

MINUTES OF THE REGULAR MEETING OF MARCH 23, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, March 23, 2017 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 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, Ms. Janelle Cornwell – Director, Mrs. Jennifer Walls - Planning Manager and Mr. Daniel Brandewie – Planner II.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to approve the Agenda as amended. Motion carried 5-0

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to approve the Minutes for March 9, 2017 as amended. Motion carried 5-0.

OLD BUSINESS

C/U #2069 Rudolph Joseph Johnson

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a workout studio to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 21,962 square feet, more or less. The property is located on the north side of Clay Rd. (Rd. 269) approximately 600 ft. east of Shady Rd. (Rd. 276). 911 Address: 34001 Clay Rd., Lewes. Tax Map I.D. 335-12.06-58.00

The Commission discussed this application which has been deferred since March 9, 2017.

Ms. Stevenson stated that she would move the Commission to recommend approval of Conditional Use No. 2069 for Rudolph Joseph Johnson for a workout studio based upon the record made during the public hearing and the following reasons stated:

1. The use is very small in nature, with the workout studio operated by a single person. It could be considered a permitted “home occupation” under the County Code if the operator of the use lived on the premises.
2. The small structure and the limited use will have little, if any impact on neighboring properties or the community.
3. The proposed use will not adversely affect traffic, roadways or community facilities in the area.
4. The site is in a location where a mixture of residential, commercial and neighborhood uses exist. It is located on Clay Road, which is a transitional area from the more intensive uses closer to Westcoat’s Corner. This small business use is consistent with this area.
5. The property is within the Environmentally Sensitive Developing Area according to the County’s Comprehensive Plan. This type of use is appropriate in this Area under the Plan.

6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to an exercise/yoga studio within the 800 square feet building shown on the plan submitted during the public hearing.
 - B. The applicant shall submit a final site plan showing all entrance and parking areas.
 - C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - D. As stated by the applicant, the hours of operation shall be between 9:00 am and 5:00 pm, Monday through Friday.
 - E. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. The applicant shall comply with all DelDOT requirements concerning entrance and roadway improvements.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

C/Z #1815 Two Farms, Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Georgetown Hundred, Sussex County containing 2.8573 acres, more or less. The property is located on the southeasterly corner of the intersection of Gravel Hill Rd. (Rt. 30) and Lewes Georgetown Hwy. (U.S. Rt. 9). 911 Address: 24616 Lewes Georgetown, Hwy., Georgetown. Tax Map I.D. 135-11.00-78.00

The Commission discussed this application which has been deferred since March 9, 2017.

Mr. Hopkins stated that he would move that the Commission recommend approval of Change of Zone No. 1815 for Two Farms, Inc. for a change of zone from AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) based upon the record made during the public hearing and for the following reasons:

1. The site is along Route 9 and Route 30, and adjacent to a lighted intersection that was recently upgraded by DelDOT.
2. The site is at an intersection where other commercial zonings or uses exist. There is extensive commercial zoning on the south side of this intersection, and there is a business already across Route 9 from this site. This site is consistent with the surrounding zoning and uses. While this particular location along Route 9 supports commercial zoning, this recommendation should not be considered as an endorsement of commercial zoning everywhere on Route 9.
3. The rezoning to CR-1 in this location will not have an adverse impact upon adjacent roads, properties, community facilities or the neighborhood in general.
4. The applicant has stated that the site will be served by Artesian Water Company which will provide water and wastewater treatment for any future development of the site.
5. The rezoning meets the purpose of the Zoning Code in that it promotes the orderly growth,

convenience, order, prosperity and welfare of the County.

