

## **THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 13, 2020**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, February 13, 2020, in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Acting Director of Planning and Zoning and Ms. Lauren DeVore – Planner III.

Mr. Whitehouse noted that there is a revision to the Agenda. On Monday, February 20, 2020, Staff received a request from the Applicants to postpone the Public Hearing for Change of Zoning 1906- Eliud Samuel Ramierez-Mejia and will be re-scheduled for a future meeting.

Mr. Robinson noted that Change of Zone 1904 – Dry Acres, LLC (Jill Cicierski) will not be acted on tonight. There was a question about the notice, so it will be on a future agenda for another public hearing.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approve the Agenda as amended. Motion carried 5-0.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to defer approval of the Minutes of the January 9, 2020, Planning and Zoning Commission meeting as submitted. Motion carried unanimously 5-0.

### **OLD BUSINESS**

#### **2019-2 - Old Mill Landing South**

A cluster/coastal area subdivision to divide 145.43 acres +/- into 156 single family lots to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the southeast corner of Old Mill Bridge Rd. and Miller Neck Rd. Tax Parcel: 134-21.00-6.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

Ms. Wingate asked that if this project is approved that the Developer consider non-motorized motor craft for the proposed marina amenity area. Ms. Wingate stated that jet skis would change the dynamics of the quiet creek area and any kind of wake would put the shoreline in jeopardy.

Ms. Wingate moved that the Commission grant preliminary approval for Subdivision 2019-2 for OLD MILL LANDING SOUTH based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant is seeking approval of a subdivision within the Coastal Area and the AR-1 Zoning District. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
2. The proposed subdivision will have no more than 156 lots on 145.43 acres. This represents a density

of 1.07 lots per acre, which is less than the maximum permitted in the AR-1 zone and in the Coastal Area.

3. This application is being considered in conjunction with Subdivision 2019-13 for Old Mill Landing North, seeking 71 lots on 38.134 acres, for a total of 227 single family lots. The overall density of these two developments will be 1.24 acres, still well below the maximum permitted density of 2 units per acre in the AR-1 zone.
4. The proposed development is required to comply with all DeIDOT roadway and entrance requirements.
5. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
6. The subdivision contains approximately 97.60 acres of open space, which represents 67% of the site. Between the two subdivisions, there will be 117 acres, or 63% of the total area, left in open space.
7. In addition to the preservation of open space, there will be extensive reforestation within the entire project.
8. The project will be served by central water and sewer.
9. The location is in the Coastal Area according to the current Sussex County Comprehensive Plan which is a "Growth Area" in the Plan. The proposed subdivision is appropriate in this Area according to the Plan.
10. This cluster subdivision is based on a design that is superior to a standard subdivision. The design includes a substantial amount of open space and buffering that could not be achieved within a standard subdivision.
11. The proposed subdivision will not have an adverse impact on wetlands or other environmental features. In addition, there is extensive buffering throughout the design, including buffers of at least 25 feet from non-tidal wetlands and a minimum of 50 feet from any tidal area on Dirickson Creek. A building setback of 100 feet is proposed from the water line of Dirickson Creek.
12. There will be active recreational amenities within the Development, including a clubhouse, pool, courts, playground, and neighborhood parks.
13. This preliminary approval is subject to the following:
  - A. There shall be no more than 156 lots within the subdivision.
  - B. In consideration of the mature woodlands and the sensitive natural environment of this site and adjacent and surrounding lands, the areas identified as Lots 77 through 85 on the proposed plan shall remain undisturbed.
  - C. Except for minor adjustments due any relocation of lots, the Final Site Plan shall confirm that at least 67% of this site remains as open space.
  - D. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, buffers, stormwater management facilities and other common areas.
  - E. The stormwater management system shall meet or exceed the requirements of the State and County. 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.
  - F. As stated by the Applicant, there shall be a buffer of at least 25 feet from any non-tidal wetlands and 50 feet from any tidal wetland area on Dirickson Creek. In addition, the building setback shall be at least 100 feet from the water line of Dirickson Creek.
  - G. Except as is necessary for the development of the marina and recreational amenities and Lots 24, 25, 26, 47, and 48, trees within 100 feet from the water line of Dirickson Creek shall remain undisturbed.
  - H. The development shall comply with all DeIDOT entrance and roadway improvement

requirements.

