

MINUTES OF THE REGULAR MEETING OF FEBRUARY 5th, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, February 5, 2025, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Brian Butler, and Mr. Scott Collins. Mr. Bruce Mears was absent. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Mr. Michael Lowrey – Planner III, and Ms. Ann Lepore – Planner I.

Chairman Wheatley requested that the Agenda be revised to allow Additional Business to be heard before the public hearings.

Mr. Whitehouse requested that approval of the meeting minutes of the January 22nd, 2025, Planning & Zoning Commission meeting be removed from the agenda, as the minutes were not prepared for approval.

Motion by Ms. Wingate, seconded by Mr. Collins, and carried unanimously to approve the Agenda as revised. Motion carried 4-0.

PUBLIC COMMENT

The Commission found that Mr. David Marks provided public comment regarding the significance of the planning and zoning for the County; that with the diligence of the Commission that the commercial development does not spoil the natural beauty of the lands around the County; that the Commissioners ensure that the rights of Sussex County residents are respected, and they are heard.

ADDITIONAL BUSINESS

Mr. Robertson stated that Mr. Whitehouse is going to present some data on developments within the County in preparation for the upcoming meetings with County Council, State Planning Coordination, DeIDOT and affordable housing.

Mr. Whitehouse presented to the Commission data on development activity and trends.

OTHER BUSINESS

Delaware State Police Troop 4

Preliminary Site Plan

This is a Preliminary Site Plan for the Delaware State Police Troop 4 Complex for the construction of a 48,000 square foot building, a 15,700 square foot maintenance building, two accessory

buildings (1,400 square feet and 1,200 square feet respectively), and other site improvements. Conditional Use 2477 to allow for the use of the site as a Police Station as approved by the Sussex County Council at their meeting of Tuesday, January 23, 2024, through Ordinance No. 2975. The parcel is located on the east side of Patriots Way (S.C.R. 318). The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 133-7.00-8.00. Zoning: AR-1 Agricultural Residential District. Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to Approve the Preliminary Site Plan as a preliminary and final. Motion carried 4-0.

S-24-75 OA Sundance Club

Preliminary and Final Site Plan

This is a Preliminary and Final Site Plan for one hundred eighty (180) single family detached condominiums, amenities and other site improvements. The parcel is located on the northwest corner of Old Mill Road (S.C.R. 349) and Railway Road (S.C.R. 350). Conditional Use No. 2401 was approved by the Sussex County Council at their meeting of Tuesday, August 1, 2023, through Ordinance No. 2945. The Preliminary and Final Site Plans comply with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 134-12.00-74.01. Zoning GR (General Residential District). Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to approve the Preliminary and Final Site Plan. Motion carried 4-0.

Citation Rentals, LLC

Preliminary Site Plan

This is a Preliminary Site Plan for a 9,600 square foot building for use as a Retail/Office space and shop, a 10,384 square foot building for use as a Retail/Office space, and other site improvements. The parcel is located on the north side of Governor Stockley Road (S.C.R. 432) and the west side of Dupont Blvd. (Rt. 113). The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 133-6.00-50.01 & 50.03. Zoning C-1 General Commercial District and C-3 Heavy Commercial District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to Approve the Preliminary Site Plan with final approval to be made subject to staff upon the receipt of all agency approvals. Motion carried 4-0.

S-25-07 Twin Branches, LLC (C/U 2520)

Preliminary Site Plan

This is a Preliminary Site Plan for a farm winery and events venue with associated car parking and improvements, to be located on the west side of Twin Branch Road, approximately 0.89-mile south

of the intersection of Sawmill Road (S.C.R. 238) and Twin Branch Road. The Sussex County Council approved Conditional Use No. 2520 at their meeting on January 28, 2025, subject to conditions of approval. The Preliminary Site Plan complies with the Zoning Code, and all conditions of approval associated with the Conditional Use. Tax Parcel: 235-19.00-11.00 and 11.01. Zoning: Agricultural Residential (AR-1) Zoning District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals with clarification of the parking and access design.

Mr. Whitehouse advised that the Commission that this was approved by County Council last week and was put on rather rapidly to bring it to the Planning and Zoning Commission because the applicant has indicated a preference to try and re-open the business in time for Valentine's Day; that we would ask if the Commission is monitoring today that staff begin the authority to resolve this; that haven spoken to the Applicant's engineer, the issue with parking is capable of being addressed, and ordinarily we wouldn't bring this to the Commission until it is resolved, but time is pressing on this.

Motion by Mr. Butler, seconded by Ms. Wingate and carried unanimously to Approve the Preliminary Site Plan with final approval be made subject to staff upon the receipt of all agency approvals and resolution of the properties access and parking design. Motion carried 4-0.

