

MINUTES OF THE REGULAR MEETING OF APRIL 14, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, April 14, 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. Michael Johnson, and Mr. Martin Ross 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. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Revised Agenda as amended to add Other Business item – Somerset Green. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Minutes of March 24, 2016 as circulated. Motion carried 4 – 0.

OLD BUSINESS

C/Z #1759 Osprey Point D, LLC

Application of Osprey Point D, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District to a MR-RPC (Medium Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 126.8795 acres, more or less, land lying west of Old Landing Road (Road 274) 1.2 mile south of Warrington Road (Road 275) (911 Address: 20836 Old Landing Road, Rehoboth Beach, DE) Tax Map: 334-18.00-83.00

Announcement of any written public comments.

Mr. Lank stated the deadline for written comments in response to the DeIDOT comments and Applicant's response was April 13, 2016; that 48 comments have been received by the Office of Planning and Zoning on or before April 13, 2016; that there is some duplication, however all were provided for the Commission review and consideration; and that staff is in receipt of a revised site plan for 217 single-family residential lots.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to close the record for C/Z #1759 Osprey Point D, LLC and the Commission will take the information submitted under advisement and schedule for Old Business in the future. Motion carried 4 – 0.

C/Z #1796 Lockwood Design and Construction Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR (Medium-Density Residential District) for a

certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 35.45 acres, more or less. The property is located on the northeast side of Warrington Rd. (Rd. 275), 0.25 mile southeast of John J. Williams Hwy. (Rt. 24). (911 Address: None Available) Tax Map I.D. 334-12.00-127.02, 127.04, 127.05

Motion by Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone No. 1796 for Lockwood Design and Construction, Inc. from an AR-1 (Agricultural Residential District) to an MR (Medium-Density Residential District) based upon the record made at the public hearing and for the following reasons:

1. The property is located in an area where there are existing zonings from AR-1 to MR, some limited HR and commercial. There are also some Conditional Uses in the vicinity with densities that are compatible with MR Zoning.
2. MR Zoning is an appropriate zoning for this location under the Sussex County Comprehensive Plan.
3. The MR Zoning, which is consistent with surrounding uses and zonings, will not adversely affect the neighboring properties or community.
4. The MR Zoning will be supported by central sewer supplied by Sussex County.
5. The site is served by a central water system.
6. The rezoning to MR zoning is supported by the purpose clause of the MR District as set forth in the Sussex County Zoning Code.
7. For all of these reasons, it is my motion to approve the request to rezone this property to MR (Medium-Density Residential District).

Motion by Mr. Ross, seconded by Mr. Johnson, 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 4 – 0.

C/U #2046 Lockwood Design and Construction Inc.

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less. The property is located on the northeast side of Warrington Rd. (Rd. 275) 0.25 mile southeast of John J. Williams Hwy. (Rt. 24). (911 Address: None Available). Tax Map I.D. 334-12.00-127.02, 127.04, 127.05

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2046 for Lockwood Design and Construction, Inc. for multi-family dwelling structures based on the record made at the public hearing and for the following reasons:

1. The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.
2. The development will be consistent with surrounding developments that include other multi-family uses.

3. The development will not adversely affect neighboring properties, roadways or communities.
4. The development will be required to comply with all DeIDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.
5. The multi-family development will be served by central sewer provided by Sussex County.
6. The multi-family development will be served by central water.
7. The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.
8. The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.
9. This recommendation is subject to the following:
 - A. There shall be no more than 202 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.
 - D. All entrances and roadway improvements shall comply with all of DeIDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
 - H. The project shall be served by Sussex County sewer.
 - I. As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.
 - J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.
 - K. Construction, sitework, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.

- L. The application shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.
- M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Mr. Johnson 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 4 – 0.

PUBLIC HEARINGS

2016-1 The Estates at Middle Creek Subdivision – BDRP, LLC

This is a major subdivision plan to subdivide 146.96 acres +/- into 314 single family lots with a private road and open space. The property is located on the north side of Angola Rd. approximately 2,210 ft. east of John J. Williams Hwy. (Rt. 24). The property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 234-11.00-51.00, 54.00, 54.01, 54.02, 54.03 and 234-12.00-14.00

Ms. Cornwell summarized the comments received from the reviewing agencies.