- I. As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets. A system of fully-shielded and downward-screened streetlighting shall also be provided.
- J. The subdivision shall be served by a central sewer system.
- K. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- L. Street design shall meet or exceed Sussex County standards.
- M. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- N. Construction, site work and deliveries shall only occur on the site between the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday, and 8:00 am through 2:00 pm on Saturdays. No Sunday hours are permitted.
- O. The Applicant shall coordinate with the local school district regarding the location of a covered school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.
- P. The development shall be served by its own onsite recreational amenities including a pool, courts, a playground, a clubhouse, and neighborhood parks. These amenities shall also be available for the residents of Subdivision 2019-13, if that subdivision is approved.
- Q. The Developer shall complete the central recreation complex prior to the issuance of the 75th residential building permit.
- R. A Voluntary Archaeological Study of the site was performed by Edward Otter, Inc. Upon completion of laboratory analysis, and Archaeological Report will be prepared and provided to the State Historical Preservation Office (SHPO) and any other interested parties. All archaeological artifacts recovered from the property will also be turned over to SHPO if SHPO so desires, or to an appropriate third party designated by SHPO.
- S. As proffered by the Applicant, the Development's Declaration of Restrictions of the Development and the homeowner's association shall contain Mandatory Best Management Practices for Turf Nutrient Restriction which will be applicable to all common areas and individual lots. This shall govern the application of fertilizer and chemicals throughout the site and prohibit such application by individual lot owners. This shall also be noted on the Final Site Plan.
- T. As proffered by the Applicant, a Comprehensive Stormwater System, Wetland, Forestry and Open Space Management Program will be implemented. Designated areas of the site containing wetlands, marshes and some upland will be made subject to a recorded Conservation Easement. These designated areas shall be noted on the Final Site Plan.
- U. As proffered by the Applicant portions of the subdivision will be reforested in accordance with the guidelines of the State Forestry Division. The areas of this reforestation within this subdivision shall be clearly shown on the Final Site Plan.
- V. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided and forested areas that will be preserved, and areas that will be reforested.
- W. A Grading Plan shall be submitted to the Planning & Zoning Department as part of the Final Site Plan.
- X. Subject to the requirements of DNREC, the Sussex County Engineering Department or the Sussex Conservation District, all silt fencing shall be removed upon the issuance of Substantial Completion by the County for all or part of the development.
- Y. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.

- Z. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate and seconded by Mr. Mears to approve Subdivision 2019-2 – Old Mill Landing South for the reasons and the conditions stated in the motion. Motion carried 4-1 with Ms. Stevenson dissenting.

**2019-13 - Old Mill Landing North**

A cluster subdivision to divide 37.60 acres +/- into 71 single family lots to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the southeast corner of Old Mill Bridge Rd. and Miller Neck Rd. Tax Parcel: 134-21.006.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

Ms. Wingate moved that the Commission grant preliminary approval for Subdivision **2019-13** for **OLD MILL LANDING NORTH** based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant is seeking approval of a subdivision within the Coastal Area and the AR-1 Zoning District. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
2. The proposed subdivision will have no more than 71 lots on 38.13 acres. This represents a density of 1.86 lots per acre, which is less than the maximum permitted in the AR-1 zone and in the Coastal Area.
3. This application is being considered in conjunction with Subdivision 2019-2 for Old Mill Landing South, seeking 156 lots on 145.43 acres, for a total of 227 single family lots. The overall density of these two developments will be 1.24 acres, still well below the maximum permitted density of 2 units per acre in the AR-1 zone.
4. The proposed development is required to comply with all DelDOT roadway and entrance requirements.
5. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
6. The subdivision contains approximately 19.97 acres of open space, which represents 52% of the site. Between the two subdivisions, there will be 117 acres, or 63% of the total area, left in open space.
7. In addition to the preservation of open space, there will be extensive reforestation within the entire project.
8. The project will be served by central water and sewer.
9. The location is in the Coastal Area according to the current Sussex County Comprehensive Plan which is a “Growth Area” in the Plan. The proposed subdivision is appropriate in this Area according to the Plan.
10. This cluster subdivision is based on a design that is superior to a standard subdivision. The design includes a substantial amount of open space and buffering that could not be achieved within a standard subdivision.
11. The proposed subdivision will not have an adverse impact on wetlands or other environmental features. In addition, there is extensive buffering throughout the design, including buffers of at least 25 feet from non-tidal wetlands and a minimum of 50 feet from any tidal area on Dirickson Creek.
12. This preliminary approval is subject to the following:
  - A. There shall be no more than 71 lots within the subdivision.
  - B. The Final Site Plan shall confirm that at least 52% of this site remains as open space.
  - C. The developer shall establish a homeowner’s association responsible for the maintenance of