Lands of Deborah Harmon

Minor Subdivision Plan off of an existing 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off an existing 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 2.266-acres +/- and the residual land will contain 10.284-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The parcel is located north of Conley's Chapel Road (S.C.R. 280B), approximately 800-feet east of Beaver Dam Road (S.C.R. 23) The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-6.00-20.02 Zoning: Agricultural Residential (AR-1) Zoning District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off of an existing 30-ft easement with final approval be made subject to staff upon the receipt of all agency approvals. Motion carried 4-0.

OLD BUSINESS

C/U 2454 H&K Group, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED

ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS. The property is lying on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62). 911 Address: N/A. Tax Map Parcel: 232-8.00-44.01.

The Commission discussed this application which has been deferred since January 22, 2025.

Ms. Wingate moved that the Commission recommend approval of C/U 2454 for H&K Group, Inc. for a borrow pit based upon the record made at the public hearing and for the following reasons:

1. This Application previously received a recommendation for approval by the Commission. This second hearing was conducted to address a concern about the legal notice for the earlier hearing. The record from the prior hearing was incorporated into the record of this hearing.
2. This application is for a 269.07 acre borrow pit operation within a 309.6-acre site. The excavated area will not exceed 195.83 acres, more or less.
3. A need exists in the area for dirt, sand and gravel. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.
4. The borrow pit is within a much larger wooded parcel owned by the Applicant. The preserved woodlands will provide an extensive buffer between the borrow pit operations and adjacent properties and roadways. It is not likely to be visible from nearby homes or roadways. This is an appropriate location for this use.
5. Based upon information in the record, the area used for borrow pit operations and processing will be at least 1,000 feet from Shiloh Church Road and there will be approximately 1,700 feet between these operations and the nearest off-site home (not including an abandoned dwelling approximately 230 feet away).
6. The Applicant will provide dust control to keep the area roadways free of dirt and dust from trucks leaving the site.
7. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties. In support of this, the Applicant commissioned a Traffic Analysis of the project and its potential impacts on area roadways. That analysis confirmed that the use will not have any impact on the "A" or "B" Level of Service that exists at the adjacent intersections of Johnson Road and East Trap Pond Road with Shiloh Church Road. That Analysis also compared this proposed use with other existing borrow pits and found that the traffic impact of this borrow pit will be no greater than what occurs as a result of other existing borrow pits throughout Sussex County.
8. DelDOT has stated that the use will have a negligible impact on area roadways. DelDOT has also inserted an entrance authorization for the use.
9. The property contains approximately 17.19 acres of non-tidal wetlands. The proposed use will create a minimum 50-foot-wide buffer from these wetlands and will obtain a permit from the U.S. Army Corps of Engineers for any crossing of these wetlands.
10. As a source of fill dirt available to the entire County, the project is essential and desirable

for the general convenience, safety and welfare of the current and future residents of the County.

11. The use is subject to approvals from State Agencies including DeIDOT and DNREC.
12. This recommendation for approval is subject to the following conditions and stipulations:
 - a. No materials shall be brought from off the site for processing, mixing or similar purposes.
 - b. The excavated area of the borrow pit shall not exceed 196-acres.
 - c. Water or a water truck shall be available to control dust from road traffic when conditions require.
 - d. The only entrance to the pit shall be a paved road from Cedar Lane. The entrance shall be fenced or gated to prevent access, but the gate shall be set back at least 500 feet from Shiloh Church Road to allow trucks and equipment to pull completely off of Shiloh Church Road when the gate is closed.
 - e. Any roadway and entrance improvements required by DeIDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.
 - f. The hours of operation including any dredging shall be between the hours of 7:00 a.m. to 5:00 p.m. Monday through Saturday. No Sunday hours shall be permitted.
 - g. No materials shall be stored on any access roads or within any buffer area.
 - h. Temporary fuel tank storage will be permitted on-site and must be placed and maintained according to State and County standards and requirements.
 - i. No “Jake Brakes” or compression release engine brakes shall be used within the site.
 - j. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.
 - k. The proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or one (1) foot below the static water surface.
 - l. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.
 - m. The Applicant shall comply with all State and County erosion and sediment control regulations.
 - n. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.
 - o. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation and there shall be “No Trespassing/Danger” signs posted at 200-foot intervals around the perimeter of the property.
 - p. The non-tidal wetlands on the site shall be delineated and they shall have a buffer

- that is at least 50-feet-wide except where permitted wetland crossings exist.
- q. A violation of any of these conditions may result in the termination of this conditional use.
 - r. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Butler to recommend approval of C/U 2454 H&K Group, Inc. for the reasons and the conditions stated in the motion.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – nay, Mr. Butler – yea, Chairman Wheatley – nay

Ms. Wingate voted yea, for the reasons and the conditions stated in her motion.

Mr. Collins voted nay, for his reasons previously mentioned at the November 13th, 2024, Planning and Zoning Commission meeting, which consisted of the traffic carrying capacity and current state of Shiloh Church Road.

