

## THE MINUTES OF THE REGULAR MEETING OF MAY 28, 2020

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 28, 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. Jennifer Norwood – 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 Mr. Mears to approve the Agenda, seconded by Ms. Wingate, 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 Mr. Mears, to approve the Minutes of the April 23 and May 14, 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.

### OLD BUSINESS

#### **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

Ms. Wingate moved to recommend approval of C/U 2224 for Pamela Price for a real estate office based upon the record made at the public hearing and for the following reasons:

1. The Applicant is seeking approval of a conditional use for a small real estate office with approximately 7 agents. This type of professional office space is a low impact use that will not adversely impact nearby properties or roadways.
2. The proposed Conditional Use is located on a site that has frontage on Route 13 near the intersection with Whitesville Road. This is an appropriate location for this use.
3. The Applicant stated that the real estate office space will not generate much traffic other than the few employees who will work there. Meetings and property visits with the business's clients typically occur offsite.
4. The property is in a "Low Density Area" according to the Comprehensive Plan. Small office uses such as this one are appropriate in this Area according to the Plan.
5. No parties appeared in opposition to this application, and the next-door property owner submitted a letter in support of the application.
6. This recommendation is subject to the following conditions:
  - a. The use shall be limited to a real estate office.
  - b. As stated by the applicant, the hours that the office shall be open to clients shall be between 8:30 am and 7:00 pm. This shall not prohibit the Applicant or other real estate agents from working in the office at other hours.
  - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - d. Any dumpsters shall be screened from view of neighboring properties and roadways.
  - e. There shall not be any outside storage on the site.
  - f. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
  - g. All parking areas for the conditional use shall be shown on the Final Site Plan and clearly marked on the site itself.
  - h. 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. Hopkins, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. 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

Mr. Hopkins moved to recommend approval of C/U 2198 for Jeffrey Myer for an indoor and outdoor retail sales based upon the record made at the public hearing and for the following reasons:

1. The use has been in existence for approximately 32 years on this site. The property also separately includes a small general store that has been in existence for decades.
2. The Applicant's business primarily consists of buying the contents of abandoned storage units and then reselling household furnishings and other household items. This use has provided a source of affordable furniture and other household items to area residents.
3. With the conditions imposed by the County, the use will not adversely affect neighboring properties, roadways or traffic.
4. The use has a public or semi-public character that is a benefit to residents of nearby communities and Sussex County.
5. No parties appeared in opposition to this Application.
6. This recommendation is subject to the following conditions:
  - a. This use shall be limited to the location and scope of the existing indoor and outdoor sales that occur on the site. This limitation does not affect the pre-existing general store that is also located on this property.
  - b. As requested by the applicant, one lighted sign shall be permitted. It shall not exceed 32 square feet per side.
  - c. The hours of operation shall be limited to 7:00 am through sundown, seven days per week.
  - d. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
  - e. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
  - f. There shall not be any dumping on the site. Also, no junk or unsold items shall accumulate outdoors on the site.
  - g. Any dumpsters associated with the use shall be screened from view from neighboring properties or roadways.
  - h. The Final Site Plan shall clearly show all parking areas, buildings, storage containers and other structures as well as the areas set aside for the indoor and outdoor sales. The outdoor sales and parking areas shall also be clearly marked on the site itself.
  - i. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
  - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Mears, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. 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

Ms. Stevenson moved that the Commission recommend approval of C/Z #1904 for Dry Acres, LLC (Jill Cicierski) for a Change in Zone from AR-1 (Agricultural Residential Zoning) to C-2 (Medium Commercial Zoning) based upon 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 currently zoned AR-1, but it is in an area along Route 9 where other commercial zonings and commercial uses exist. There is also a multi-family development across Route 9 from this site. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this intersection of Route 9 and Fisher Road, will benefit nearby residents of Sussex County by providing a commercial location for local shopping and similar uses without having to travel to Lewes, Milton or Georgetown.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in a "Low Density 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. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. No parties appeared in opposition to the rezoning application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. 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/Z 1914 – Ronald E. & M. Candice Gray**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.06 ACRES, MORE OR LESS.** The property is lying on the northwest side of Roxana Road, approximately 0.61 mile southwest of Peppers Corner Road. (Rt. 17). 911 Address: Not Available. Tax Parcel: 134-15.00-20.06