streets, roads, buffers, stormwater management facilities and other common areas.

- D. The stormwater management system shall meet or exceed the requirements of the State and County. 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.
- E. As stated by the Applicant, there shall be a buffer of at least 25 feet from any non-tidal wetlands and 50 feet from any tidal wetland area on Dirickson Creek. In addition, the clubhouse area shall be located at least 100 feet from tidal waters.
- F. The development shall comply with all DelDOT entrance and roadway improvement requirements.
- G. As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets. A system of fully-shielded and downward-screened streetlighting shall also be provided.
- H. The subdivision shall be served by a central sewer system.
- I. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- J. Street design shall meet or exceed Sussex County standards.
- K. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- L. Construction, site work and deliveries shall only occur on the site between the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday, and 8:00 am through 2:00 pm on Saturdays. No Sunday hours are permitted.
- M. The Applicant shall coordinate with the local school district regarding the location of a covered school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.
- N. A Voluntary Archaeological Study of the site was performed by Edward Otter, Inc. Upon completion of laboratory analysis, and Archaeological Report will be prepared and provided to the State Historical Preservation Office (SHPO) and any other interested parties. All archaeological artifacts recovered from the property will also be turned over to SHPO if SHPO so desires, or to an appropriate third party designated by SHPO.
- O. As proffered by the Applicant, the Development's Declaration of Restrictions of the Development and the homeowner's association shall contain Mandatory Best Management Practices for Turf Nutrient Restriction which will be applicable to all common areas and individual lots. This shall govern the application of fertilizer and chemicals throughout the site and prohibit such application by individual lot owners. This shall also be noted on the Final Site Plan.
- P. As proffered by the Applicant, a Comprehensive Stormwater System, Wetland, Forestry and Open Space Management Program will be implemented. Designated areas of the site containing wetlands, marshes and some upland will be made subject to a recorded Conservation Easement. These designated areas shall be noted on the Final Site Plan.
- Q. As proffered by the Applicant, portions of the subdivision will be reforested in accordance with the guidelines of the State Forestry Division. The areas of this reforestation within this subdivision shall be clearly shown on the Final Site Plan.
- R. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided and forested areas that will be preserved, and areas that will be reforested.
- S. A Grading Plan shall be submitted to the Planning & Zoning Department as part of the Final Site Plan.
- T. Subject to the requirements of DNREC, the Sussex County Engineering Department or the Sussex Conservation District, all silt fencing shall be removed upon the issuance of Substantial

Completion by the County for all or part of the development.

- U. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- V. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate and seconded by Mr. Mears to approve Subdivision 2019-13 – Old Mill Landing North for the reasons and the conditions stated in the motion. Motion carried 4-1 with Ms. Stevenson dissenting.

**C/Z 1903 – W. Wayne Baker**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR1 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 17.25 acres, more or less.** The property is lying on the southwest corner of DuPont Boulevard (Route 113) and Governor Stockley Road. 911 Address: N/A. Tax Parcel: 133-6.00-43.00

Mr. Hopkins moved that the Commission approve CZ 1903 for W. WAYNE BAKER for a change in zone from AR-1 to C-2 Medium Commercial based upon the record made during the public hearing and for the following reasons:

1. The applicant is seeking a change in zone to C-2 Medium Commercial. The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.
2. This property is located along Route 113 at the intersection with Governor Stockley Road. This is an appropriate location for the uses that are permitted in the C-2 District.
3. This property is at a major intersection where there are properties at two other corners that are currently zoned C-1 General Commercial. This rezoning is consistent with the zoning and uses of this intersection.
4. The rezoning will not have a significant impact upon neighboring properties or roadways.
5. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDot, State Fire Marshall and the Sussex Conservation District.
6. No parties appeared in opposition to this application.
7. For all these reasons it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to recommend approval of C/Z 1903 – W. Wayne Baker for the reasons and with the conditions stated in the motion. Motion carried 5-0.