Mr. Butler voted yea, for the reasons and the conditions stated in the motion.

Chairman Wheatley voted nay, for his reasons previously mentioned at the November 13th, 2024, Planning and Zoning Commission meeting, which consisted of the multiple concerns expressed by the public during the public hearing on October 8th, 2024.

The application for C/U 2454 H&K Group, Inc. was recommended for denial due to the lack of obtaining three affirmative votes.

C/U 2466 Albert Fanelli

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS. The property is lying on the east side of Bethany Road (Rt. 17) approximately 580 ft. southwest of Polly Branch Road (S.C.R. 386). 911 Address: N/A. Tax Map Parcel: 533-17.00-11.10.

The Commission discussed this application which has been deferred since January 22, 2025.

Ms. Wingate moved that the Commission recommend approval of C/U 2466 for Albert Fanelli for boat repair within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. This site was previously the subject of a Conditional Use granted in 1998 for mini storage and outside recreational vehicle and boat storage. That was approved as Conditional Use No. 1253.
2. The Applicant now seeks approval for this conditional use to allow boat repairs to also occur on this site. This is a reasonable expansion of the existing use.
3. The boat repair and storage will occur inside. This is an appropriate, convenient location at the existing boat storage site.
4. The Applicant has stated that the use will not have a substantial impact upon area roadways.
5. This minor expansion of the existing use will not have an adverse impact upon the neighboring properties or community.
6. Tourism and outdoor recreational activities on the area's waterways are a significant part of the Sussex County economy. Boat repairs promote and support both of these activities. As a result, it is of a public or semi-public character and is desirable for the general convenience and welfare of residents and visitors to this area of Sussex County.
7. No parties appeared in opposition to this Application.
8. This recommendation for approval is subject to the following conditions:
 - A. The conditions set forth in Conditional Use 1253 that are not inconsistent with this recommendation and shall remain in effect.
 - B. This additional use shall be limited to boat repairs. No other types of repairs (i.e. automobiles and trucks) shall occur on the site.
 - C. All repairs and maintenance shall only occur indoors, with all fluids disposed of properly.
 - D. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and watercraft located on the site.
 - E. No more than ten boats shall be under repair or awaiting repair on the property at any time. The area set aside on the site for the placement of boats awaiting repair shall be clearly shown on the Final Site Plan.
 - F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Butler and carried unanimously to recommend approval of C/U 2466 Albert Fanelli for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

C/Z 2012 Rudder Road, LLC

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 CERTAIN PARCELS OF LAND

LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS. The properties are lying on the east side of Banks Road (S.C.R. 298), approximately 0.61-mile northeast of Long Neck Road (Rt. 23). 911 Addresses: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A. Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00.

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Whitehouse stated the record was left open at the last meeting to allow for receipt of a staff analysis on the revised site plan.

In relation to C/Z 2012 Rudder Road, LLC. Motion by Mr. Collins to defer action for further consideration, leaving the record open to allow for public comment, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

C/U 2449 Rudder Road, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS. The properties are lying on the east side of Banks Road (S.C.R. 298), approximately 0.61-mile northeast of Long Neck Road (Rt. 23). 911 Address: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A. Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00.

The Commission discussed this application which has been deferred since January 22, 2025.

In relation to C/U 2449 Rudder Road, LLC. Motion by Mr. Collins to defer action for further consideration, leaving the record open to allow for public comment, seconded by Mr. Butler and carried unanimously. Motion carried 4-0.

C/Z 2014 J & T Properties, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS. The property is lying on the northwest side of Savannah Road (Rt. 9B), approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R. 269A). 911 Address: 1545 Savannah Road, Lewes. Tax Map Parcel: 335-12.05-12.00.

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved that the Commission to recommend approval of C/Z 2014 J&T Properties, LLC for a change in zone from AR-1 (Agricultural Residential) Zoning to C-2 (Medium Commercial) Zoning based on the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is located at the Westcoats Corner intersection on the outskirts of the City of Lewes. It is next to the proposed relocated and redesigned intersection of Old Orchard Road, Savannah Road, and Westcoats Road. There is other business, medical, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. No parties appeared in opposition to this Application.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. Any future development of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to recommend approval of C/Z 2014 J&T Properties, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

C/Z 2023 Jane Brady

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS. The property is lying on the northwest side of Savannah Road (Rt. 9), approximately 200 feet northeast of the intersection of Savannah Road (Rt. 9) and Westcoats Road (S.C.R. 12). 911 Address: 1543 Savannah Rd., Lewes. Tax Map Parcel: 335-12.05-6.01.