6. The rezoning is in compliance with the Sussex County Comprehensive Plan, which states that CR-1 zoning is one of several appropriate zoning classifications for this location.
7. No parties appeared in opposition to this application.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

C/Z #1817 Liborio Ellendale, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an MR (Medium Density Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County containing 141.086 acres, more or less. The property is located on the west side of Old State Rd. (Rd. 213) and southeast of Sharons Rd. (Rd. 641) and also approximately 118 ft. south of Wild Cherry St. (a subdivision St.), Lincoln. 911 Address: None Available. Tax Map I.D. 230-26.00-115.00, 115.04, 122.00 and 230-31.00-33.00, and 230-31.00-33.00, 33.01

The Commission discussed this application which has been deferred since March 9, 2017.

Mr. Hudson stated that he would move the Commission recommend approval of Change of Zone No. 1817 for Liborio Ellendale, LLC for a change of zone from MR (Medium Density Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) based upon the record made during the public hearing and for the following reasons:

1. This is the site of an identical Residential Planned Community that was approved as Ordinance Number 2069. The prior approval lapsed and was voided.
2. The County Engineering Department has indicated that adequate wastewater capacity is available for project. Central water will also be provided.
3. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. It permits a design that duplicates the grid layout of the Town of Ellendale while maintaining 40 acres that will be subject to a permanent conservation easement.
4. The project will not adversely affect the neighborhood or surrounding community and it is consistent with growth patterns of the adjacent Town of Ellendale.
5. The proposed project will not adversely impact schools, public or community facilities, area roads or public transportation.
6. According to the County's Comprehensive Plan, the project is in a Developing Area.
7. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
8. This recommendation is subject to the following conditions
 - A. The maximum number of lots or units shall not exceed 296. There shall be 224 single

- family lots and 72 townhouses.
- B. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
 - C. A traffic calming device shall be installed for Joseph Court Road and shall be shown on the Final Site Plan.
 - D. The Development shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
 - E. The RPC shall be served by central water.
 - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
 - G. Sidewalks, street lighting and roadside trees shall be provided for the internal streets and their locations shall be shown on the Final Site Plan.
 - H. The Park Area shown on the preliminary site plan shall be created for the community and the Town of Ellendale, with details provided as part of the Final Site Plan. The Final Site Plan shall also include at least 10 parking spaces for this Area.
 - I. The Developer shall form a homeowner's association responsible for the maintenance of the streets, road, buffers, open space, stormwater management facilities and other common areas.
 - J. There shall be active and passive recreational amenities provided. The active amenities shall include a centralized recreational area including a tot lot, clubhouse and swimming pool open to use by residents by the issuance of the 72nd Building Permit. All the amenities shall be shown on the Final Site Plan.
 - K. The developer shall minimize tree removal. Conservation Easements shall be created as non-disturbance areas for the northerly and southerly upland forested areas with these areas shown on the Final Site Plan.
 - L. A school bus stop and DART bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
 - M. A 20 foot wide forested or landscaped buffers shall be installed along the entire perimeter of the site.
 - N. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
 - O. The Final Site Plan shall contain the approval of the Sussex Conservation District for design and location of all stormwater management areas and erosion and sediment control facilities.
 - P. The Final Site Plan shall include a landscape plan for all of the open space and buffer area, showing all of the landscaping and vegetation to be included in those areas.
 - Q. The Final Site Plan shall include a phasing plan and shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

OTHER BUSINESS

Summercrest

Request to Amend Condition of Approval

Ms. Cornwell advised the Commission that this is a request to amend a condition of approval for the Summercrest subdivision. The applicant is requesting the Planning and Zoning Commission eliminate the requirements for a Gazebo, bituminous path around the pond, tables, benches, 5-ft. wide hot mix path between manholes 24&25, and additional trees and shrubs required in the approved Landscaping and Recreational Plan. The Planning Commission approved the final site plan in 2004. The property is zone MR-RPC and the tax parcel is 334-12.00-57.04.

The Commission discussed this application which has been deferred since March 9, 2017.

