

THE MINUTES OF THE REGULAR MEETING OF MAY 14, 2020

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 14, 2020, by Teleconference

The meeting was called to order at 5:30 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. Vince Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Director of Planning and Zoning, Ms. Christin Headley – Planner I and Ms. Lauren DeVore – Planner III.

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 Mr. Mears, 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 Ms. Stevenson, seconded by Ms. Wingate, to approve the Minutes of the April 9 and April 16, 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.

PUBLIC HEARINGS

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

C/U 2224 – Pamela Price

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS.

The property is lying on the west side of Sussex Highway (Rt. 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Rt. 13). 911 Address: 34590 Sussex Highway, Laurel. Tax Parcel: 332-7.00-22.00

The Commission found that Ms. Pamela Price was present by teleconference on behalf of the application; that Ms. Price stated there are seven part-time employees and two full-time employees who will be on site; that the use will have no impact on roads or on schools; that the hours of operation are Monday to Friday 8:30 a.m. – 5:00 p.m. with occasional weekend use; that the use will not create noise issues; that there will be no outside storage; that a lighted sign is requested for the property; that there is a commercial greenhouse across the highway from the property; and that the only nearby residence is next door and they have submitted a note in support of the application.

The Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2224-Pamela Price. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears, 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.

C/U 2198 – Jeffrey Myer

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS. The property is lying on the northwest corner of Seashore Highway and Oak Road. 911 Address: 10595 and 10609 Seashore Highway, Bridgeville. Tax Parcel: 430-22.00-10.01

The Commission found that Mr. Jeffrey Myer was present by teleconference on behalf of the application; that Mr. Myer stated he has been operating this business for 32 years; that he has three employees who do not require parking spaces; that he does not operate the business during inclement weather; that hours of operation are from 7:00 a.m. – 5:00 p.m. and finishes clean-up by 8:00 p.m.; that there are mostly family members on the surrounding properties; that he sells the contents of storage units and homes; that there will be no impact on roads or schools; that there will be no outdoor storage; and that there is sufficient parking for customers.

The Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2198-Jeffrey Myer. Motion by Mr. Hopkins to defer action for further consideration, seconded by Mr. Mears, 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.

C/Z 1904 – Dry Acres, LLC (Jill Cicierski)

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS. The property is lying on the southwest corner of the intersection of Lewes Georgetown Highway (Route 9) and Fisher Road (S.C.R. 262). 911 Address: N/A. Tax Parcel: 235-30.00-51.00

The Commission found that Mr. Mark Davidson with Pennoni Associates and Ms. Jill Cicierski, Applicant, were present by teleconference on behalf of the application; that Mr. Davidson stated this application was originally heard by the Planning and Zoning Commission in January 2020 but due to an error in the advertising is being reheard this evening; that the property is bordered to the south by Maryland railroad which is the future rail to trail site; that lands of Bayhealth are across the road on Route 9, Cool Spring Storage is adjacent to this property; that the property is surrounded by Developing Area; that the Georgetown-Lewes rail to trail is coming at the end of the year to Fisher Road; that approving the rezoning will allow Ms. Cicierski to create a retail plaza that will allow for retail and services for the neighboring residents; that there are no historical or natural features; that there are no ground water protection zones; that the property is in Flood X; there are wetlands on the property and the wetlands will not be disturbed as part of this project; that stormwater will be on-site and will use best management practices; that there is public water and sewer; that the owners are working with DelDOT for future road improvements and have dedicated 100 ft. right-of-way; that the applicant will have interconnectivity with the adjacent property; and that a DART bus shelter will be provided at this location.

Ms. Stevenson stated that when a site plan is submitted, she would like to see that the lighting is downward screened.

Mr. Hopkins asked if the public hearing record from the January 23, 2020 meeting could be submitted as part of this evening's application. Mr. Davidson stated that he had no objection to including that as part of the record.

The Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the Public Hearings, the Commission discussed Application C/Z 1904-Dry Acres, LLC (Jill Cicierski). Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Mears, 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.

OTHER BUSINESS

Lands of Timmons (2019-10)

Final Subdivision Plan

This is a Final Subdivision Plan for the subdivision of a 161.68-acre parcel into two (2) residential lots, four (4) agricultural parcels, and residual lands for a total of 7 lots. The property is located on the northeast corner of the intersection of Hickory Hill Road (S.C.R. 82) and Nine Foot Road (Route 26). The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of Thursday, August 8, 2019. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 233-14.00-10.00 & 10.02. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson to approve the Final Subdivision Plan subject to receipt of shared access agreement. 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.

Workman's Crossing (2019-25)

Final Subdivision Plan

This is a Final Subdivision Plan for the subdivision of a 11.483-acre parcel of land into 4 lots plus a residual lot. The property is located on the northeast corner of the intersection of Brittingham Road (S.C.R. 455) and Pepperbox Road (S.C.R. 66) at 36855 Brittingham Road in Delmar. The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of Thursday, March 26, 2020. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 532-15.00-11.00. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson, to approve the Final Subdivision Plan. 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.