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2023 Jane Brady for a change in zone from AR-1 (Agricultural Residential) Zoning to C-2 (Medium Commercial) Zoning based on the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is located at the Westcoats Corner intersection on the outskirts of the City of Lewes. It is next to the proposed relocated and redesigned intersection of Old Orchard Road, Savannah Road, and Westcoats Road. There is other business, medical, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. No parties appeared in opposition to this Application.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. Any future development of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z Jane Brady for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

C/U 2556 William Melton

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS. The property is lying on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350). 911 Address: 36294 Old Mill Road, Ocean View. Tax Map Parcel: 134-12.00-73.02.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed to the property, a copy of the SLER, a copy of the Applicant's exhibits, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis, a copy of the Preliminary Site Plan, a copy of the Final Site Plan that was submitted on February 5, 2025, and 53 public comments included in the paperless packet.

Mr. William Melton, the Applicant, spoke on behalf of himself that he presented a similar application to this Commission a year prior and it was ultimately denied by the County Council due to the amount of opposition that was submitted; that the same opposition seems to be presented for this case; that while looking at the opposition comments they all came from residents of the Whites Creek Manor, which is a mile down the road from the property listed in this application; that the immediate neighbors of this application did not have any opposition to what was being proposed; that the proposal is to leave the existing structure as is, as the home is currently being rented and they are using the space above the garage as well; that the plan is to convert the garage into professional office; that there is someone interested in utilizing the space that runs a part time chiropractic office; that the business would most likely be on an as needed basis, but the application is asking for hours of operation to be Monday through Saturday, 8:00 AM – 2:00 PM; that the request is for a 24x36 sign, parking will be to code for the property and security lighting will be downlit as to not bother any neighbors; that the trash receptacle will be behind the building as to be out of sight from passing traffic; and that the access to the dwelling upstairs will be in the back of the property.

Ms. Wingate asked if there would be more than one (1) employee at the chiropractor office and how many patients will be seen in the office.

Mr. Melton stated that there would be two employees, and they would only be seeing two (2) to three (3) patients per day, so a maximum of six (6) to eight (8) cars in the parking lot at one time.

Mr. Martin Lampner of 205 Chad Place in Whites Creek, spoke in opposition to the application; that he is speaking on behalf of the White Creek Manor and Whitesnake Community Alliance; and that they are all concerned with the amount of traffic that will be brought to the area as it is overwhelming already.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/U 2556 William Melton**. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

C/Z 2034 Parkada Investments, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS. The property is lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321). 911 Address: N/A. Tax Map Parcel: 133-2.00-22.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed for the property, a copy of the SLER, a copy of written comments from the County Engineering Department Utility Planning Division, a copy of the staff analysis, a copy of the preliminary site plan for the property and zero comments.

Mr. Jim Parker, co-owner of Parkada Investments, LLC., spoke on behalf of himself that the application is for a Change of Zone from an AR-1 to C2 Medium Commercial to build two (2) stand-alone commercial buildings to have retail and office space in the front and storage in the rear; that this idea was brought up from the recent bypass plan in Georgetown which forced businesses to close and this would allow for them to have a new location for their businesses within the same area.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/Z 2034 Parkada Investments, LLC.** Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

C/Z 2035 Parkada Investments, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS. The property is lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321). 911 Address: N/A. Tax Map Parcel: 133-2.00-20.00 & 24.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed for the property, a copy of the SLER, a copy of written comments from the Sussex County Engineering. Utility Planning Division, a copy of the Applicant's conceptual site plan, a copy of the staff analysis letter and zero comments.

Mr. Jim Parker, co-owner of Parkada Investments, LLC., spoke on behalf of himself that application is for a Change of Zone from an AR-1 to LI-1, Limited Industrial Zoning; that the concept for this land consists of eight (8) sites which will be utilized for light industrial businesses; that a few examples of those would be like a landscaping company, a trash company or a light manufacturing company; that these sites are larger consisting of approximately two (2) acres each; and that this would benefit smaller companies by giving them the opportunity to grow in our area by leasing one of these sites.

Mr. Bob Parker, of Beacon Engineering, spoke on behalf of the Applicant that the property is in the developing area for the Town of Georgetown; that this is part of Georgetown's long range plans for what the town would like to see in the next comprehensive plan cycle; and that the Applicant spoke of all of the other commercial properties around this property and the LI-1 would have a number of special conditions that are put on site plans that are approved for Limited Industrial uses.

Mr. Joe Smith, who lives alongside the property, spoke in opposition to the application that he is concerned about the entrance to the property and the amount of traffic that it will draw to the area.

Ms. Wendy Webb, of Bethesda Rd., spoke in opposition to the application that there is concern that the entrance to the property would get missed and her family owns homes right next to the property and the traffic will use their driveways to turn around in; and that the major concern is about the entrance/exit of the property.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/Z 2035 Parkada Investments, LLC.** Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Meeting adjourned at 4:27 p.m.

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountyde.gov.