The Commission found Holly Kollosek, President of Summercrest Home Owner Association, was present on behalf of Summercrest; that they will use any monies leftover from the letter of credit to fix the clubhouse; that the roads are finally complete; that the homeowners did some landscaping on their own lots; that there is \$26,000 leftover in the letter of credit; that the amount left in the letter of credit will be used to finish the clubhouse and the amount left will not cover the entire cost to finish the clubhouse; and that there are no known concerns from the homeowners to eliminate the items requested.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve Amended Conditions approval and eliminate items noted in memo. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

C/Z #1816 Bruce Fisher

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County containing 0.71 acres, more or less. The property is located at the southeast corner of Sussex Highway (U.S. Route 13) and Camp Rd. (Road 532). 911 Address: 20446 Camp Road, Bridgeville. Tax Map I.D. 131-19.00-10.01

Ms. Cornwell advised the Commission that there was a staff analysis; that comments were received from DelDOT, Sussex Conservation District, and from the Sussex County Utility Planning Division; and that the applicant submitted a site plan and that these items were submitted into record as part of the application.

The Commission found that Bruce Fisher, was present on behalf of his application; that he stated there are a lot of commercial properties in the area; that there was a former garage across the street; that there is a farm stand to the north of this property; that some trees are to be preserved and any undergrowth to be removed; and that the entrance will be off Camp Road.

That Commission found no parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Ross stated that he would move the Commission recommend approval of Change of Zone No. 1816 for Bruce Fisher for a change of zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) based upon the record made during the public hearing and the following reasons stated:

1. The site is in an area of Route 13 at the intersection with Camp Road. It is a triangle-shaped property bounded on one side by Route 13 and the other side by Camp Road. This is an appropriate location for CR-1 zoning
2. The site is in an area of Route 13 where other commercial and industrial zoning exist. It is also very near the boundary of the Town of Bridgeville. This is an appropriate location for CR-1 zoning.
3. The rezoning to CR-1 in this location will not have an adverse impact upon adjacent roads, properties, community facilities or the neighborhood in general.
4. The rezoning meets the purpose of the Zoning Code in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.
5. The rezoning is in compliance with the Sussex County Comprehensive Plan, which states that CR-1 zoning is one of several appropriate zoning classifications for this location.
6. No parties appeared in opposition to this application.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to forward this application to Sussex County Council for the reasons stated. Motion carried 4-0.

C/Z #1818 Ocean Highway, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District to CR-1 (Commercial Residential) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 1.18 acres, more or less. The property is located at the west side of Coastal Highway (Route 1) and the north side of Dartmouth Dr. 911 Address: 34130 Citizens Drive, Lewes. Tax Map I.D. 334-6.00-497.08 (part of).

Vince Robertson recuse himself from the hearing.

Ms. Cornwell advised the Commission that there was a staff analysis; that comments were received from DelDOT, and Sussex County Utility Planning Division; and that the applicant submitted a site plan and an exhibit booklet; and that these items are submitted into record as part of the application.

The Commission found Mark Davidson, with Pennoni Associates, and Joseph Reed, owner of Ocean Highway, LLC, were present of behalf of the application; that this is an application to rezone from AR-1 to a CR-1; that 1.18 acres is still zoned AR-1 and the remaining portion is zoned C-1; that this property is a split zoned parcel; that the property is known as Henlopen Plaza; that the property is located at the intersection of Coastal Highway (Route 1) and

Dartmouth Drive; and that in the area of the property on the south side is Wawa and Dartmouth Plaza; that on the west of the property is a Tidewater storage plant and Rolling Meadows with a recreational area; that property for rezoning is 80 ft. wide by 614 ft. long with an existing storage building; that to the north are apartments known as Savannah West and Mills Landing; that the Henlopen Plaza is the home of Home Goods, Citizens Bank, Kitchen & Company, Cape Wine and Spirits and a doctor office; to the rear of this property is a building supply company; that the reason to rezone this parcel is to expand the existing Quality Roofing Supply Storage area and expand their use; that the Comprehensive Plan show this property as Environmentally Sensitive Developing Area (ESDA); that the State Strategies is a Level 1; that the property is located in the service area of Tidewater for water; that the property is located in the Sussex County sewer district; that there no utilities will be expanded; that this property meets the purpose of CR-1 Zoning District; that the properties along Route 1 are a mixture of uses; that they will try to keep true to the buffer; that they will take some of the outside supplies and store them inside; that Mr. Reed has owned this property for close to 20 years; that the site used to be the old Lowes; that they used the pole building for the last 10 years for personal storage; and that the tenant has needs for additional storage.

