

## **THE MINUTES OF THE REGULAR MEETING OF APRIL 23, 2020**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, April 23, 2020, by Teleconference

The meeting was called to order at 5:45 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. Jamie Sharp – Assistant County Attorney, Mr. Jamie Whitehouse – Director of Planning and Zoning, Ms. Christin Headley – Planner I and Mr. Nick Torrance – Planner I.

Mr. Whitehouse read the following statement at the beginning of the meeting:

Today's Planning and Zoning Commission meeting is being conducted electronically by means of a teleconference under the authority of Governor John C. Carney's declaration of a state of emergency and proclamation number 17-3292. Planning and Zoning Commission members and staff are connected by phone and/or internet and are participating in real time. Members of the public may connect using a telephone conference number that was advertised on this week's agenda. Members of the public may access the packet materials on the County's website. Also, member of the public may listen and view this meeting using the regular chambers broadcast found on the County's website.

Mr. Whitehouse conducted a roll call of members and found all members present and connected.

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

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley - yea.

Motion by Mr. Mears, seconded by Ms. Wingate, to approve the Minutes of the March 26, 2020, Planning and Zoning Commission meeting as revised. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

### **OTHER BUSINESS**

#### **Bioenergy Development Group, LLC (CU 1962)**

##### **Preliminary Site Plan**

This is a Preliminary Site Plan for the addition of seven (7) storage tanks and other associated works to be located in the already improved area located between Building 1 and Building 3. The site plan also shows a proposed 2,000 sf. security and reception office located off of Enviro Way, along with new landscaping and fencing near the site entrance. The use of the site as a

composting facility as an addition/extension to the previously approved micro-nutrient plan for the processing and handling of poultry litter, was approved by County Council on June 25, 2013 under Conditional Use No. 1962. The amount of car parking remains unchanged. Zoning: AR-1 (Agricultural Residential Zoning District). Tax Parcel 132-6.00-88.01, 95.00 and 132-11.00-41.00 and 41.02. Staff are awaiting agency approvals for the proposed changes.

Ms. Stevenson asked if this falls within the approval of Conditional Use 1962. Mr. Whitehouse stated that Staff considers this as falling under the scope of the Conditional Use, however, if the Commission chooses, they could request a new Conditional Use application to revise the conditions of CU 1962.

Motion by Ms. Wingate, seconded by Ms. Stevenson, to approve the Preliminary Site Plan with Final Site plan Approval by Planning and Zoning Commission. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

### **S-20-06 Capstone Homes Sales Center**

#### Preliminary Site Plan

This is a Preliminary Site Plan for a proposed sale center. Site improvements include converting an existing 1,600 square foot two-story structure to office space, adding a 7,596 square foot two-story sales/design center, the addition of 21 new parking spaces, septic area and stormwater management area. The site is located at 28555 Lewes-Georgetown Highway. Change of Zone 1897 was approved by County Council on December 17, 2019 through Ordinance No. 2697 to facilitate a change of zone from AR-1 (Agricultural Residential Zoning District) to Medium Commercial (C-2). The site plan complies with the Sussex County Zoning Code. Tax Parcel: 334-4.00-37.01. Zoning: C-2 (Medium Commercial Zoning District.)

Motion by Ms. Stevenson, seconded by Mr. Hopkins, to approve the Preliminary Site Plan with final approval with Final Site plan Approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

### **S-20-12 Tanger Fitness Center**

#### Preliminary Site Plan

This is a Preliminary Site Plan for an 18,018-sf. fitness center with 148 parking spaces located within “proposed Lot 2” of a proposed major subdivision, Lands of Coroc/Rehoboth III LLC (2019-32). All lot lines for this site are proposed and are dependent upon the approval of a separate application for consideration of a major subdivision by the Commission. The Applicant is requesting preliminary approval of the site plan prior to the Commission considering the Subdivision Plan later this year. The Applicant is also requesting a modification in the parking layout with 49 parking spaces to be located within the front yard setback, as well as a dumpster located within the rear setback. The site plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.00-325.36. Zoning: C-3 (Heavy Commercial Zoning District) Staff are

awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Stevenson, to approve the Preliminary Site Plan with Final Site plan Approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

### **S-20-13 Tanger Microtel**

#### Preliminary Site Plan

This is a Preliminary Site Plan for a 77-bedroom hotel with 98 parking spaces located within “proposed Lot 1” of a proposed major subdivision, Lands of Coroc/Rehoboth III LLC (2019-32). All lot lines for this site are proposed and are dependent upon the approval of a separate application for consideration of a major subdivision by the Commission. The Applicant is requesting preliminary approval of the site plan prior to the Commission considering the Subdivision Plan later this year. The Applicant is also requesting a reduction in the number of required parking spaces from the required 119 parking spots to 98 (a reduction of 21 spaces), with 15 parking spaces to be located within the front yard setback, as well as a dumpster located within the side and rear setback. The site plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.00-325.36. Zoning: C-3 (Heavy Commercial Zoning District) Staff are awaiting agency approvals.