Mr. Whitehouse advised the Commission that submitted into the record were an exhibit book, a site plan, comments from the Sussex County Engineering Department Utility Planning Division, comments from the PLUS review from the State Planning Coordination Office and the DelDOT

service level evaluation letter. Also, submitted into the record are one letter of opposition and one letter of support.

That the Commission found that Mr. John Sergovic, Esquire was present by teleconference on behalf of the applicants Ronald E. Gray and M. Candice Gray; that the rezoning sought is from AR-1 district to B-2 district; that the proposed use is for a 94,800 sf of self-storage consisting of 703 units in 40 buildings and 13,000 sf of office space after central sewer becomes available; that also present on behalf of the application is Mr. Tim Metzner, Architect with Davis, Bowen & Friedel and the Applicant, Mr. Ronald Gray; that the lands are in the Coastal Area and the Comprehensive Plan states that uses such as retail and office use are appropriate; that this location is not suitable for a large shopping center but would be appropriate for the proposed use as a self-storage facility; that the rezoning of this land is appropriate and compatible with the directions of the Comprehensive Plan; that there are compatible uses along Route 17, two churches, Hocker's Super Center, Beach Storage, Rob Ward's Commercial Storage, Bob's Marine Services; that Roxana Road is an arterial road and is compatible with commercial uses; DelDOT did not require a traffic study as the proposed use has a low traffic impact to the area; and that based on the presentation requests that the Commission recommends approval.

Mr. Metzner stated that the proposed use for the self-storage units is needed for this area as there are many subdivisions, churches and businesses nearby; that although this is a change of zone application and not a site plan review; that there is a conceptual site plan to show what is proposed by the owner; that there will be 40 storage buildings on the rear of the site which is the western portion of the property; that there will be two office buildings in front; that there will be an entrance from Route 17 to the site; that the closest central water and sewer service is approximately 4,250 ft. to the north along Route 17; that it is the owner's intention to delay construction on the office buildings until central water and sewer service is available for the site; and construction on the storage buildings could begin on the storage buildings following site plan approval by the County and other agencies.

Mr. Gray stated that he has another storage facility on Route 54; that this property was leased for agricultural property with minimal income; that he wishes to rezone the property for a self-storage facility; that the property is located near Millville by the Sea housing development and near the new Beebe Hospital facility; that the area continues to grow with retirement homes with limited storage; that an apartment complex has been approved near the Beebe Hospital location; that he is requesting rezoning so that even if it is several years before the property can be developed, the zoning will not expire as a conditional use permit would; that there is a need for storage units in the area; and that he reached out to the neighbors along route 17, there was one property owner who objected because of the growth in the area, this development serves the needs of this growth.

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 1914 – Ronald E. & M. Candice Gray. Motion by Ms. Wingate to defer action for further consideration, 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.

**C/U 2213 – Whitetail Lane, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 15-ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 220.38 ACRES, MORE OR LESS.** The property is lying on the northeast side of Cedar Lane, approximately 1.09 mile southeast of Wood Branch Road. 911 Address: 17471 Whitetail Lane, Georgetown. Tax Parcel: 135-20.00-137.00.

Mr. Whitehouse advised the Commission that submitted into the record were an exhibit book, a survey plan, comments from the Sussex County Engineering Department Utility Planning Division, and the DelDOT service level evaluation letter. Also, submitted into the record are four letters of support.

