addresses items that should be considered as part of the subdivision; that typically this information is provided in an exhibit book from the applicant; that it is difficult to deny a subdivision application if it complies with the Code; that not all of the public understands that; that staff does a review of the plan to ensure compliance with the Codes; that the typical process is to close the record and defer for further consideration; that the Commission can place conditions on the application; that the Commission may leave the record open for additional information (ex. results of a TIS, response to PLUS Comments, etc.); that an appeal goes to County Council based on the record; that the preliminary subdivision plan is valid for three (3) years in which the plan shall obtain all agency approvals, final plan approval and recordation shall occur; that the recorded plan is valid for five (5) years from the date of recordation and shall be under substantial construction otherwise the plan shall expire; that the Planning Commission has the final say on subdivisions; that the Conditional Use and Change of Zone application process is similar to the subdivision process; that the Conditional Use and Change of Zone applications are done through an ordinance and go to County Council for a final decision that the Planning Commission makes a recommendation on the application; that the Planning Commission may place conditions on Conditional Uses; that conditions cannot be placed on Change of Zone applications; that the County Council relies on the Planning Commission's recommendation; that a Conditional Use is specific to the property; that a Change of Zone should be determined if it is appropriate for the land and a site plan will required for development; that the Planning Commission has 45 days from the date of the closing of the record to make a decision; that County Council does not have a time frame to make a decision; that the 45 days typically allows for an application to be deferred by the Planning Commission twice before a decision is needed; that County Council typically holds a public hearing about 45 days after the

Planning Commission meeting; that County Council may see a different presentation than the Planning Commission; that a Conditional Use is valid for three (3) years in which it shall receive final site plan approval and be substantially underway otherwise it shall expire; that a Change of Zone does not expire; that Residential Planned Community (RPC) expire after five (5) years; however, the underlying zoning does not change; that Site Plans are located on the agenda under other business; that they do not require a public hearing; that staff reviews for Code compliance and the Planning Commission reviews the plans; that cluster subdivisions allow for a reduction in lot size to 7,500 SF with sewer, requires preservation of open spaces, have to show superior design, and require a yield plan; that an Environmentally Sensitive Developing District Overlay Zone (ESDDOZ) subdivision is similar to the cluster subdivision without the superior design and it has to provide an environmental assessment; and that there was a brief discussion of the Freedom of Information Act (FOIA) process.

Meeting adjourned at 4:48 p.m.