

MINUTES OF THE REGULAR MEETING OF June 9, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, June 9, 2016 in the County Council Chambers, Sussex County Administrative 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. I.G. Burton, III, Mr. Martin Ross, and Mr. Doug Hudson with Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Ms. Janelle Cornwell – Planning and Zoning Manager, and Mr. Daniel Brandewie – Planner II.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the Agenda as amended by removal of Coastal Club from Other Business. Motion carried 4 – 0.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the Minutes of May 26, 2016 as circulated. Motion carried 4 – 0.

OLD BUSINESS

C/U #S2049 – Blue Claw, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a boat storage facility located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.5052 acres, more or less. The property is located southeast of Downs Landing Road (Road 313A) 235 feet southwest of River Road (Road 312). (911 Address: 30842 Downs Landing Road, Millsboro). Tax Map I.D. 234-34.00-298.01 & 292.00.

The Commission discussed this application which has been deferred since May 26, 2016.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Subdivision 2016-7 – Wanda Weber

This is a Major Subdivision plan. The plan proposes to subdivide 3.0129 acres +/- into 2 lots with a private road. The property is located at the southwest corner of Shadow Grove Road and Roxana Road (Route 17). Tax Map I.D. 134-15.00-126.00. Zoning: AR-1 (Agricultural Residential District).

Waiver request for elimination of landscape buffer and from the street design standard.

Mr. Hudson stated that he would move that the Commission grant preliminary approval of Subdivision 2016-7 for a 2 lot subdivision for **WANDA WEBER** based on the record made during the public hearing and for the following reasons:

1. This subdivision is in accordance with the requirements of the Sussex County Subdivision Code. The lots also exceed the $\frac{3}{4}$ acre minimum lot size for a subdivision in the AR-1 Zone.

2. The lots are consistent with other properties in the area.
3. The applicant has provided a letter in support from neighboring property owners.
4. DNREC has granted septic approval for the lots.
5. Because this is a two-lot subdivision, a waiver of the landscape buffer and street design standards are appropriate.
6. This is a preliminary approval. Final Site Plan approval may be granted by staff upon receipt of all agency approvals.

Motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to approve the preliminary subdivision with approval of the waivers for the reasons and with the conditions stated. Motion carried 4 – 0.

PUBLIC HEARINGS

C/U #2051 – Dale Thaxton

An Ordinance to grant a Conditional Use of land in a GR (General Residential District) for a computer repair business located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.236 acre, more or less. The property is located east of Camp Arrowhead Road (Road 279) southwest of Cypress Drive 125 feet northwest of Maple Lane and being Lot 50, Angola Park Subdivision. (911 Address: 22874 Cypress Drive, Lewes). Tax Map I.D. 234-12.14-54.00.

The Commission found that the applicant provided a copy of the survey/site plan of the property with his application filed on March 31, 2016. The survey/site plan depicts all of the improvements on the property.

The Commission found that DelDOT provided comments on March 31, 2016 in the form of a Support Facilities Report referencing that a Traffic Impact Study is not recommended and that the current Level of Service “E” of Camp Arrowhead Road will not change as a result of this application.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on June 7, 2016 in the form of a memorandum referencing that that property is located in the Angola Neck Sanitary Sewer District; that wastewater capacity is available for the project; that the current System Connection Charge Rate is \$5,775.00 per equivalent dwelling unit (EDU); that a 6-inch sewer lateral has been extended to the parcel’s property line on Cypress Drive; that conformity to the North Coastal Planning Study will be required; that the residence is connected to the sanitary sewer system; and that a concept plan is not required.

Mr. Lank reminded the Commission that they had previously received a memorandum, dated June 1, 2016, with a staff analysis on this application.

The Commission found that a letter was received from Paul and July Mangini in opposition to this application and expressing concerns that the applicant has already been operating the business for almost one year; that customers have been using the private streets in Angola Park

to conduct business at the residence; that the customers are not helping to maintain the private streets that are already in deplorable condition; that the applicant makes no attempt to maintain the street section in front of his residence; that customers are parking in neighboring driveways; that the property is within a residential subdivision and is not commercial; that there is a fear that a precedent may be set for additional applications; that their property rights as well as their quality of life needs to be considered first; suggesting that the applicant make house calls and not have customers coming to this residence; and requests that the application be denied.