That the Commission found that Mr. David Hutt, Esquire was present by teleconference on behalf the applicants Tim and Beth Conaway, principles of Whitetail Lane, LLC; that also present on behalf of the application are Mr. Tim Conaway and Mrs. Beth Conaway; that the application is for a borrow pit; that the property is zoned AR-1; that the Comprehensive Plan shows this area as a developing area; that this land is subject to a forest preservation easement; that the permitted uses are limited in preservation areas; that the Conaway's plan is to move their permanent residence to this site and use part of it as a wildlife pond for ducks and fish within the natural forested area; the proposed area for the borrow pit is less than 10% of the entire parcel; that the borrow pit will be approximately 15 acres; that DelDOT did not require a traffic impact study as the amount of vehicle trips would be less than 50 trips per hour and less than 500 trips per day; that the applicant has submitted proposed conditions of approval; that the entrance will comply with DelDot's stipulations; that no wetlands will be disturbed as part of the excavation of this borrow pit; that the required buffer for the borrow pit will be greatly exceeded; that the pit is approximately 1,000 ft. from Cedar Lane; that the applicant will comply with all conditions set forth by the County Council and will obtain all necessary agency approvals; that all the letters of support are from neighboring property owners; and that as the airport and industrial park continue to expand there will be a need for these materials; that the anticipation is that most of the traffic would head south; that the elevation is at a 42 or 43; and that the hours of operation would be 6 am – 6 pm Monday – Friday and 6 am – 2 pm on Saturday with no hours on Sunday.

Mr. Hopkins asked about the notification of the public hearing to neighboring properties. Mr. Whitehouse stated that all property owners within 200 ft. the entire parcel were notified; that in addition a posting was placed on the property and advertised in two Delaware newspapers. Mr. Hopkins asked if there was a plan for water to leave the site and how deep would the pit be. Mr. Hutt responded that there is no plan for water to leave the site and the pit will be no more than 35 ft. deep.

Mr. Conaway stated that there will be no dredging, but the process will use a long stick excavator; that the ground water level was determined by doing some test digs; that once determined they were filled back in; that there is an existing road on the property that goes through the middle of the property; that the road has been built up about 10 inches with common fill and asphalt millings; that a sign is not required; that the borrow pit will be no more than 35 ft. deep; that the hours of operation

could be reduced to 8 am – 4 pm, Monday to Friday and Saturday use would only be for special projects and not on an ongoing basis.

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 2213 – Whitetail Lane, LLC. Motion by Mr. Hopkins to defer action for further consideration, 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.

**C/U 2221 – Dominic Lombardi**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL AUTO REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS.** The property is lying on the northeast corner of the intersection of Sheep Pen Road and Godwin School Road. 911 Address: 24169 Godwin School Road, Millsboro. Tax Parcel: 133-16.00-73.04

Mr. Whitehouse advised the Commission that submitted into the record were a site plan, comments from the Sussex County Engineering Department Utility Planning Division, and the DelDOT service level evaluation response.

That the Commission found that the Applicant, Mr. Dominic Lombardi was present by teleconference on behalf of the Application. Mr. Lombardi stated that the application is for a Conditional Use to operate a small auto repair business from his residence; that he is a auto technician by trade and he will be the only employee on site; that a Traffic Impact Study is not required by DelDOT as there will be less than 50 cars per hour; that the immediate neighbors have no opposition to the application; that his hours of operation are 8 am – 8 pm Monday – Friday in order to accommodate customers who have to work until 5pm and 9 am – 5 pm on Saturday with no Sunday hours; that all the work will be completed indoors; that the applicant would like to have a sign on the property; that all waste oil and products is disposed of through Autozone; and that the operation will not affect the environment or local streams; that neighbors will not be adversely affected.

