

## THE MINUTES OF THE REGULAR MEETING OF AUGUST 13, 2020

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, August 13, 2020 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware. Members of the public also attended this meeting by teleconference. The teleconference system was tested during the meeting by staff to confirm connectivity.

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 - Absent, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Director of Planning & Zoning, and Mr. Chase Phillips – Planner I.

Mr. Whitehouse noted that there were no changes to the Agenda. Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Agenda. Motion carried 4-0.

Motion by Ms. Wingate, seconded by Ms. Stevenson, to approve the amended Minutes of the July 9 and July 23, 2020, Planning and Zoning Commission meeting. Motion carried 4-0.

### OLD BUSINESS

#### **C/U 2214 Anthony Crivella & Harold E. Dukes, Jr.**

**An Ordinance to grant a Conditional Use of land in a C-1 General Commercial District for a food truck to be operated for a period exceeding three days to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.115 acre, more or less.** The property is lying on the northeast side of Johnson St. southeast of Central Ave. 911 Address: N/A. Tax Parcel: 334-13.20-25.00

The Commission discussed this application which has been deferred since July 23, 2020.

Mr. Mears moved that the Commission recommend approval for Conditional Use 2114 Anthony Crivella & Harold E. Dukes, Jr. based upon the record made during the Public Hearing and for the following reasons:

1. This is an application to allow a food truck or trailer serving pizza to be located on property owned by the applicants.
2. The site is zoned C-1 General Commercial, which permits various uses that are more intensive than what is proposed here, including full-scale restaurants. The use as a food truck location is consistent with the underlying C-1 zoning.
3. The food truck will serve residents of the community, people on the nearby bike trail and patrons of the nearby Revelation Brewing Company.
4. The use will not adversely affect neighboring properties, the community or area roadways.
5. No parties spoke in opposition to this application.
6. This recommendation is subject to the following conditions:
  - a. The use shall be limited to a mobile or temporary food and beverage vendor. When not in continuous operation, it must be removed from the site and must not become permanently located on the site.
  - b. The use shall comply with all setback and parking requirements.

- c. The applicant shall comply with all DelDOT requirements, including entrances.
- d. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
- e. The use shall comply with any requirements of the Sussex County Engineering Department regarding wastewater and grease discharges.
- f. The hours of operation shall be from 11:00 am until 7:00 pm, Fridays, Saturdays and Sundays.
- g. Any dumpsters associated with the use shall be screened from the view of neighboring properties and roadways.
- h. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 4-0.

**C/U 2216 Kenneth Dominic Alton Drummond**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for home remodeling and repair services, storage repair and maintenance, light building material and storage and general office for Quality Care Homes and Managers residence to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.57 acres, more or less.** The property is lying on the southwest side of Hopkins Rd. approximately 0.58 mile northwest of Beaver Dam Rd. (Rt. 23). 911 Address: 20366 Hopkins Road. Tax Parcel: 234-5.00-46.04 (Part of).

The Commission discussed this application which has been deferred since July 23, 2020.

Ms. Stevenson moved that the Commission recommend approval for Conditional Use 2216 for Kenneth Dominic Alton Drummond based upon the record made during the Public Hearing and for the following reasons:

1. The proposed location is appropriate for a business such as this. It is a 6.34-acre parcel surrounded by farmland and woods. The buildings associated with this use are approximately 1000 feet from the roadway.
2. The use will not have an adverse impact on adjacent or neighboring properties, roadways or the community in general.
3. The Applicant has planted approximately 80 trees on the property to act as a screen from other properties in the area.
4. The site is in a Low-Density Area according to the Sussex County Comprehensive Plan, and this type of low impact use is appropriate in the Area according to the Plan.
5. The Applicant testified that he will continue to reside on the property while the business is operating.
6. No parties appeared in opposition to this application.
7. This recommendation is subject to the following conditions:
  - a. The use shall be limited to home remodeling and home construction services with light material storage associated with that use. Maintenance and repair of the businesses' equipment shall be permitted to occur on the site. An office for the business only with a residence for the business manager or senior employee shall also be permitted. No other business shall be conducted from the site, and no retail sales shall be permitted on the site.
  - b. As stated by the Applicant, all construction materials will be stored indoors.