The Commission found that Dennis Schrader, Esquire, was present on behalf of the applicant, with Mark Davidson, Principal Land Planner with Penoni Associates, Megan Conner, the owner's representative; that an exhibit book has been provided to the Commission for review; that approximately 58-acres of the property will be for lots; that 66-acres will be provided for open space; that 39-acres will be wooded lands; that the proposed 314 single-family lots which results in a density of 2.134 units per acre; that the density is consistent with the Zoning Code, land use plan, and State strategy plan; that sewer and water will be provided by the Sussex County Angola Sewer District and Tidewater; that the wetlands have been delineated; that Phase 1 has had an environmental study; that the 146 +/- acres of land consists of 6 parcels and will be combined as one parcel if approved; that the property is located on the north side of Angola Road and is approximately ¼ mile to ½ mile from John J. Williams Hwy. (Rt. 24); that it is located on the west side of Bay Ridge Woods and across from Angola by the Bay; that the layout is designed to leave large sections of the existing woods; that portions of wooded areas are approximately 5 to 6 acres and leave buffers of 150 ft. in width; that the lots are approximately 200 to 300 feet away from the wetlands located on the property; that sanitary sewer will not go through Marsh Farm Estates to alleviate having to remove trees and will connect to the sewer along Angola Road; that 45% of the property will remain open space; that an extensive Environmental Assessment report, a Phase 1 Environmental site assessment, an assessment and facilities report and a United States Fish and Wildlife report were completed; that a walk through done on this property showed no critical habitat or an old cemetery located on this property; that sourcewater protection concerns showed the property is over 1,200 feet from the pump station;

that a safe distance from the sourcewater is 100 feet and they will be over 1,200 feet away; that that storm water pond proposed will be a wet pond and will be lined and protect against any infiltration into the ground; that they will mitigate any impact; that the proposed clubhouse and pool with dedicated parking around the rear of the clubhouse and pool area; that sidewalks will be along one side of the street; that along the entrance sidewalks will be provided on both sides; that a twenty (20) foot landscape buffer will be around the entire property; that twenty (20) feet will be the minimum and may increase an additional five (5) to ten (10) feet in many areas; that an existing 12-inch water line runs along the front of the site; that the entrance will be directly across from Angola by the Bay per DelDOT; that two (2) parcels will have to be annexed into the Sewer District; that under the Stormwater Management new regulations adopted by DNREC that a TMDL and Nutrient Management study, and a downstream study will be conducted; that fifteen (15) feet permanent easement will be provided along the front of the property; that a sidewalk will be provided along the front of the property; that a Traffic Impact Study is being required; that five (5) intersections will be studied; that two (2) counts have to be done (one must a weekday and one summer Saturday); that the Applicant must provide improvements if required per the study; that along the frontage of their property they must expand the roadway and provide an 11-foot drive aisle with shoulders and drainage; that they must provide left turn lanes into their subdivision and for Angola by the Bay; that single-family housing will match the area; that there is no effect on the school district and will work with the school district to provide a school bus stop if required; that the area is predominately single family; that the minimum lot size will be 7,500 SF and some lots will be larger; that s downstream analysis will be provided; that the response to PLUS comments has been addressed and a new plan was submitted and was updated per TAC and staff addressed; that the density permitted is 2.178 units per acre and the proposed density is 2.13 units per acre; that four (4) EDU's per acre was approved; that the current run-off for this property is considered an uncontrolled condition; that the stormwater management plan for this project will treat the water prior to run-off or infiltration into the ground; that the estimated build out time for this project will be between 8 to 10 years; that approximately 30 to 45 lots per year would be developed; that the Traffic Impact Study should be completed by the end of summer; that the required turn lanes to the development and the neighboring development would be done in the beginning of the entire process; that it is likely the right hand turn lane for Angola by the Bay will need to be lengthened; that the isolated wetland area is approximately 0.08 acres with a 30 to 40 foot wooded buffer surrounding it; that the proposed clubhouse will be approximately 3,000 SF in size and the pool will be approximately 1,800 to 2,000 SF; that current soil testing is being done for infiltration with wet ponds in the front for aesthetics; and that whether individual mailboxes or a central mailbox system will be discussed with the local postal service.

Jens Wegscheider stated that he has lived in Bay Ridge Woods for approximately 10-years; that he likes the buffer between the developments; that the area has poor drainage; that roads have been flooded and not accessible; that a small river flows in the area; that all communities in the area rely on two (2) roads for evacuation; and that Sussex Conservation District does not have the man power or money to inspect properly.

Bruce McPherson stated that his property abuts the woodland area; that the woods are environmentally sensitive; that the woods control the animals and clearing the woods is detrimental; that if the applicant would not disturb the one parcel of land proposed in the plan

would help a great deal; and that the loss of wooded area is not good for the community or the bay.