PUBLIC HEARINGS

**2019-31 Arturo Granados-Gonzalez**

This is a standard subdivision to divide 2.153 acres +/- into 2 single family lots to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the south side of Burbage Road approximately 400 ft. west of Jones Road. Tax Parcel: 134-14.00-20.04. Zoning District. AR-1 (Agricultural Residential District).

Mr. Whitehouse advised the Commission that the Staff has received a Subdivision Plan and a written request from the Applicant for a waiver of the forestry buffer requirements and Staff has received no comments.

The Commission found that the Applicant, Arturo Granados-Gonzalez, was present to speak on the Application. Mr. Granados-Gonzalez was asked to explain the neighborhood and what he is asking the Commission to approve.

Mr. Grandados-Gonzalez stated that he is planning to divide these two lots to build two single-family houses for his daughter and son; that it is an agricultural area; that there are no single-family homes located next to the two lots; that it is an open area and there are no wetlands and no grade changes needed; that the access points will be onto the County Road.

The Commission discussed this Application. The Applicant was asked about septic systems for both lots and Mr. Grandados-Gonzalez stated that the area is approved for LPP System. If this Application is approved, he will get another soil evaluation for each lot and proceed with the septic approval. The Commission advised Mr. Grandados-Gonzalez that he needs to submit the current soil evaluation to Planning and Zoning in order for the Commission to approve the Application. When the Applicant submits this information to Planning and Zoning, the Commission will act on his Application.

Ms. Stevenson asked the Applicant if he thought that dividing the lots will affect the local school district or local roads and are there any historical features on the property or natural features that have to be taken into account. Mr. Grandados-Gonzalez replied no to Ms. Stevenson's questions.

The Commission found that no one spoke in favor of or in opposition to this Application Subdivision 2019-31.

The Commission advised the Applicant, Mr. Granados-Gonzalez, that his Application will be deferred until he submits the soil evaluation to Planning & Zoning at which time it will be placed on a future agenda for consideration.

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

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to defer action for further consideration until submission of the soil feasibility study. Motion carried 5-0

**C/U 2211 – Indian River School District**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a special needs school to be located on a certain parcel of land lying and being in Dagsboro hundred, Sussex County, containing 32.43 acres, more or less.** The property is lying on east side of Patriots Way approximately 0.73 mile south of Zoar Road. 911 Address: N/A. Tax Parcel: 133-7.00-8.01

Mr. Whitehouse advised the Commission that the Staff has received a Site Plan, a DelDOT Service Level Evaluation Response, a Staff Analysis and received zero comments in support or opposition.

The Commission found that Mr. C. DeAscanis, Civil Engineer with CDI Engineering, was present on behalf of the Application. Also present on behalf of the Application was Mr. J. Booth of the Indian River School District and Mr. K. Fearn who is the architect of the project.

Mr. DeAscanis stated that the school parcel was originally part of the Stockley Subdivision, 860 plus or minus acres; that a 32.5 acre parcel was carved off on the northside which is located directly across from Sussex Central High School, to the east of Patriots Way; that the parcel is for a special needs school Pre-K through age 21; that the Applicant is expecting about 250 students and 150 Staff; that there will be 34 classrooms and 24 Administrative rooms; that access is taken from a single road directly opposite Sussex Central's entrance; that discussions were held with DelDOT to make sure enough area was carved off to support the school and the access required; that a traffic consultant prepared a Traffic Operational Analysis; that DelDot has reviewed the Service Level Evaluation Request; that there will be a dedicated right turn lane that can fit within the current paving limits of Patriots Way; that the reason for the Conditional Use Application is because the AR-1 Zoning matches the characteristics of the surrounding parcels; that Sussex Central High School was approved for Conditional Use previously; that the layout will be a traditional school layout where there is a loop around road for drop-offs along the front and there will be a secondary loop road for additional drop-offs for events and bus parking to the upper left; that Stormwater Management is handling the requirements of Stormwater Management Code and State Stormwater Regulations; that there is one athletic field dedicated area and the proposed school is 94,500 square feet but are seeking Conditional Use for future additions totaling 157,000 square feet ; and that DelDOT's planning is for the total square footage of 157,000.