The Commission found that Dale Thaxton was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he has been in the computer business for 17 years; that he closed his shop on Route One; that he has been doing computer repairs at his home since August 2015; that he may have one or two customers stop by in a month; that most of his computer work is performed off-premise or he picks up a computer, takes it home, repairs it, and then delivers it back to the client; that he has no employees; that the property is improved and maintained; that some of his neighbors are here in support; that he does place bricks along his front property line to protect this property from vehicles crossing over his front yard; that he participates in the maintenance of the streets within Angola Park; that he agrees that he does live in a residential subdivision, but there are several small businesses being run out of peoples' homes, for example: lawn services, construction services, irrigation; that his business hours are from 9:00 a.m. to 4:00 p.m. five (5) days per week; that the parts removed from computers are recycled; that his neighbors, the Mangini's, have not likes him for years; and that there are no restrictive covenants in Angola Park.

The Commission found that Luther Marks, Doug Williams, and Pat and James Adkins, area residents within Angola Park were present and spoke in support of the applicant and stated that the applicant does pick up and deliver computers that he has repaired; that he has few to no customers coming to this residence; that he maintains his property; that he has been a good neighbor and helps maintain the streets; and that they have not seen any major activities on the property.

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

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

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

C/U #2052 – Delaware Electric Cooperative, Inc.

An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for a public utility located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 20.48 acres, more or less. The property is located west of Sussex Highway (U.S. Route 13) north of Adams Road (Road 583) and east of Cart Branch Road (Road 583A). (911 Address: 14198 Sussex Highway, Greenwood). Tax Map I.D. 530-14.00-13.00, 14.00, 16.00 and 18.01.

The Commission found that the applicants submitted their application on April 18, 2016 and included with their application surveys, topographic surveys and site plans; and that on May 31, 2016 provided an Exhibit Booklet. The Exhibit Booklet contains a descriptive cover letter, photographs of warehouses, a preliminary floor plan for proposed warehousing, a tax map of the general area, an aerial photograph, a conceptual site plan for the expansion of the facility, and two conceptual street view of the site depicting the warehousing.

The Commission found that DelDOT provided comments in the form of a letter and Support Facilities Report, dated March 2, 2016, and referencing that the site is located in the Department's Corridor Capacity Preservation Program; that the main goal of the Program is to maintain the capacity of the existing highway; that the property is located in a Level 2 Investment Area according to the State Strategies where State policies will promote efficient and orderly development; that given that the land is already developed, the applicant can retain use of the existing entrances along U.S. Route 13; that entrance improvements may be required to accommodate the increase in number of trips due to the proposed site.

The Commission found that the County Engineering Department Utility Planning Division provided comments on June 7, 2016 in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that a private septic system is required; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Lank reminded the Commission that they had previously received a memorandum, dated June 1, 2016, from Janelle Cornwell with a staff analysis on this application.

Mr. Lank advised the Commission that the Department has not received any letters or email for or against this application to date.

The Commission found that Terry Jaywork, Esquire of Hudson, Jones, Jaywork, and Fisher, P.A., was present on behalf of the Delaware Electric Cooperative, Inc., described the intent of the application through a Power Point presentation, and stated in his presentation and in response to questions raised by the Commission that the Cooperative is proposing a 20,000 + square foot warehousing expansion on the site; that they intend to combine all of the parcels into one parcel; that the property is zoned C-1 General Commercial; described the history of the site referencing the existing offices, repair shops, storage facilities, transformer storage, wire sheds, open pole storage, employee and customer parking areas, and work vehicles parking areas; that the property to the north is also zoned C-1 General Commercial; that that main access and work truck access are on U.S. Route 13; that secondary access exists on both Adams Road and Cart Branch Road; that there are some wetlands on the northerly end of the property and that the wetlands have been delineated and will be left undisturbed; that a couple of their building encroach into the setbacks from Cart Branch Road due to changes in the setback requirements; that the majority of the outdoor storage of equipment will be moved indoors when the warehousing in constructed; that property to the west of Cart Branch Road is owned by the Cooperative, but is not a part of this application; and that no additional signage is intended.