The Commission found that Vince Tripkia is in support of this application; that he stated this will help them and neighboring businesses reduce truck traffic on Route 1; and that this gives them the ability to purchase more and only have 1 trailer a month.

The Commission found that there were no parties in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 4-0.

C/U #2071 Blessing Greenhouses and Compost

An Ordinance to grant a Conditional Use of Land in a AR-1 (Agricultural Residential District) for composting, mixing, blending, bagging poultry by-products, compost, potting soil products, for trucking and wholesale distribution to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 31.95 acres, more or less. The property is located near the northwest corner of Draper Road and Thirteen Curves on the west side of Draper Rd. 911 Address: 9372 Draper Rd., Milford. Tax Map I.D. 230-15.00-34.00 and 230-15.00-35.00 (part).

Mr. Hopkins recuse himself from the hearing.

Mr. Wheatley excused himself from the meeting around 6:40pm and Mr. Ross took over conducting the meeting

Ms. Cornwell advised the Commission that there was a staff analysis; that comments were received from DeIDOT, and Sussex County Utility Planning Division; that the applicant submitted a site plan and an exhibit booklet; and that there are letters from adjacent property owners stating an objection to the application they were read into the record and that these items

are submitted into record as part of the application.

The Commission found Timothy Willard, Esquire, of Fuqua, Willard, Stevens, and Schab, P.A., Bruce Blessing, Organic Farmer, William Edward Stevens, Professional Geologist, President of Stephens Environmental Consulting, Inc., Billie Gibson, Brian Jerose, President of Agrilab Technologies, and Nelson Widell, The Peninsula Compost Group, LLC. were present on behalf of the applicant; that greenhouses are permitted per code; that the applicant has a greenhouse and has been growing flowers and composting for some time; that they are wanting to bring to the site a state of the art facility; that the property is 28 acres; that the property is located on Draper Rd, east of Route 1; that the facility is surrounded by farms with poultry houses to the north; that the property has 250 feet road frontage; that it was formally a canning facility; that the applicant conducted spray irrigation on surrounding farm land but has ceased this action; that DNREC has issued a consent order; that the facility accepts yard waste and other waste streams from poultry facilities and turns into compost; that applicant sells bagged compost and potting soil; that they are a wholesale compost facility; that the staff analysis is consistent with AR-1 (Agricultural Residential District) and the Comprehensive Plan; that proposed use is Agricultural related and is a permitted conditional use in AR-1; that there are other plants in the area with similar uses; that Mr. Stephens work involves stormwater and groundwater; that his company has installed monitoring wells around the site; that nutrients are decreasing over time; that a 25 foot landscape buffer connected to 8 foot berm is proposed for screening; that the existing greenhouses will remain; that pre compost will be moved under cover to eliminate potential stormwater runoff; that 7 new, 73' x 150' buildings are proposed and each will treat 4,000 cubic yards of compost at a time; that the new buildings will be designed by Agrilab Technologies; that Mr. Jerose explained the batch composting process using negative aeration proposed; that it will address and reduce odors; that heat captured from composting process will be used to heat greenhouses; that the proposed process requires less flipping and less disturbance to the piles; that the proposed process draws less air through the pile; that any drainage inside will be collected and recycled through a process; that Mr. Stephens stated that submerged gravel wetlands are proposed as stormwater management; that this process has been used to treat brownfields; that submerged gravel wetlands are a detention practice which have demonstrated nitrogen dissolved removal up to 98 percent and total phosphorus removal up to 56 percent; that a demonstration site has lasted 20 years; that the wetland does require maintenance; that Mrs. Gibson is a former employee of Blessing and promotes use of his products; that she is a Master Gardner in Delaware and Maryland; that Mr. Blessings product is certified by the Organic Material Review Institute (ORMI); that Mr. Widell stated that he was a founding member of the U.S. Composting Council; that he has worked in composting business for 40 years and all over the world; that he is helping Mr. Blessing market his product; that it is difficult to get ORMI approval, which is the gold standard; that dozens of farmers use Blessing compost on thousand acres; that Mr. Blessings has a signed contract with Scott Fertilizer to supply ORMI approved product for big box stores; that they are also working to market the product in smaller outlets; that market demand is greater that they can provide; that Mr. Blessings is proposing to use an advanced system verses rudimentary outdoor process previously used; Mr. Willard explained the new facility should address some of the neighbors' concerns; that a secretary's order and consent decree is in place with DNREC; that no violations are pending; that Mr. Blessings affirmed the testimony provided; that Mr. Blessing was issued a bio-solids land application permit in 2005 for 1,500 acres; that he gave up the permit in 2015 consent decree; that a TIS was not required; that the report from Duffield in