The Commission found that Mr. Ken Fearn, a registered architect with Fearn-Clendaniel Architects, Inc., was on hand to answer questions posed by the Commission. Mr. Hopkins asked how many students would attend this school and what type of special needs. Mr. DeAscanis stated that there be 250 students; that this is a high-intensity service will be provided. Mr. Fearn stated that there will be a lot of the children attending the school with adaptive equipment of various types and that there are some students who are hearing impaired, some with autism and some visually impaired.

Ms. Stevenson asked if this school would replace Howard T. Ennis School. Mr. Fearn replied that it will replace Ennis because the current Ennis school is undersized; that the new school will serve not only Indian River School District but Sussex County. Mr. Fearn was asked what will happen to the existing Ennis School. Mr. Fearn replied that the Howard T. Ennis school is on the DelTech campus and that DelTech will take it back. Ms. Stevenson asked about the zoning because there is the Institutional Zoning. Mr. Robinson stated that it does not preclude them to go ahead with the Conditional Use; that he realizes that there are all sorts of moving parts with funding and timing; that he would suggest is that once it is underway the Applicant should think about coming back for the Institutional Zoning because that is a permitted district in the Comprehensive Plan; that it was the intent of the Commission to get schools, hospitals and things like that into that district so that if going for Conditional Use, the Commission has the ability to put conditions on it; and that with an Institutional Zone, you just come back in for Site Plan which is a lot easier. Chairman Wheatley noted that it works better for the schools in the long run and that you can come back and apply for that zoning change at any time in the process.

Mr. DeAscanis asked if it would make sense to rezone both the new school and Sussex Central High School. Chairman Wheatley stated that once you have the Institutional Zoning classification and want to add an addition, it is just a matter of a Site Plan approval because it is properly zoned and you do not have to go through the whole conditional use process again.



The Commission found that no one spoke in favor of or in opposition to Application C /U 2211 Indian River School District.

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

Motion by Mr. Hopkins, seconded by Ms. Wingate, and carried unanimously to defer action for further consideration. Motion carried 5-0

Public Hearing concluded.

## OTHER BUSINESS

### **Lands of Gale White Subdivision (2019-20)**

#### Final Subdivision Plan

This is a Final Subdivision Plan for three lots and a residual parcel to be located on a 7.018-acre parcel of land located on the northwest corner Russel Road. SCR 592 and Deer Forest Road SCR 565. The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of October 24, 2019. The Final Subdivision Plan complies with the Sussex County Zoning Code and all Conditions of approval. The tax parcel is District 430-17.00-15.12. The Zoning District is AR-1 (Agricultural Residential Zoning District) and Staff are in receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the Final Subdivision Plan. Motion carried 5-0.

### **Warrington Multi-family Townhomes (S-19-49) (CU 2151 & CZ 1865)**

#### Preliminary Site Plan

This is a Preliminary Site Plan for the construction of 22 multi-family units accessed from Old Landing Road SCR 274. The Site Plan was also part of Conditional Use 2151 to allow for the provision of the multi-family use, which was approved by County Council on January 15, 2019, and adopted through Ordinance 2627. Additionally, the Site Plan was part of Change of Zone 1865 for a change of zone from AR-1 to MR which was approved by the County Council on January 15, 2019 and adopted through Ordinance 2626. The Preliminary Site Plan complies with the Sussex County Zoning Code. The Tax Parcel is District 334-19.00-1.00. The Zoning District is MR (Medium Residential Zoning District), and Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to approve the Preliminary Site Plan for Warrington Multi-Family Townhomes S-19-49, CU 2151 and CZ 1865 with final Site Plan approval subject to Staff upon receipt of all agency approvals. Motion carried 5-0.