- c. The Applicant shall comply with all DelDOT requirements, including any entrance and roadway improvements that are directed by DelDOT.
- d. No outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.
- e. All dumpsters, storage bins and stockpile locations shall be screened from view of neighboring properties and roadways.
- f. The site shall be fenced and gated.
- g. One indirectly lighted sign, not to exceed 32 square feet per side, shall be permitted.
- h. All security lights shall be fully screened and downward so that they do not shine on neighboring properties or adjacent roadways.
- i. The hours of operation shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. There shall not be any Sunday hours of operation.
- j. There shall not be any dumping on the site. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways and shall be located at least 50-feet from the property boundaries.
- k. The Final Site Plan shall clearly show all loading and storage areas and areas for vehicle parking and equipment storage and these areas shall be clearly marked on the site itself. These areas shall be screened and shall be at least 50-feet from the property boundaries.
- l. All required screening or buffering shall be shown on the Final Site Plan.
- m. Failure to comply with any of these conditions shall be grounds for the termination of this Conditional Use.
- n. The Final Site Plan shall be subject to the review and approval of 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 with the conditions stated in the Motion. Motion carried 4-0.

### **C/U 2233 Brothers Landscaping, LLC**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a landscaping business to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 5.00 acres more or less.** The property is lying on the north side of German Rd. approximately 1.58 miles east of Concord Pond Rd. 911 Address: 24516 German Road, Seaford. Tax Parcel: 231-13.00-190.00.

The Commission discussed this application which has been deferred since July 23, 2020.

Ms. Stevenson moved that Commission recommend approval for Conditional Use 2233 Brothers Landscaping, LLC based upon the record made during the Public Hearing and for the following reasons:

- 1. The property is located on a 5-acre parcel, among other large parcels of land. It is an appropriate location for this limited type of use.
- 2. The site is located within a Low-Density Area according to the Sussex County Comprehensive Plan. This low impact type of use is appropriate within this Area.
- 3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
- 4. The use will not adversely affect area roadways or neighboring properties.

5. The applicant has stated that his landscaping company provides a service to a wide variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. Two people spoke in favor of the application, including one of the neighboring property owners.
7. No parties spoke in opposition to this application.
8. This recommendation is subject to the following conditions:
  - a. This use shall be limited to a landscaping company.
  - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
  - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.
  - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - e. The hours of operation shall be limited to 6:00 am through 8:00 pm, Monday through Friday, and from 6:00 am until 3:00 pm on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as - needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.
  - f. There shall not be any dumping of trees, branches, grass or other debris on the site.
  - g. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
  - h. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
  - i. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
  - j. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
  - k. The Final Site Plan shall be subject to the review and approval of 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 with the conditions stated in the Motion. Motion carried 4-0.

**C/Z 1918 Mark A. Casey**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR Medium Density Residential District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 7.10 acres, more or less.** The property is lying on the southeast corner of Warwick Road and Downs Landing Road. 911 Address: 28517 Warwick Road, Millsboro. Tax Parcel: 234-33.00-55.00.

The Commission discussed this application which has been deferred since July 23, 2020.

Mr. Mears moved that Commission recommend approval for Change of Zone 1918 Mark A. Casey for a change of zone from MR Medium Residential District to AR-1 Agricultural Residential District based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant is requesting this rezoning so that the property can be used for aquaculture. This use is permitted in the proposed AR-1 District and it is not permitted in the MR District.
2. This is a downzoning from MR to AR-1. With the AR-1 Zoning, less intensive uses will be permitted on the property.

3. The proposed aquaculture use is a benefit to the residents and visitors of Sussex County as well as the County's environment. The Applicant works with the Center for Inland Bays and the University of Delaware to improve the quality of County waterways through the aquaculture uses that will be performed on this property and on the nearby waterways.
4. The use will also support other aquaculture farmers in Rehoboth Bay by providing a location for an oyster seeding program.
5. AR-1 Zoning is an appropriate zoning classification in the Coastal Area according to the Sussex County Comprehensive Plan.
6. The downzoning to AR-1 will have a positive effect on nearby roadways and area properties.
7. No parties appeared in opposition to this Application.