Carolyn Newcott stated she is representing twenty-five (25) residents in her community; that they are concerned with how the roads will be able to handle the traffic; that EMS services and access to the local hospital will be greatly affected by the increase in traffic; and that the poor drainage already in the area will worsen with additional development.

Jack Noel stated that he owns property in Angola by the Bay; that his biggest concern is stormwater runoff; that six (6) lots were built beyond Bay Pines with road frontage did not require retention ponds; that the run-off and drainage has increased in that area; that under the surface approximately 6 to 8 inches deep is clay and won't drain; that traffic is a huge issue and the left turn lane will be a great improvement; and that the roads cannot accommodate more people.

Richard Raynic stated that he owns property in Bay Ridge Woods; that the roads cannot accommodate more traffic; that according to the developer's estimates the proposed development will produce an additional 3,000 trips per day; that the need for a Traffic Impact Study is proof there is concern for additional traffic in this area; that there are not adequate shoulders in the area; that construction traffic is also a concern; and that the existing creeks will be adversely affected.

Carol Hughes stated she owns six (6) acres adjacent to the site; that she is concerned about increased traffic; that drainage issues are a concern; that the water during storms already comes over the road and floods the area; that the loss of trees during construction is a concern; that the animals will have nowhere to go; and that there is no infrastructure to handle this development.

Gretchen Kline stated that she lives in Bay Oaks; that the pollution in the waterways is a huge issue; that 86% of the streams and 44% of ponds and lakes have high bacteria levels making them not suitable for human contact; that Total Maximum Daily Loads establish water quality standards; that the wetlands are effected by contaminants; that wetlands are important to our quality of life; that the wetlands are critical habitats for the wildlife in the area; that the wetlands are non-tidal wetlands and feeds into a creek and then to the bay; that she feels the developer should have the wetlands delineated and establish a 100 foot buffer around the wetlands; and that have an accurate calculation of the run-off to prevent further damage.

John Kitchenman stated he is a resident of Bay Ridge Woods; that he is neither for or against development; that he is concerned about land spraying and what impact that has to the land; that the increase demand on facilities; that the impact on traffic new developments create; that extreme volumes of traffic create issues during huge evacuations; that the developer did not allow a state agency to visit the site; and that the PLUS letter referenced the extreme density in the area.

Patricia Pilkington stated that she is concerned about the building boom and loss of farmland; that she moved to the area four years ago; that she feels there should be some farmland

preservation; that the infrastructure cannot accommodate all this new development; and that she does not feel the schools and medical facilities cannot accommodate all this growth.

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

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

Motion by Mr. Johnson, seconded by Mr. Burton, and moved unanimously to defer action and leave the record open for submittal of the Traffic Impact Study and after receipt the record be left open for fifteen (15) business days for receipt of written comments from the public in reference to the Traffic Impact Study. Motion carried 4 – 0.

2016-3 Black Creek Cove Subdivision Expanded – Stockley Materials, LLC

This is a major subdivision plan to subdivide 9.96 acres +/- into 8 single family lots with private roads and open space. The subdivision will be part of the Black Creek subdivision and will have access off of Green Fern Dr. The property is located on the southeast side of Peterkins Rd. approximately 1,671 ft. northeast of Zoar Rd. the property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 133-3.00-6.02

Waiver request for elimination of Landscape Buffer

Ms. Cornwell summarized the comments received from the reviewing agencies.

The Commission found that Dennis Schrader, Esquire, was present on behalf of the applicant, with Mark Davidsion, with Penoni Associates, and Ken Adams and Bob Stickels, and stated that this application is an expansion of a pre-existing subdivision that was approved in 2004; that 9.96 acres are left and wish to expand the subdivision; that the Homeowner's Association supports the request; that the property is currently vacant; that the proposed 8 lot expansion will be .76 to .93 acres in size; that a single street will be built with a cul-de-sac; that the road will be to the rear of the existing dwellings; that there will be a 30 foot buffer between the road and common boundary line; that approximately 1.86 acres (19%) will be designated open space; that the entire subdivision combined will consist of 87.94 acres with 19% designated to open space; that the average density when complete is .84 per acre for the entire subdivision; that the lots drain well; that there is a 30 foot buffer along the road (Peterkins Road); that there are no sidewalks required due to a waiver approved in 2004; that a mature wooded line is established along the property adjacent to Morris Mill Estates; that this area is predominately single family subdivisions in the area; that there are no wetlands and the property is not in a flood zone; that there is no increase in density or change in open space percentage; that the lots will be served by on-site wells and septic systems; that there is no impact to the existing entrance; that there is no negative impact to the property values, schools, or roads; that an existing buffer is in place; that the existing homeowner's are concerned about additional expense the required buffer would create; that the existing berm will remain; that the 30 ft. buffer along Peterkins Road will be landscaped; that the proposed dwelling will not have basements; that there has been no discussion with neighboring property owners; that the additional lots are an infill; that there are no trees on their property in the buffer area; that the proposed dwellings are single-family units;