### **The Estuary Subdivision Phases 2-3 (2005-64)**

#### Revised Subdivision Plan

This is a Revised Subdivision Plan for The Estuary Phases 2-3 2005-64 which reflects the removal of Cross Creek Drive within Phase 2 of the previously approved Estuary Subdivision. The Planning and Zoning

Commission approved the Final Subdivision Plan for The Estuary Subdivision at their meeting on October 11, 2018. The Applicant has stated that this road is redundant and caused an unnecessary crossing of the Williams Canal Tax Ditch. Furthermore, the Applicant has suggested that the pedestrian connection that links Phases 2 and 3 would be a better option. Their revised Site Plan complies with the Sussex County Zoning and Subdivision Code. The Tax Parcel is District 134-19.00-115.01. The Zoning District is AR-1 (Agricultural Residential Zoning District) and Staff are in receipt of all agency approvals.

The Commission discussed this case with Ms. Wingate abstaining from the discussion. Ms. Stephenson had concerns that removing this road would create a bottleneck situation when exiting the development. Mr. Whitehouse advised the Commission that there is a technical issue driving the request that crossing that Tax Ditch is difficult.

The Commission asked the Applicant to respond to the question regarding the crossing change. The Applicant replied that it is the issue of constructing an actual road over Tax Ditch is much bigger than building a connection bridge over the ditch because permitting for the road takes much longer to be approved than a pedestrian crossing.

Motion by Mr. Mears, seconded by Mr. Hopkins, to approve Revised Subdivision Plan for The Estuary Subdivision Phases 2-3, 2015-64. Ms. Wingate abstained. Ms. Stevenson dissenting. Motion carried 3-1.

**Lands of Fannie Mae Wilkins \*For Life\***

Minor Subdivision off existing easement

This is a Concept Plan for a proposed Minor Subdivision off an existing easement. The Proposed Plan is to create one parcel measuring approximately 23 acres, plus or minus, by combining Parcel District 330-8.00-45.00, in the residual lands which consist of Tax Parcel District 330-9.00-1.02. The existing easement name Fannie's Way also provides access to Tax Parcel District 330-9.00-1.00, which shall remain unchanged. A Preliminary Minor Subdivision Plan will be reviewed by Staff for compliance with the Sussex County Subdivision Code prior to the approval of any Subdivision Plan. The Tax Parcels are District 330-8.00-45.00 and District 330-9.00-1.02. The zoning is AR-1 (Agricultural Residential Zoning District) and Staff are awaiting agency approvals.

The Commission questioned if this request was not actually a subdivision but a consolidation and asked if new lines were being drawn. Ms. Devore stated that the Applicant is creating one parcel at this time by consolidating the parcels and because it is off an existing easement, they brought the request to the Commission. Mr. Whitehouse stated the drawing does show a new lot line but there is no annotation as to the area parcels. It is very conceptual at this stage.

Chairman Wheatley stated that it would be approved as a concept and the Applicant will have to return to Planning and Zoning.

Motion by Mr. Hopkins, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision off existing easement as a concept for Lands for Fannie Mae Wilkins For Life. Motion carried 5-0.

**Estates at Milton Crossing Subdivision (2019-16)**

Request to Revise Conditions of Approval

This is a request to revise the Conditions of Approval for the Estates at Milton Crossing Subdivision (2019-16) which is a standard subdivision comprising 87 single family lots within AR-1 (Agricultural Residential Zoning District). The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of December 12, 2019. Specifically, the Applicant is requesting to revise a portion of Condition D which requires that a 40’ buffer be installed along Route 1 to be amended to “There shall be a 30’ buffer installed along Route 1. The Tax Parcels are District 235-8.00-26.03 and 31. The Zoning District is AR-1 (Agricultural Residential Zoning District).

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to approve the Request to Revise Conditions of Approval. Motion carried 5-0.

ADDITIONAL BUSINESS

Request for extension of time for Bayliss Estates Subdivision Phase 2 (2017-1)

Mr. Whitehouse stated that Planning & Zoning have received a letter requesting a six-month extension to Bayliss Estates Phase 2 which would expire in May 2020.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approval a six-month extension of time for Bayliss Estates Subdivision Phase 2 (2017-1). Motion carried 5-0.

Meeting Adjourned 7:02 pm

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**Planning and Zoning Commission meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).**

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