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

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2052 for Delaware Electric Cooperative, Inc. for a public utility based upon the record made during the public hearing and for the following reasons:

- 1) This is an expansion of the existing Delaware Electric Cooperative headquarters property. At the same time the applicant seeks to bring its entire property under a single conditional use.
- 2) The location along U.S. Route 13 is appropriate for this expansion, and the Conditional Use overlay of the rest of the Cooperative site.
- 3) The property is zoned C-1 General Commercial, which is appropriate for this type of use. There are also other C-1 General Commercial properties in the area.
- 4) The application seeks to obtain a conditional use approval for the entire property, which will enable the applicant to consolidate all of its separate parcels along U.S. Route 13 into a single parcel totaling approximately 20.48 acres.
- 5) DelDOT has no objection to the application, and has stated that the existing entrances will continue to be used.
- 6) The use as a public utility promotes the health, safety, welfare and general convenience of Sussex County and its residents.
- 7) The additional warehouse space is appropriate and necessary as a result of the growth of Sussex County and the increase in customers of the Cooperative. The Cooperative is currently exceeding its storage capacity.
- 8) The conversion of this existing use to a conditional use along with the addition of new warehousing space will not adversely affect neighboring properties or roadways.
- 9) No parties appeared in opposition to this application.
- 10) This recommendation is subject only to the condition that the Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, 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 and with the conditions stated. Motion carried 4 – 0.

OTHER BUSINESS

Red Clover Walk 2007-05 Final Subdivision Plan

Mr. Brandewie advised the Commission that this is a final subdivision plan for the creation of 28 single family lots with open space and private roads. The property is zoned AR-1 with an overlay zone (ESDDOZ-Env. Sensitive Development District). The developer also exercised a cluster development option with central water and sewer service and will pay a development fee for six additional lots. The property is located off Robinsonville Road. The Planning

Commission granted preliminary subdivision approval on Sept. 25, 2008 with conditions. Council granted a six month extension on Jan. 12, 2016. The final plan complies with the conditions of preliminary plan approval as revised. A time extension was granted for this application and the plan shall be recorded prior to July 1, 2016 otherwise the plan shall expire. HOA docs have been reviewed and approved by the County Attorney. The Planning Office has received all agency approvals.

Motion by Mr. Hudson, seconded by Mr. Ross and carried unanimously to approve the Final Subdivision Plan. Motion carried 4-0.

**The Woods at Burtons Pond 2007-29
Final Subdivision Plan**

Ms. Cornwell advised the Commission that this is a final subdivision plan for the creation of 165 single family lots with open space and private roads. The property is zoned AR-1 (Agricultural Residential District). The property is located on the south side of Conleys Chapel rd. east of Beaver Dam Rd. The Planning Commission granted preliminary subdivision approval on June 11, 2009. There are no significant changes from the preliminary plan. The subdivision was part of the time extensions and was granted a final time extension in January 2016. The Plan shall be recorded on or before July 1, 2016 otherwise the plan shall expire. Staff is in receipt of all agency approvals.

Motion by Mr. Hudson, seconded by Mr. Ross and carried unanimously to approve the Final Subdivision Plan. Motion carried 4-0.

**Beachfire Brewery on Central Ave. (CU 2042)
Preliminary Site Plan**

Ms. Cornwell advised the Commission that this is a preliminary site plan for the establishment of a microbrewery with tasting room and site improvements. The property is located at the southeast corner of Johnston St. and Central Ave. The property is zoned C-1 (General Commercial District). The use as a microbrewery requires a Conditional Use. The Planning Commission recommended approval of the Conditional Use at their meeting on February 11, 2016. The County Council approved the Conditional Use on June 7, 2016. The conditions of approval will need to be added to the final site plan. The preliminary site plan shows 6 parking spaces including one (1) handicap parking space. Four (4) of the parking spaces are located in front of the building. The other two (2) parking spaces are located along the side of the building. The site plan complies with the other items in the Zoning Code. The tax parcel is 334-13.20-24.00. Staff is in receipt of all agency approvals.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to approve the preliminary site plan with final site plan approval to staff upon revision of conditions on plan and to allow for parking within the front yard setback. Motion carried 4-0

**Celleo Partnership for Tucker Farm, LLC on Hummingbird Rd.
Preliminary Site Plan**

Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of a 120' monopole cell tower, fenced compound and equipment shelter on a 116 acre site at 20780 Hummingbird Rd. (#277) Ellendale. A Special Use exception (#11552) was granted by the Board of Adjustment for the use and structure at their meeting on April 20, 2015 with a one year extension granted on April 18, 2016. The property uses an existing driveway and complies with all zoning requirements. The tax parcel is 230-28.00-8.00 and is zoned AR-1. Staff is in receipt of all agency approvals.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to approve the preliminary site plan and final site plan approval. Motion carried 4-0

**Cellco Partnership for Richard Cook on Watson Rd.
Preliminary Site Plan**

Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of a 149' monopole cell tower, compound and equipment shelter on a 13.1 acre site at 5177 Watson Rd., Laurel. A Special Use exception (#11553) was granted by the Board of Adjustment for the use and structure at their meeting on March 2, 2015 with a one year extension granted on April 18, 2016. The property uses an existing driveway and complies with all zoning requirements. The tax parcel is 432-6.00-33.02 and is zoned AR-1. Staff is in receipt of all agency approvals.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to approve the preliminary site plan and final site plan approval. Motion carried 4-0.