Mr. Whitehouse stated that the Commission has the authority to modify parking requirements. Mr. Torrance stated the Applicant requested that the overall parking requirement be modified as the standard required by code was not appropriate in this case.

The Commission members held a discussion a reduction in parking.

Motion by Mr. Mears, seconded by Ms. Wingate, that no action be taken on the Preliminary Site Plan until a shared parking agreement with the neighbor is submitted. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

### **S-20-14 High Tide Church**

#### Preliminary Site Plan

This is a Preliminary Site Plan for a 10,000-sf. church building, vehicle parking (206 spaces) and other site improvements to be located off Nine Foot Rd. The proposed church is 1-story with a 300-seat sanctuary. The proposed site plan complies with the Sussex County Zoning Code. Tax Parcel: 233-10.00-46.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate, to approve the Preliminary Site Plan with Final Site plan Approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

**S-20-15 Lands of Wade, LLC**

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 4,320 square foot (three story) addition for an office onto an existing 4,000 square foot pole barn with a total of 16 parking spaces proposed in the front yard and side yard setbacks and located at the intersection of Birch Road (Route 274) and South Street in Rehoboth Beach, Delaware. The site was granted a 7-ft variance from the 15-ft required front corner yard setback and a 13.8-ft variance from the required 60-ft front yard setback by the Board of Adjustment at their meeting of March 2, 2020 through BOA Case No. 12418. The proposal consists of relocating three (3) parking spaces towards the frontage of Birch Road and maintains eleven (11). The applicant has submitted a requesting approval to allow parking within the front and side yard setbacks. The site plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.00-150.00. Zoning: C-1 (General Commercial). Staff are awaiting agency approvals.

Ms. Stevenson had some questions about the parking. Ms. Headley stated that the Applicant has more than the required number of spaces but is just relocating some parking spaces within the setbacks.

Motion by Mr. Mears, seconded by Mr. Hopkins, to approve the Preliminary Site Plan with Final Site plan Approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

**Angola Beach & Estates MHP**

Revised Site Plan

This is a Revised Site Plan for the relocation of two (2) lots from Marlin Court to South Beach Drive in the existing Angola Beach and Estates Manufactured Home Park (MHP). The site is located at 22971 Suburban Road in Lewes, Delaware. Staff would note that the steps and associated landing project approximately 4-ft into the required 20-ft separation distance on the proposed plan. However, this projection is permitted under §115-172(G)(7) of the Sussex County Zoning Code, which states that “steps with related landing, not exceeding 28 square feet of lot coverage may project four feet into the required setback.” The Revised Site Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 234-18.00-1.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins, to approve the Revised Site Plan with Final Site plan Approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

**Old Mill Landing (South) Subdivision (2019-02)**

Request to Revise Condition of Approval (Sidewalks Only)

This is a request to revise the wording of a condition of approval for the 156-lot cluster/coastal area subdivision 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. At its meeting on February 13, 2020 the Planning and Zoning Commission granted Preliminary Subdivision Plan approval subject to Conditions. Condition “I” states that “*As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets.*” The Applicant has submitted a request to modify Condition “I” by deleting the words “both sides” and substituting “one side”. Tax Parcel: 134-21.00-6.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

Motion by Ms. Wingate, seconded by Mr. Mears, to approve the request to revise Conditions of Approval. Motion Carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

**Old Mill Landing (North) Subdivision (2019-13)**

Request to Revise Condition of Approval (Sidewalks Only)

This is a request to revise the wording of a condition of approval for the 71 single family lot cluster subdivision 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. At its meeting on February 13, 2020 the Planning and Zoning Commission granted Preliminary Subdivision Plan approval subject to Condition “G”. Condition “G” states “*As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets.*”. The Applicant has submitted a request to modify Condition “G” to delete the words “both sides” and substituting “one side”. Tax Parcel: 134-21.00-6.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

Motion by Ms. Wingate, seconded by Mr. Mears, to approve the request to revise Conditions of Approval. Motion Carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

ADDITIONAL BUSINESS

Meeting Adjourned 6:30 pm