Motion by Mr. Mears, seconded by Ms. Stevenson, and carried unanimously to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 4-0.

#### PUBLIC HEARINGS

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

#### **Ord. 20-1 - Appeals of Violations under Chapter 80 (Property Maintenance) and Chapter 115 (Zoning)**

**AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 ("PROPERTY MAINTENANCE CODE") AND CHAPTER 115 ("ZONING"), ARTICLE XXV ("SUPPLEMENTARY REGULATIONS"), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS**

#### **Ord. 20-2 - Amendment to Chapter 115 Relating to Supplementary Regulations**

**AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, "SUPPLEMENTARY REGULATIONS", §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO "PARKING, STORING AND MAINTAINING VEHICLES AND TRAILERS" AND "PROHIBITED ACCUMULATIONS", INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE**

#### **Ord. 20-3 – Amendment to Chapter 80 Relating to Lot Maintenance**

**AN ORDINANCE TO AMEND CHAPTER 80 ("LOT MAINTENANCE") OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE**

Chairman Wheatley stated that there will be one presentation given by staff for the three amendments to the ordinances and that each amendment will be voted on separately. Mr. Mike Costello, Government affairs Manager and Lester Shaffer, Chief Constable were present to discuss the amendments.

Mr. Costello stated that House Bill 118 was signed into law under Title 9, Chapter 72 but have been renumbered to Chapter 71 and will be referred accordingly; that Title 9 Section 7103 provides for the

authority for Sussex County Council and its designee to administer and enforce all property maintenance ordinances, rules, and regulations that the Council would adopt; that the current provisions in the code require compliance periods that are untimely; that it does not allow an opportunity to make corrections on vacant or foreclosed lots; that the court action under these provisions is also burdensome particularly during the past few months when there have been reduced court proceedings; that Sussex County has asked for special consideration from the General Assembly which is provided under HB 118; that similarly New Castle County has moved to a civil and administrative process; that this would not have all the provisions that New Castle County has under their authority, these amendments would model some of the processes as it relates to tall grass, junk and inoperable vehicles and prohibit accumulation of trash; that the amendments will allow for a civil and administrative process for these issues that will strengthen the County's ability to respond, investigate and bring corrective action to property maintenance complaints; that the three avenues of enforcement are administrative enforcement, civil enforcement and criminal enforcement; that as our code relates today, the only avenue is criminal enforcement – when a property owner does not comply they can be summoned to appear in court and then are subject to whatever the court proceedings are; that the County is not able to abate and get these properties to comply in a timely manner; that under the new amendment there must be a mechanism for an appeal to be provided by an Administrative Tribunal, Chapter 52 of the County establishes The Board of Adjustment and Appeals granting that Board the authority to hear appeals would meet the requirements for an appeal process under this amended property maintenance program.

Mr. Robertson stated that this Board would differ from the Board of Adjustment and would meet on an as needed basis; that these are not new rules for the County but changes to the current rules and how they are enforced.

Mr. Costello stated that property maintenance issues are complaint driven; that a member of the public makes a complaint; that the Constables office investigates the complaint and issues a violation if the complaint is valid; that the party responsible for the property is given ten days to remedy the violation; that the constable revisits the property after ten days and if the violation has been remedied, then the case is closed; that under this amendment if the violation has not been remedied that the constable would be able to issue an administrative ticket to the property owner; that the recommendation is that the ticket be in the amount of \$100; that the property owner has ten days after receiving the ticket to appeal to the Board of Adjustment and Appeals; that the amendments to the ordinances will provide the Constable more authority to be able to negotiate with property owners; that under the civil enforcement the County may ask Chancery County to allow the County to correct the problem when the property owner is unable to or refuses to comply; and that the civil enforcement is what is in place today, when a property owner does not comply they will be summoned to court for a criminal trial; that there is a fine of \$1,000 which is statutory.