**Carillon Woods on Indian Mission Rd.
Preliminary Site Plan**

Ms. Cornwell advised the Commission that this is a preliminary site plan for the construction of seven (7) apartment buildings for a total of 204 units with drive aisles and amenities. The property is located off of Indian Mission Rd. and is zoned HR-1 (High-Density Residential District) and AR-1 (Agricultural Residential District). The property was rezoned on April 12, 2016. The plan complies with the number of parking spaces, setbacks, and other Zoning Code items. The applicant is working on addressing the loading space requirement for the site plan. Staff is awaiting response to the review letter and agency approvals.

Motion by Mr. Ross, seconded by Mr. Hudson and carried unanimously to approve the preliminary site plan with final site plan approval subject to staff upon receipt of agency approvals and response to the review letter. Motion carried 4-0.

**Thermo King Chesapeake
Preliminary Site Plan**

Mr. Brandewie advised the Commission that this preliminary site plan is to accommodate the expansion of an existing business associated with a truck service and repair work located at 36550 Sussex Highway (Rt. 13) north of the Delmar town limits. The property consists of two

parcels with a combined acreage of 19.25 acres. Applicants propose to construct a 9,600 sq. ft. service building and expansion of a 200+ accessory parking lot intended primary for truck parking. The property is zoned C-1 which permits this use and is served with on-site water and sewer service. The site contains an existing 16,000 sq. ft. building with two accessory parking lots. The Tax parcels are: 532-13.00-62.00 and 62.01. The plan proposes parking within the front yard setback. Parking within the front yard setback requires approval by the Planning Commission. DelDOT is reviewing the site plan for possible changes to locations of entrance and exit points. If significant changes to the parking lot layout and entrance ways are proposed, a revised preliminary plan will be brought back for further review by the Planning Commission. Staff is awaiting agency approvals.

Motion by Mr. Ross, seconded by Mr. Burton and carried unanimously to approve the preliminary site plan with final site plan approval subject to the Planning Commission. Motion carried 4-0.

ADDITIONAL BUSINESS

Discussion of Comprehensive Plan

Ms. Alexis Williams from McCormick Taylor presented a Power Point Presentation that will be attached as part of the meeting minutes regarding the progress McCormick Taylor and the County is making with regards of the County's Comprehensive Plan. There was discussion regarding the progress of the County's Comprehensive Plan.

Meeting adjourned at 8:03pm



THE SUSSEX PLAN

SUSSEX COUNTY COMPREHENSIVE PLAN PLANNING AND ZONING COMMISSION PRESENTATION



JUNE 9, 2016

OVERVIEW



- ▶ Last Comp Plan was adopted in 2008
- ▶ State requires the Comp Plan be updated every 10 years
- ▶ Needs to be approved June 2018