that there will be a Homeowner's Association for the proposed lots; that an existing multimodal path will be expanded if required by DelDOT; and that exhibit booklets were submitted to the Commission for review.

Jerry Constantine stated that he is a property owner in Black Creek Cove; that he is concerned that Mulberry Lane will be the only access in and out of the area; that he would like to see a second exit to Peterkins Road could be added; that a construction entrance would be another option during the construction of the proposed lots; and that his main concern is during the construction of the lots.

John Warrington stated that he is a property owner in Black Creek Cove; that his home will be in front of the stormwater management pond; and that he would also like to see a construction entrance.

Mr. Davidson stated that DelDOT has granted construction entrances in the past and the developer is willing to pursue that option.

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

2016-4 Lewes Crossing Subdivision Phase 8 – BDRP, LLC

This is a major subdivision plan to subdivide 19.52 acres +/- into 42 single family lots with private roads and open space. The subdivision will be part of Lewes Crossing and will have access off of Frances Ann St. The property is located on the south side of Beaver Dam Rd. approximately 1,436 ft. west of Salt Marsh Blvd. The property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 334-5.00-22.01

Ms. Cornwell summarized the comments received from the reviewing agencies.

The Commission found that Dennis Schrader, Esquire, was present on behalf of the applicant, with Mark Davidson, of Penoni Associates, and Megan Conner, the owner's representative; that this a standard lot subdivision in an Environmentally Sensitive Development District Overlay Zone; that the subdivision must meet all the required codes in Section 115-25; that then covenants in Lewes Crossing Homeowner's Association documents Item 1 was given to all owners prior to closing; that there is 19.9 acres they are seeking to develop for an expansion of 42 lots adjacent to Phase 7 within Lewes Crossing; that the property is still served by Sussex County for sewer; that Tidewater would still serve the lots for water; that the lots will be governed by the Homeowner's Association; that the application did go thru the TAC process and comments have been submitted; that access to the proposed lots is through Phase 7; that the entrance for Phase 7 has been constructed; that Phase 7 has not been constructed; that a 20 foot landscape buffer will be provided; that stormwater management pond are proposed to help with fill for the site; that they are extending the shared use path that is already constructed; that the proposed phase cannot be accessed from Beaver Dam Road; that average lot size will be 9,120 SF; that the density for this site will be 2.178 and the project will be at a density of 2.15; that they are adding 40% open space to the site; that the entire site will be approximately 38% of

open space for the entire subdivision; that the area is mainly single family; that there are no wetlands on the property and it is out of the 100- year floodplain; that sidewalks will be connected to existing sidewalks and paths along Beaver Dam Road; that a stormwater management pond in Henlopen Landing will allow stormwater to go through the site; that 100 EDU's have been allocated for the proposed lots; that the proposed lots will not have an adverse effect on schools and roads; that the amenities will be shared with the entire development; that this phase is part of the covenants; that the adjacent drainage swale is open and will be integrated into the stormwater pond; that paths will be provided in the final plan; that the proposed lot sizes and dwellings are similar to the existing; that there is no plan of additional amenities at this time; that the proposed lots are an infill project; that a construction entrance can be an option; and that Megan Conner confirmed the statements made by Mr. Schrader and Mr. Davidson.

Keith Johanson stated that he represents the Homeowner's Association; that the plan was never presented to the homeowner's; that the resolution did not pass with the required 70% votes needed; that the developer offered \$20,000 for new amenities if the homeowner's did not object to the proposed lots; that they support duplexes with a separate HOA; and that the developer has instead moved forward with this application.

Sue Bratter stated that she lives in Lewes Crossing; that she is impressed with the Commission; that she is a realtor and is concerned with real estate value; that the infrastructure is not ready to handle the additional traffic; that without proper infrastructure properties will not sell; that Phase 8 was not disclosed to her at settlement; and that she did not get her documents until 2 weeks after settlement.