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 2221 – Dominic Lombardi. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Hopkins, 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 1915 – Fisher’s Popcorn Fenwick, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-3 BUSINESS RESEARCH DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.15 ACRES, MORE OR LESS.** The property is lying on the north side of Zion Church Road (Rt. 20), approximately 318 feet southeast of Deer Run Road. 911 Address: Not Available. Tax Parcel 533-11.00-78.04 (Portion of)

Mr. Whitehouse advised the Commission that submitted into the record were an exhibit book, a site plan, comments from the Sussex County Engineering Department Utility Planning Division, and the DeDOT service level evaluation letter. Also, submitted into the record are two letters of support.

That the Commission found that Mr. David Hutt, Esquire was present by teleconference on behalf of Fisher’s Popcorn Fenwick, LLC, that also present are Mr. Russell Hall, Fisher’s Popcorn Fenwick, LLC and Mr. Tom Ford, Land Design, Inc.; that the parcel is located between European Coachworks and Bayside Storage in the greater Roxana area; that the parcel is 17.15 acres but the rezoning request is for 3.25 acres of that parcel; that the split zoning request matches the zoning on the neighboring properties; that the letters of support are from the adjacent neighbors to the east and west; that the reason for the request for B-3 is to allow Fisher’s Popcorn to have a place to manufacture, store and distribute their products; that this is a permitted use in the B-3 district; that the property is currently undeveloped; that there are no wetlands within the 3.25 acres; that public sewer is available and water would be provided by an onsite well; that the Comprehensive Plan identifies the property as being in the Coastal Area which is one of the Counties growth areas; that B-3 District is listed as being an appropriate district within the Coastal area as shown on the Future Land Use Map; that a Traffic Impact Study is not required by DeDOT the amount of traffic would be negligible; and that the Applicant requests that the Commission recommends approval to County Council.

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 1915 – Fisher’s Popcorn Fenwick, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Hopkins, 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 2215- BZ Land, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.56 ACRES, MORE OR LESS.** The property is lying on the south side of Lighthouse Road (Rt. 54) at Bayville Road. 911 Addresses: 37116 and 37124 Lighthouse Road, Selbyville. Tax Parcel: 533-19.00-26.00

Mr. Whitehouse advised the Commission that submitted into the record were a site plan, comments from the Sussex County Engineering Department Utility Planning Division, the DeDOT service level evaluation response, and suggested conditions and findings of fact from the Applicant.



That the Commission found that Mr. James Fuqua, Esquire was present by teleconference on behalf of BZ Land, LLC; that also present are Mr. Charles Zonko, Property Owner and Mr. Tom Ford, Land Design, Inc.; that this application is for a Conditional Use for professional offices on a 1.56 acre parcel of land located on the south side of Route 54 opposite Bayville Road; that the road frontage on Route 54 is approximately 225 ft.; that there is a residence located adjacent to the property to the east, agricultural land adjacent on the west and agricultural land and woods to the rear of the site; that there are several residential developments in the general area including Keen-Wik to the east, Keen-Wik West and Bayberry Woods to the west, and Bayville Shores to the north; that the land is zoned AR-1 and professional office can be permitted if approved as a Conditional Use under the Zoning Ordinance; that under the Comprehensive Plan the site is located in the Coastal Area which is one of the Plan's designated growth areas; that retail and office uses are appropriate in the Coastal Area; that the site will be serviced by public water and sewer; that the site fronts on Route 54 which is a principal east west road in southeast Sussex County; that currently the site is improved with a residence containing 3,897 sf floor area with a swimming pool and out buildings in the rear; that the Zonko family resides here and the entrance to Route 54 is on the east front corner of the property; that Mr. Zonko is the owner of Zonko Builders and his office of 2,048 sf is located on the property; that the office has a separate entrance from Route 54 on the west side of the property; that the Zonko's purchased this property with the existing office and built their dwelling to the rear on the site; that that Applicant considered applying to have the property rezoned but decided that a Conditional Use for professional offices was more appropriate as it would allow the County to place conditions on the use that would safeguard the purpose and intent of the Conditional Use Ordinance; that the existing home will be remodeled into office space and an addition of 1,657 sf will be added on the east side of the building; that the building and addition will maintain the same appearance of a residential building; that the existing offices will be remodeled with an addition of 1,785 sf and will remain very similar to the existing building; that the total floor area of the two buildings with the additions would be 9,387 sf; that DelDOT will not require a Traffic Impact Study; that Mr. Ford has discussed the entrance onto Route 54 with DelDOT and as a result the entrance on the east side of the property will be removed and the only entrance remaining will be the entrance to the current office building on the west side of the property; that the entrance will be improved to DelDOT requirements which may include a right-hand only turn into the site; that the Applicant is requesting one 32 sf sign per side with a timed light which will shut off at 10 pm; that per County Code 47 parking spaces would be required; that the Applicant proposes to have 50 parking spaces including 4 handicapped spaces; that there will be an easement agreement with the neighboring property for the nine of the existing parking spaces on the property; that lighting in the parking area will be minimal and non-intrusive; that there will be a vegetative buffer on the eastern boundary of the property; that stormwater management facilities will be located to the rear of the current residential building and will meet or exceed DNREC regulations; that there are no wetlands located on the property; that the site is on zone X under the FEMA flood maps with a small portion in the AE zone on the southwest portion of the site; and that professional offices have a lower impact than retail uses.