THE SUSSEX PLAN

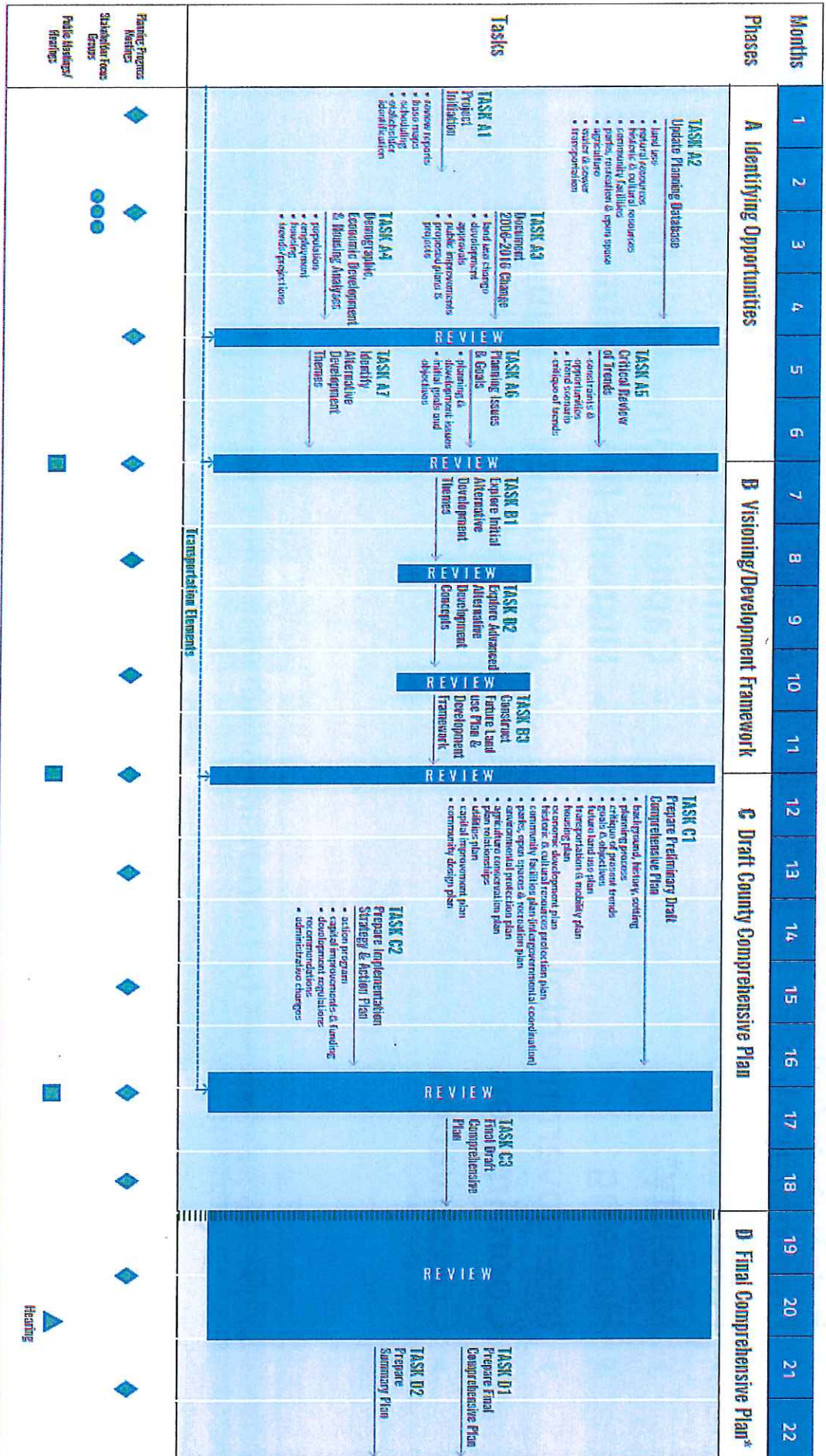
PLAN ELEMENTS



- ▶ Existing Conditions and Demographics
- ▶ Future Land Use
- ▶ Mobility*
- ▶ Housing
- ▶ Intergovernmental Coordination
- ▶ Conservation
- ▶ Recreation and Open Space
- ▶ Economic Development
- ▶ Utilities
- ▶ Capital Improvements Plan
- ▶ Historic Preservation
- ▶ Community Design

- To be prepared by DelDOT in consultation with County staff and the consultant team

SCHEDULE



SCHEDULE



Phase A – Identifying Opportunities (Six Months – We are here)

- Project Initiation
- Update Planning Database
- Document 2006–2016 Changes
 - Demographic, Economic & Housing Analysis
 - Critical Review of Trends
 - Planning Issues & Goals
 - Identify Alternative Development Themes

Coordination Activities

- Team–Client Meetings
- Focus Group Meetings
- Public Meeting #1

SCHEDULE



Phase B – Visioning / Development Framework (Five Months)

- Explore Initial Alternative Development Themes
- Explore Advanced Alternative Development Concepts
- Construct Future Land Use Plan & Development Framework

Coordination Activities

- Team-Client Meetings
- Public Meeting #2

SCHEDULE



Phase C – Draft County comprehensive Plan (Seven Months)

- Prepare Preliminary Draft Comprehensive Plan
- Prepare Implementation Strategy & Action Plan
- Final Draft Comprehensive Plan

Coordination Activities

- Team–Client Meetings
- Public Meeting #3

SCHEDULE



Phase D - Final Comprehensive Plan (Four Months)