Mr. Shaffer stated that the amendments will allow the fines of \$100 to accumulate if the violation is not remedied and that the amendments also allow flexibility for the Constable to allow the property additional time to comply if they show that they are making an effort and are unable to meet the deadline.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

Mr. Robertson read into the record all the amendments that will be made to the ordinance if these changes are adopted by County Council.

At the conclusion of the Public Hearings, the Commission discussed the Amendments to the Ordinances.

Motion by Ms. Stevenson, second by Ms. Wingate, and carried unanimously to recommend approval of Ordinance 20-1 regarding Appeal of Violations under Chapter 80 (Property Maintenance) and Chapter 115 (Zoning) subject to the revisions recommended by legal staff during the public hearing. Motion carried 4-0.

Motion by Mr. Mears, second by Ms. Wingate, and carried unanimously to recommend approval of Ordinance 20-2 regarding amendment to chapter 115 Relating to Supplementary Regulations subject to the revisions recommended by legal staff during the public hearing. Motion carried 4-0.

Motion by Ms. Wingate, second by Mr. Mears, and carried unanimously to recommend approval of Ordinance 20-3 regarding the Amendment to Chapter 80 Relating to Lot Maintenance subject to the revisions recommended by legal staff during the public hearing. Motion carried 4-0.

**C/U 2218 Edward & Laurie Dampman**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a small machine shop to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.76 acre, more or less.** The property is lying on the northeast side of Greentop Rd., approximately 629 ft. north of Fleatown Rd. 911 Address: 10321 Greentop Rd, Lincoln. Tax Parcel: 230-13.00-429.00

Mr. Whitehouse advised the Commission that they have received a site plan, a staff analysis, comments from the Sussex County Engineering Department Utility Planning Division, and a copy of the DelDOT service level evaluation response.

The Commission found that Edward and Laurie Dampman were present on behalf of the Application. Ms. Dampman stated that they are requesting a conditional use for a small machine shop; that the business was in operation at their residence in Pennsylvania since 2010; that they manufacture military and medical parts; that there is no noise associated with the business; that parking is not an issue as her husband and she are the only employees; that deliveries are made by UPS; and that the hours of operation are from Monday to Friday 8:00 am – 5:00 pm.

Mr. Robertson asked if this use could be considered as a Home Occupation. Mr. Whitehouse stated that this use meets the test for a home occupation.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

The Commission discussed C/U 2218 – Edward and Laurie Dampman. Motion by Ms. Stevenson, second by Ms. Wingate, to dismiss the case because it is a home occupation that does not require a Conditional Use and refund the \$500 Conditional Use application fee. Motion carried 4-0.

**C/U 2227 Mark J. Davis & Leona E. Davis**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a 19.342 acre borrow pit to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 150 acres, more or less.** The property is lying on the north side of Asbury Rd. (S.C.R 446), approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523). 911 Address: 24294 Asbury Road Tax Parcel: 231-15.00-8.00