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 2215- BZ Land, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Hopkins, 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

### **Acadia Subdivision (2018-01)**

#### Final Subdivision Plan

This is a Final Subdivision Plan for a major subdivision to consist of 234 single-family dwellings, site improvements and open space, using the cluster development option. The site is a 117.21-acre parcel of land that is accessed from Dorman Road (S.C.R. 288A) and Robinsonville Road (S.C.R. 277). The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, May 24, 2018. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 234-11.00-60.00, 62.03 and 64.00. 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 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 Michael W. & Mary E. Peterson (2019-26)**

#### Final Subdivision Plan

This is a Final Subdivision Plan for a for a major subdivision within the existing Layton Subdivision to consist of 6 lots on 2.0124 acres with Lots 6-8 having access off Jerry Drive and Lots 6a-8a having access off Railway Road (S.C.R. 350). The parcels are located on the north side of Railway Road (S.C.R. 350) and on the south side of Jerry Drive. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, January 23, 2020. The Commission approved the Preliminary Subdivision subject to the receipt of a shared use maintenance agreement for Jerry Drive. A General Note has been added to the plans explaining this to address the Commission's earlier request. Tax Parcels: 134-8.00-29.00, 30.00 & 30.01. Zoning: GR (General Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate 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.

### **Wellesley Subdivision (2018-7)**

#### Final Amenities Plan

This is a Final Amenities Plan for the construction of a proposed two-story, 2,016 square foot clubhouse, pool and pool deck, 14 parking spaces and other site improvements located off of

Clearview Drive in the existing Wellesley subdivision. The Final Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, June 27, 2019. The Final Amenities Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 334-12.00-46.01 (a portion of) 113.00 (a portion of) 116.00. 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 Amenities Plan. Motion Carried 4-0. Mr. Wheatley Abstained.

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

### **S-20-05 PJM Properties, LLC**

#### Revised Final Site Plan

This is a Revised Final Site Plan for the construction of a 4,675 square foot storage building to be located at 35613 Williamsville Rd. The site is an existing boat repair and storage yard that possesses a Conditional Use No. 1106, which was approved by County Council on May 23, 1995. No new parking is proposed. The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 533-19.00-287.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt agency approvals.

Motion by Ms. Wingate, seconded by Mr. Mears to approve the Revised Final Site 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.

### ADDITIONAL BUSINESS

Mr. Wheatley suggested that Staff provide a tutorial on navigating the Commission packet and using bookmarks. The Commission members agreed that this would be a good idea.

Meeting Adjourned 7:48 p.m.