Angela and Anthony Taylor stated that they live next to Lewes Crossing; that there is a water issue and their driveway floods every time it rains; that they have been dealing with the loud construction that begins early in the morning; that the developer removed a drainage pipe and now the driveway floods; that a drain ditch is needed; and that they are also in opposition to Phase 8 and the traffic issues.

Mr. Davidson stated that he will look into the swale issue and contact DelDOT.

John Zawislak stated that he lives in Lewes Crossing; that he is not necessarily against the proposed lots; that he is concerned for the lack of disclosure to the residents; that he is also concerned how residents will safely access the pool on the opposite side of the road; and that he would like this hearing being postponed until more discussion can be held between the developer and the residents.

Kevin Lawrence stated that he is a resident of Lewes Crossing and on the Advisory Committee; that there is little opposition to development of the property; that the concerns are with the impact to the residents of Lewes Crossing; that the amenities are minimally sized for the existing lots; that the amenities are not adequate to accommodate the additional 42 lots; that duplexes with a separate HOA is an option they would support; that the disclosure issues have created legal issues; and that he would also like the hearing postponed.

Peter Swartout stated that he lives in Lewes Crossing; that he is concerned about the disclosure issues.

Greg Pinto stated that to have residents cross the road to access the pool without any safety measures need to be taken into consideration.

Nancy Hise stated that she is a resident of Lewes Crossing; that the additional phases will increase traffic issues that already exist; and that on the disclosure it stated there would be a second pool and does not know why that has changed.

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

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

OTHER BUSINESS

Tall Grass Estates 2015-2

Final Subdivision Plan

Ms. Cornwell advised the Commission that this a final subdivision for the creation of 16 single family lots with open space and a private road. The site is located off Wil King Rd. The property is zoned AR-1. The Planning Commission granted preliminary subdivision approval on July 30, 2015. There were no significant changes from the preliminary subdivision plan to the final subdivision. The final subdivision complies with the conditions of approval. The Planning Office is in receipt of all agency approvals.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve the Final Subdivision Plan. Motion carried 4 – 0.

Coastal Club Land Bay 4

Final Site Plan

Ms. Cornwell advised the Commission that this is a Final Site Plan for the creation of 78 single family lots with site improvements. The site is located off of Beaver Dam Rod. The property is zoned MR and is a RPC. The Planning Commission granted preliminary site plan approval on September 10, 2015. There were no significant changes from the preliminary site plan. The final site plan complies with the conditions of approval. The Planning Office is in receipt of all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Final Site Plan. Motion carried 4 – 0.

Forest Landing – Phase 4

Final Site Plan

Ms. Cornwell advised the Commission that this is a final site plan for the creation of 48 single family lots with site improvements. The site is located off of Central Ave. The property is zoned MR and is a RPC. The Planning Commission granted preliminary site plan approval on September 19, 2015. The final site plan includes the reduction in the front yard setback from 30 ft. to 20 ft. that was approved as part of the preliminary site plan. There were no significant changes from the preliminary site plan. The final site plan complies with the conditions of approval. The Planning Office is in receipt of all agency approvals.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Final Site Plan. Motion carried 4 – 0.

Somerset Green (formerly Lewes Townhouses)

Revised Preliminary Site Plan

Ms. Cornwell advised the Commission that this is a revised site plan for the construction of 53 unit townhouse development. The site is located at the northeast corner of Plantations Rd. and Shady Rd. The property is zoned C-1. The Planning Commission granted preliminary approval on December 18, 2014. The plan is back before the Planning Commission as the building with units 48-53 exceeds 165 ft. in length; however, it fits within the 165 ft. box. The applicant is asking for approval to allow the building to comply with the 165 ft. box similar to the buildings containing units 1-6 and 7-12. This plan does not require final approval by the Planning Commission as part of the preliminary site plan approval allowed staff to approve the final site plan upon receipt of all agency approvals. This revision is only for the consideration of allowing the building containing units 48-53 to comply with the 165 ft. box and not the 165 ft. linear length.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve the Revised Preliminary Site Plan with the 165 ft. box for units 48-53 with Final Site Plan approval subject to the staff upon receipt of agency approvals. Motion carried 4 – 0.

Tabernacle of Praise

Preliminary Site Plan

Ms. Cornwell advised the Commission that this is a preliminary site plan for the construction of a 3,600 SF building with site improvements. The site is located off of German Rd. The property is zoned AR-1. The tax parcel is 231-13.00-187.00. The site complies with the required number of parking spaces and the other Code requirements. The Planning Office is awaiting receipt of agency approvals and response to the staff review letter.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Preliminary Site Plan with Final Site Plan approval subject to the staff upon receipt of agency approvals and response to the review letter. Motion carried 4 – 0.

