



# PLANNING & ZONING

## AGENDAS & MINUTES

JUNE 11, 2009

The regular meeting of the Sussex County Planning and Zoning Commission will be held Thursday evening, JUNE 11, 2009, at 6:00 P.M., in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

### AGENDA

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes of May 20, 2009  
Approval of Minutes of May 28, 2009
- IV. Old Business
  1. C/Z #1643 – Landh Investments, L.L.C. RS
  2. C/Z #1644 – Brian McKinley RW
  3. C/Z #1661 – Wayne Baker IGB
  4. C/Z #1662 – Wayne Baker IGB
  5. Subdivision #2007-26 – D. M. Properties of Bethel, Inc. BG  
Preliminary
  6. Subdivision #2007-29 – Spring Breeze Association MJ  
Preliminary
  7. Subdivision #2007-30 – Timothy Ramey BG  
Preliminary
  8. Subdivision #2007-31 – Sussex Ventures, Inc. RW  
Preliminary
  9. Subdivision #2007-33 – H & H Investments, c/o Thomas Head MJ  
Preliminary

10. Ordinance Amendment – Chapter 99 Staff Approved Subdivision

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V. Public Hearings

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|----|---|----|
| 1. | C/U #1836 – Rehoboth Beach Film Society                                       | MJ |
| 2. | C/U #1782 – Center For Neurology Properties, L.L.C.<br>WITHDRAWN JUNE 2, 2009 | MJ |
| 3. | C/Z #1645 – Cellular Fish, LLC  | MJ |
| 4. | C/Z #1646 – Overbrook Acres, LLC, c/o Fred A. Chappell                        | MJ |
| 5. | Subdivision #2007-36 – John H. Ferris and Others                              | RS |

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

POSTED: JUNE 1, 2009

REVISED: JUNE 2, 2009

(Revised for withdrawal of C/U #1782)

OLD BUSINESS

1. C/Z #1643 -- application of **LANDH INVESTMENTS, L.L.C.** to amend the Comprehensive Zoning Map from a GR General Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying at the southwest intersection of Road 388 and Road 382, to be located on 1.848 acres, more or less.
2. C/Z #1644 -- application of **BRIAN MCKINLEY** to amend the Comprehensive Zoning Map from a GR General Residential District to GR-RPC General Residential District-Residential Planned Community for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, land lying northeast of Airport Road (Road 488) 2,800 feet northwest of Fire Tower Road (Road 479), to be located on 140.21 acres, more or less.
3. C/Z #1661 -- application of **WAYNE BAKER** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying west of Route 30, 2,300 feet north of Road 319 and south of railroad, to be located on 9.03 acres, more or less.
4. C/Z #1662 -- application of **WAYNE BAKER** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying west of Route 30, 1,200 feet north of Road 319 and 300 feet south of railroad, to be located on 19.02 acres, more or less.
5. Subdivision #2007-26 -- application of **D. M. PROPERTIES OF BETHEL, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 260.69 acres into 390 lots, (Cluster Development), located north and south of Road 472, west of Road 434 and west of Road 438.
6. Subdivision #2007-29 -- application of **SPRING BREEZE ASSOCIATION** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 113.93 acres into 167 lots, (Cluster Development), located south of Road 280-B, 1,985 feet west of Road 288.
7. Subdivision #2007-30 -- application of **TIMOTHY RAMEY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 33.72 acres into 29 lots, located south of Road 472, 1,600 feet east of Road 62.

8. Subdivision #2007-31 -- application of **SUSSEX VENTURES, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 28 acres into 28 lots, (Cluster Development), located north of Road 485A, and east of U.S. Route 13.
9. Subdivision #2007-33 -- application of **H & H INVESTMENTS, C/O THOMAS HEAD** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 27.45 acres into 25 lots, located northwest of Road 283, 1,300 feet northeast of Road 284.
10. Ordinance Amendment -- AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND", TO ALLOW FOR THE STAFF APPROVAL OF MAJOR SUBDIVISIONS CONTAINING 3 OR FEWER LOTS TO BE LOCATED ALONG A NEW STREET.

#### PUBLIC HEARINGS

1. C/U #1836 -- application of **REHOBOTH BEACH FILM SOCIETY** to consider the Conditional Use of land in a MR Medium Density Residential District for a private club to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 11,033 square feet, more or less, lying at the northwest corner of Paynter Lane and Truitt Avenue within Truitt's Midway Development, which is south of Route 24 and west of Route One, and being Lot 42 and part of Lot 43.
2. C/U #1782 -- application of **CENTER FOR NEUROLOGY PROPERTIES, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for medical office buildings to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 7.34 acres, more or less, lying at the northeast corner of Road 288A and Route 24.
3. C/Z #1645 -- application of **CELLULAR FISH, LLC** to amend the Comprehensive Zoning Map from a GR General Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying west of Route 24, 420 feet north of Road 299, to be located on 22,500 square feet, more or less.
4. C/Z #1646 -- application of **OVERBROOK ACRES, LLC, C/O FRED A. CHAPPELL** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying at the southwest corner of the intersection of Route One and Route 88, to be located on 4.71 acres, more or less.

5. Subdivision #2007-36 -- application of **JOHN H. FERRIS AND OTHERS** to consider the Subdivision of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 2.39 acres into 7 lots, located southeast of Road 350, approximately ½ mile north of Road 349.