2010 notes there is limited offsite impacts; that the water is supposed to be around the tank and is tested often; that the products are weighed on both ends with monthly inspections; that they fill out an annual report; that a huge pile is a pre compost; that there is another pile of fresh ground wood and it is used in the compost; that $\frac{3}{4}$ of the material on the site is wood fiber; that a new building will eliminate contact with the stormwater; that there will be a fan running with less noise than a typical loader; that there will be no Sunday hours and Monday through Saturday from 7:00 am to 7:00 pm; that they have 8 trucks and ship 2 times a day; that no more than 20 to 25 trips per day; that the nearest house is 3,000 feet to the north; that he leases property; that they plan to build 2 buildings and address the stormwater first; that the air and goes through bio-filter before it goes out; that the lifetime of gravel wetlands can last over 10 years with annual maintenance and this is maintenance facility is similar to other facilities; that phosphorous is mineralized and trapped in the system; that the materials on site will be re-run; that there is a year supply on site; that it is approximately 100,000 ton; that the distribution and marketing permit has expired and have agreements; that 50,000 to 60,000 tons of yard waste a year; that quality compost has to be aged for 18 months; that the bagging is offsite now and want to bring it onsite; that there are 15 employees now and add up to 15 which does not include subcontractors; that they gave a 2 year notice to not to do land application permit; that the stormwater application is left over from the agreement; that once the new facility is built stormwater will be recirculated; that they would like to start in the summer with construction of the 1st of the 2 buildings; and that they are focused on selling material and not bringing in new material; and that other companies use their trucking service.

The Commission found that there were no parties present in support of this application.

The Commission found that Jay Stevens introduced Kathy Martin, P.E.; that Ms. Martin spoke the business has been in operation for a decade; that she does not know how much is poultry litter or waste; that they cannot turn piles regularly on the site; that the piles are 10 to 12 feet tall; that the EPA says all related static composting doesn't work well with poultry waste; that there are 4 monitoring wells; that well number 4 was operating at 130 parts per million (ppm) nitrates in 2014, in 2015 is was 119 ppm, and in 2016 it was 107 ppm; that well number 3 items went up; that well number 2 also went up; that well number 1 went down but not a dramatic decrease; that the composting facility is not under cover; that the finish compost would be stored in a concrete tank and concrete pit; that pre compost material has sloughing off and could be a personal safety issue; that she recommended the existing tank to be removed and destroyed; that the property is in a flood zone (VE-elevation 12 feet); that the facility is at a 6 foot elevation; that he has caused pollution; that this location is under a consent order; that they get a commitment from Mr. Blessing stating that he is no longer taking sewage sludge; that there should be a floodplain management plan request; that they are not valid until the state says it is in compliance and have permits; that are no talk of bio filters for the odor of pre compost materials; that there should be a hot line to call with concerns if there are odor complaints; that an engineer should keep track if the compost is not in a building and that the piles are at a lower height; that they should limit the amount of time the items should be on site; they should no longer take poultry hatchery waste (eggshells); that is a 2013 DNREC deficiency letter of warning was issued to the Blessing; that Ms. Martin provided an overview of the soil.