Lands of Harbour Homes (2019-27)

Final Subdivision Plan

This is a Final Subdivision Plan for the subdivision of a 13.77-acre parcel of land for the establishment of two (2) lots consisting of 3.77 acres and 10.00 acres +/- with access off of a proposed 20-ft cross access easement for ingress and egress. The property is located on the east

side of Cool Spring Road (S.C.R. 290). The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of Thursday, December 19, 2019. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 234-5.00-38.16. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Mears, to approve the Final Subdivision Plan. 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.

Meadow Ridge Estates (2006-28)

Final Subdivision Plan

This is a Revised Final Subdivision Plan for the reconfiguration of Lots 2, 3, 4, 6, 12, & 13 to increase the lot size and remove a portion of the provided open space. The amount of open space required is 10%. The revisions still provided the adequate amount of open space at 33%. The Commission granted Final Subdivision approval at their meeting of Thursday, September 17, 2008 for a 44 single-family lot subdivision. The Revised Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all conditions of approval for the subdivision. Tax parcels: 531-11.00-30.00, 127.00-170.00 Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Stevenson, to approve the Final Subdivision Plan. 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.

Grande at Canal Pointe MR-RPC (CZ 1538)

Revised Landscaping Plan

This is a Revised Landscaping Plan for the 559-unit Residential Planned Community. Change of Zone #1538 was approved by the County Council at its meeting of Tuesday, June 29, 2004 and adopted through Ordinance No. 1700 to facilitate a change of zone from an Agricultural Residential (AR-1)/Medium Density Residential (MR) zoned property to a Medium Density Residential, Residential Planned Community (MR-RPC). The Landscaping Plan was previously approved by the Planning and Zoning Commission at its meeting of Thursday, October 14, 2004. The Revised Landscaping Plan includes the removal of landscaping around the stormwater pond in the rear of lots 209 to 241, removing the path between Lots 45 and 46, and removing landscaping and the sidewalk behind buildings M, N, O, P, and Q. The applicant has provided documentation with vote totals showing that all proposed changes received consent from at least 51% of the existing property owners as required under §99-13(A) of the Sussex County Subdivision Code. The Revised Landscaping Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 334-13.00-1749.00 Zoning: MR-RPC (Medium Density Residential – Residential Planned Community). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate, to approve the Revised Landscaping Plan. 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.

Compass Point Subdivision (2017-10)

Preliminary Amenities Plan

This is a Preliminary Amenities Plan for the construction of a proposed 3,243 square foot clubhouse, swimming pool, pavilion, playground, splash pad, dog park, and other associated site improvements. The Planning Commission granted Final Subdivision approval at their meeting of Thursday, August 8, 2019 for a 277-single-family lot subdivision. The Preliminary Amenities Plan complies with the Sussex County Zoning Code and all conditions of approval for the subdivision. Tax Parcel: 235-27.00-18.01. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Mears, to approve the Preliminary Amenities Plan with Final Approval by staff. 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-20-16 Beachfire Brewing Co.

Preliminary Site Plan

This is a Preliminary Site Plan located within the existing Shockley Subdivision for a two-story 7,056 sq. ft. brewpub with an outdoor area for possible external seating and a total of 40 parking spaces. 10 parking spaces will be located onsite, and 30 parking spaces will be located off-site on nearby parcels. The offsite parking is subject to approval from the Board of Adjustment for a Special Use Exception for off-premise parking. The application for the Board of Adjustment has been submitted and is pending a public hearing in June. The Applicant is requesting to allow a total of 22 parking spaces to be located within the front yard setback, 12 on parcels 13.00 and 14.00, and 10 on parcel 21.00. The Applicant is also requesting a reduction in the parking requirements. 40 spaces are provided while 44 spaces are required. It should be noted that 60 bicycle spaces are provided onsite in lieu of the remaining required parking spaces as this site is located near the Junction & Breakwater Hiking and Biking Trail. Staff notes there are no loading spaces shown on the site plan due to no loading spaces being required for non-mechanical areas less than 2,000 sq. ft. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 334-13.20-13.00 & 14.00 (location of parking) & 334-13.20-21.00 (location of building). Zoning: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals.

There is no motion required for this Preliminary Site Plan at this time.

Lands of Landon and Bowden

Minor Subdivision off an existing 50' easement

This is a Preliminary Plan for a minor subdivision for the subdivision of two (2) lots. Proposed Lot 1 will have access from Old Mill Road (SCR 265A) and proposed Lot 2 will have access off the existing easement, Landon Road. The residual lands will be combined with Tax Parcel 334-1.00-32.00. The subdivision plan will be signed by all property owners along the existing Landon Road easement. The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 334-1.00-27.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate, to approve the Minor Subdivision off an existing 50' easement subject to the staff receipt of all other 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.

ADDITIONAL BUSINESS

Meeting Adjourned 6:42 p.m.