- Prepare Final Comprehensive Plan
- Prepare Summary Plan

Coordination Activities

- Team-Client Meetings
- Public Hearing

PUBLIC OUTREACH



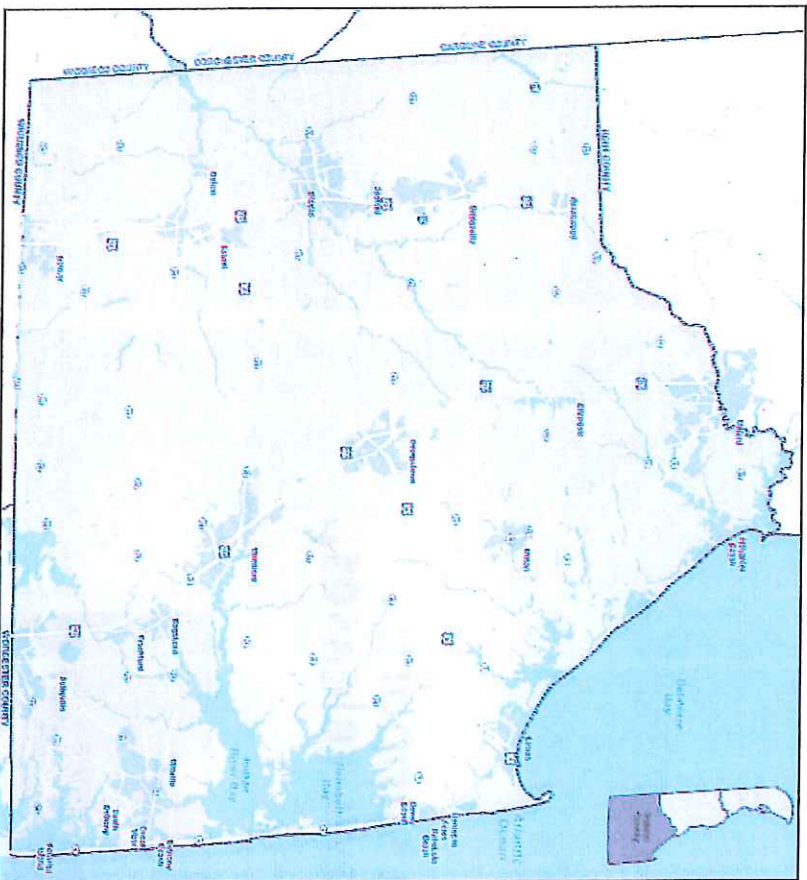
- ▶ Focus Groups
- ▶ Public Meetings
- ▶ Website and Social Media
- ▶ E-blasts
- ▶ Communications and media support: meeting notices, posters, news releases, and/or press events



NEXT STEPS



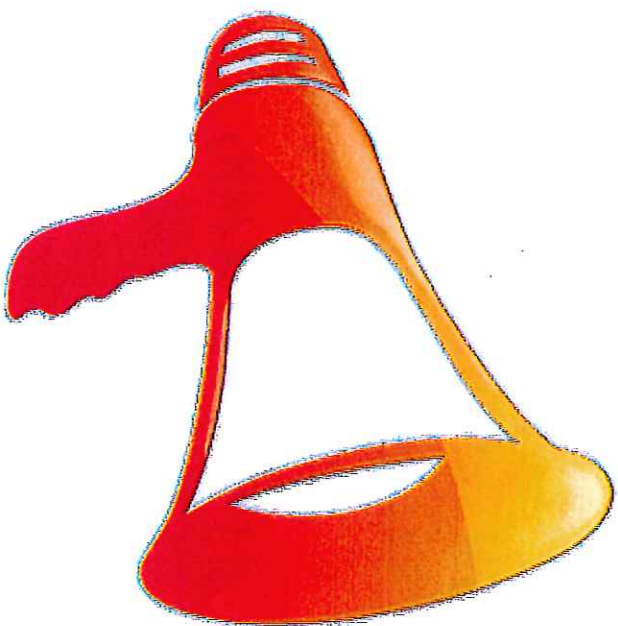
- ▶ Data collection and existing conditions analysis: underway
- ▶ Project website development: underway
- ▶ Focus Groups:
 - Housing: June 23rd
 - Utilities: June 23rd
 - Economic Development: June 24th
- ▶ Land Use and Transportation Public Forum: Date TBD



HOW YOU CAN HELP



- ▶ Provide input on land use changes and development trends
- ▶ Review and comment on materials prior to advancement to next phase
- ▶ Help spread the word about the planning process once website is launched
- ▶ Participate in public meetings



QUESTIONS



► Contact:

Alexis Williams, AICP, PP
Senior Planner
McCormick Taylor
215-592-4200
amwilliams@mccormicktaylor.com