The Commission found that John Michael Walls, Steve Bennet, Carol Tani, Kevin Haynes,

Allison Veath, Jay Stevens, residents in the area, Kathy Phillips, Assateague Water Keeper were in opposition of this application, and stating there should be laws to be enforce smells that has caused headaches and migraines; that they all for it getting done right; that they need to abide by rules and regulations to protect the public; that the rules are to protect everyone else and the environment; that they to improve the stormwater and nutrient management; and that have not currently complied; that water samples taken on April 27, 2016 showed elevated levels of bacteria; that there were concerns if the gravel wetland facility will work in these types of facility; that all buildings should have to comply with nutrient management requirements; that hatchery waste is a slurry of a number of substances used at the hatchery level; that the smells have been unbearable for the last 8 to 10 years; that they can't open windows and the quality of life has decreased; that there are approximately 25 homes in the area; attempts have been made to address the smell with Blessings; that the piles are large; that there are concerns with the waterway and effect on wildlife in Prime Hook Refuge; and that it should have been taken care of 10 years ago before it even started operation that; that the flies are terrible; that the creek is black and smells; that the trucks would come up all times of the night; and that they don't want Blessings to get bigger; that a bond should put in place before work takes place; that the neighbors have dealt with fires, odors and flies; that since 2005 Blessings has been in operation without approvals by Sussex County; that have been operating since 2010 under a DNREC consent order; that a letter from Mr. Bennett was read; that there concerns with the water quality; that there are concerns with the increase in the facility that will increase issues; that looking into the Blue Hen Organic application the criteria did not allow them to be in a floodplain; that emails from DNREC that speaks about the chronic violator situation; that on February 13, 2017, Brian Churchill sent an email stating there were no permits and under order due to being in non-compliance; that an email from Brian Ashby stating that they are operating under an amended order due to violations; that he has concerns with the Department of Justice being involved; that a bond should be in place before operation; and that there should be a limit time frame.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to defer action and leave record open for the status of compliance with DNREC Secretary's order and consent decrees and Sussex Conservation District about stormwater. Motion carried 3-0.

OTHER BUSINESS

Coastal Club – Land Bay 2 Final Site Plan

Mrs. Walls advised the Commission that this is a Final site plan for the creation of 82 duplex lots within the Coastal Club development. The Preliminary Plan for Coastal Club – Land Bay 2 was approved by the Planning and Zoning Commission on June 23, 2016. The Final Site Plan is in compliance with the Sussex County Zoning Code. The Tax Parcel in 334-11.00-5.00 and is zoned MR/RPC. Staff is in receipt of all agency approvals.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to approve the final site plan. Motion carried 4-0.

Governor's (CU 1772)

Revised Preliminary Site Plan

This is a revised preliminary site plan to reconfigure roadways and remove the cottage layout for Governor's subdivision. The total number of units proposed is 423, which is unchanged from the final site plan previously approved by the Planning and Zoning Commission on June 13, 2016. The Tax Parcel is 335-12.00-3.11 and is zoned AR-1. Staff is awaiting updated agency approvals.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to approve the revised preliminary site plan with final site plan approval by staff receipt of all agency approvals. Motion carried 4-0.