Sports at the Beach

Revised Preliminary Site Plan

Ms. Cornwell advised the Commission that this is a preliminary site plan for the construction of an archery course, zip line course and two building additions. The building additions are for a lean-to to a shed and a 2,500 SF addition to the existing manager's quarters. The site is located off of Lewes Georgetown Hwy. The property is zoned AR-1. The tax parcel is 135-15.00-82.00. The Planning Office is awaiting approvals from the appropriate agencies.

There was discussion and staff noted that the County's Airport Manager had reviewed the plan and use as an archery course is compatible with airport operations and had no objection.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Revised Preliminary Site Plan with Final Site Plan approval subject to the staff upon receipt of agency approvals. Motion carried 4 – 0.

Lands of Baldt on Blueberry Ln.

Minor subdivision with 50 ft. easement

Ms. Cornwell advised the Commission that this is a minor subdivision to create one (1) parcel of land with a 50 ft. easement. The property is located off of Blueberry Ln. The property is zoned AR-1. The tax parcel is 233-14.00-17.04. The new parcel will be approximately 11.9 acres and the residual will be 5.65 acres. The easement will go over the existing driveway. The tax ditch right-of-way has been reduced. The Planning Office is awaiting approval from DelDOT.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the minor subdivision with a 50 ft. easement as a preliminary approval with the final approval subject to staff upon receipt of DelDOT letter. Motion carried 4 – 0.

Lands of Swartzentruber on Beach Hwy.

Minor subdivision off easement

Ms. Cornwell advised the Commission that this is a minor subdivision to create one (1) parcel of land off an existing 30 ft. easement. The applicant has stated that he will increase the easement to 50 ft. The new parcel of land will be approximately 2.5 acres. Staff notes that there is a 1 acre residential area shown on the plan. This one acre parcel will be part of the farm and is not proposed to be subdivided as part of this application. The property is located off of Beach Hwy. The property is zoned AR-1. The tax parcel is 430-6.00-22.00. The Planning Office is awaiting approval from the Department of Agriculture and DelDOT.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve the minor subdivision off easement with the easement must be increased to 50 ft. and the Department of Agriculture and DelDOT and final approval subject to staff upon receipt of these agencies. Motion carried 4 – 0.

Habitat for Humanity on Horsey Church Rd.

Minor subdivision with 50 ft. easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of three (3) parcels of land and the creation of a 50 ft. easement. Parcel 1 will be 0.91 acres. Parcel 2 will be 1.0 acre and Parcel 3 will be 3.76 acres. The 50 ft. easement will go over an existing driveway. Any further subdivision shall require a major subdivision. The property is located off of Horsey Church Rd. The property is located off of Horsey Church Rd. The property is zoned AR-1 and GR. The tax parcel 532-19.00-12.19. The Planning Office is awaiting approval from DelDOT.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the minor subdivision with a 50 ft. easement and any further subdivision would require a major subdivision. Motion carried 4 – 0.

Canal Point

Interpretation of Condition of Approval

Ms. Cornwell advised the Commission that this is a request for an interpretation of a Condition of Approval. The development is required to have a 300 ft. buffer between the multi-family dwellings in Canal Point and the single family dwellings in the Henlopen Keys Development. The applicant is asking for clarification if the 300 ft. setback should be from the subdivision boundary or from the single family lots. The townhouse units comply with the 300 ft. separation distance from the single family lots; however, are within 300 ft. from the edge of the subdivision boundary in the way of the dead end streets within the Henlopen Keys development. One set of townhouses has been constructed within 286 ft. of the property boundary (the dead end street) of the Henlopen Keys Development. The townhouses are 323.5 ft. from the single family lots.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously that the interpretation of Condition of Approval for Canal Point shall be that the separation is 300 ft. from the single family lot boundaries. Motion carried 4 – 0.

Election of Vice-Chairman

Mr. Wheatley opened the nominations for Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Burton, to nominate Martin Ross for Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Burton, that the nominations for Vice-Chairman be closed.

Motion was adopted to nominate Mr. Ross as Vice-Chairman with a 3 – 0 vote.

The vote by roll call; Mr. Burton – yea, Mr. Johnson – yea, and Mr. Wheatley – yea.

Meeting Adjourned 9:50 p.m.