Cellco-Verizon Partnership, Reddens Sandhill (S-17-17)

Preliminary Site Plan

This is a preliminary site plan for the construction of a 150' monopole cell tower, fenced compound and equipment shelter on a 28.2-acre site at 17120 Ockels Lane, off E. Redden Rd, Milton. A Special Use Exception (11634) was granted by the Board of Adjustment for the use and structure at their meeting on October 20, 2017. The property uses an existing driveway and complies with all zoning requirements. The tax parcel is 235-24.00-1.05 and is zoned AR-1. Staff is awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve preliminary site plan with final site plan approval by staff upon receipt of all agency approvals. Motion carried 4-0.

Lighthipe Subdivision/RPC (CZ 1768)

Amend Condition of Approval

Mr. Brandewie advised the Commission that this is to amend a condition of approval. The change of zone application was recommended for approval with conditions on July 30, 2015 (CZ #1768). Condition 1 of Ordinance No. 2411 restricted the maximum number of lots to 164 units, to consist of 120 single family units and 44 townhouse units. This application seeks to adjust the units to 123 single family units and 41 townhouse units. The overall number of units remains the same. The tax parcel is 134-17.00-12.00 and is zoned MR-RPC.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to amended condition. Motion carried 4-0.

Lighthipe Subdivision/RPC (CZ 1768)

Preliminary Site Plan

Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of 123 single family lots and 41 townhouse lots on 49.66 acres to be located off of Muddy Neck

Road (Rt. 361) via Beach Club Avenue, Ocean View. The Change of Zone application was recommended for approval with conditions on July 30, 2015 (CZ #1768). The tax parcel is 134-17.00-12.00 and is zoned MR-RPC. Staff is in receipt of agency approvals.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve the preliminary site plan and final site plan. Motion carried 4-0.

Osprey Point/RPC (CZ 1759)

Preliminary Site Plan

Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of 217 single family lots on 132.31 acres to be located off Old Landing Road (Rt. 274). The change of zone application was recommended for approval with conditions on June 23, 2016 (CZ #1759). The tax parcel is 334-18.00-83.00 and is zoned MR-RPC. Staff is awaiting agency approvals.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve preliminary site plan with final site plan approval by Planning Commission upon receipt of all agency approvals. Motion carried 4-0.

Kenneth & Katlin Daisey

Minor Subdivision with 50 ft. easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of one (1) new parcels of land off an existing 50-ft. easement and a lot line adjustment to reconfigure two (2) existing parcels. The parcel 1A (Lot 1A) will contain 26.76 acres approximately and has existing frontage on Sandhill Road. Proposed Lot 3 will contain 8.75ac. approximately. The residual (Lot 2A) will contain 35.46 ac. approximately. The existing easement will provide access to parcels 2A and 3. The maintenance of the road should be shared by the owners of the residual lands (Lot 2A), and Lot 3. The property is zoned GR. The Tax Parcel is 333-11.00-337.00 and 337.01. Staff is awaiting agency approvals.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to approve the minor subdivision with 50' easement with the final approval subject to staff upon receipt of all agency approvals. Motion carried 4-0.

Barbara Hammond

Minor Subdivision with 50 ft. easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of one (1) new parcel of land off an existing 50-ft. easement. The new parcel will contain 1.00 ac. approximately. The residual will contain 71.04 ac. approximately. The maintenance of the road should be shared by the owners of the residual lands, the new lot (Lot 2) and an existing lot (Lot 1). The property is zoned AR-1. The Tax Parcel is 130-6.00-113.02 (part). Staff is awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the minor subdivision with 50' easement with the final approval subject to staff upon receipt of all agency approvals. Motion carried 4-0.

ADDITIONAL BUSINESS

Discussion regarding of the Comprehensive Plan

Ms. Cornwell advised the Commission that there would be a workshop on Wednesday March 29, 2017 at 11:00 am till 5:00 pm, for discussion on land use chapter.

Opportunity for public comment regarding Comprehensive Plan

None in attendance.

Meeting adjourned at 10:25 p.m.