Mr. Whitehouse advised the Commission that they have received an exhibit booklet, a site plan, a staff analysis, comments from the Sussex County Engineering Department Utility Planning Division, and a copy of the DelDOT service level evaluation response.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the Applicants, Mark J. Davis & Leona E. Davis; that also present are the Applicants, Mr. Mark Davis and Mrs. Leona Davis; that the request is for a borrow pit to be situated on Asbury Road near the intersection of Davis Road; that the State used a borrow pit which was located on this property during the 1960's; that this property and the surrounding areas are zoned AR-1; that the 2018 Comprehensive Plan designates this area as a rural area; that the State Strategies Plan identifies this area as an investment level four; that this property has been submitted to an Agricultural Preservation District; that the approximately 20-acre portion of the property for the proposed borrow pit location is not subject to agricultural preservation; that ultimately this borrow pit will become a wildlife pond in this portion of the property; that the proposed borrow pit will be approximately 15 acres; that there will be a 50 ft. buffer; that the entire parcel comprises of 150 acres; that DelDot does not require a Traffic Impact Study as the proposed use will generate less than 50 trips per hour and less than 500 trips per day; that the Applicants have submitted proposed conditions; that no material will be brought to the site for processing or mixing; that all materials would leave the site; that excavation be controlled to offer protection to surrounding properties from odors and dust; that the entrance to the proposed borrow pit will be constructed in compliance with DelDOT's requirements; that the hours of operation will be Monday through Friday 7:00 am – 5:00 pm and Saturday 7:00 am – 2:00 pm with no Sunday hours; that a water truck will be available to wet down gravel roads to control dust; that the proposed borrow pit will meet and exceed the requirements of being 50 ft. from all property lines; that no wetlands will be disturbed; that the proposed borrow pit will be more than 150 ft. from Asbury Road; that dwellings on other properties are in excess of the required 200 ft. separation distance; that the properties near the proposed borrow pit are large parcels and are mainly for agricultural uses; that the materials extracted from the proposed borrow pit will be used locally; and that the use demonstrates the semi-public or public character of the nature of this proposal and will promote the health, prosperity, safety and orderly growth of the County.

Mr. Mark Davis stated that he expects that the borrow pit would be in use for approximately 10 – 15 years; that he will use excavators for the mining process; and that a sign is requested.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2227 – Mark J. Davis & Leona E. Davis. Motion by Ms. Stevenson, second by Ms. Wingate, to defer action for further consideration. Motion carried 4-0.

**C/U 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)**

**An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an events venue to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 98.60 acres, more or less.** The property is lying on the south side of Fisher Rd., approximately 0.38 mile west of Hopkins Rd. 911 Address: N/A. Tax Parcel: 334-10.00-69.01



Mr. Whitehouse advised the Commission that they have received a letter from the Applicant, a site plan, a staff analysis, and a copy of the DelDOT service level evaluation response, a document from the Delaware Agricultural Lands Preservation Foundation and a copy of the permit application to the State's Fire Marshal's office .

The Commission found that Ms. Amy Hopkins and Ms. Ingrid Hopkins were present on behalf of the Application.

Ms. Ingrid Hopkins stated that she has a conditional use for an events venue on a working dairy farm; that the business has grown and that they wish to expand to include an additional venue which would be a 12-hour one day rental.

Ms. Amy Hopkins stated that the family business has been in the family for six generations; that the hours of operation will be Friday, Saturday and Sunday from 10:00 am – 10:00 pm; and that additional parking has been created on site.

Mr. Robertson stated that the applicants also have a meeting with the Agricultural Lands Preservation Foundation and will let the Commission know the outcome prior to the next Planning and Zoning Commission meeting.

The Commission found that no one spoke in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC). Motion by Ms. Stevenson, second by Ms. Wingate, to hold the record open for the receipt of the decision of the Delaware Agricultural Lands Preservation Foundation and to defer for further consideration. Motion carried 4-0.

## OTHER BUSINESS

### **Other Business**

#### **Windswept at Lewes GR-RPC**

##### Final Site Plan

This is a Final Site Plan for the creation of a Residential Planned Community (RPC) to consist of 201 proposed residential lots and amenities including a community pool, covered pavilion, sports field and tot lot. The property is located on the east side of Angola Beach Road and south side of Angola Road (S.C.R. 277). At their meeting of Tuesday, December 11, 2018, the property was approved by County Council for a Change of Zone (C/Z 1859) from Agricultural Residential (AR-1) to a General Residential, Residential Planned Community (GR-RPC) and adopted through Ordinance No. 2623. Additionally, at their meeting of Thursday, March 28, 2019, the Planning and Zoning Commission approved the Revised Preliminary Site Plan for the community. The Final Site Plan complies with the Sussex County Zoning and Subdivision Code and all RPC Conditions of Approval. Tax Parcels: 234-12.00-3.00 & 6.00. Zoning District: GR-RPC (General Residential, Residential Planned Community.) Staff are in receipt of all agency approvals.

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

### **Lands of Fisher**

Minor Subdivision off a 50' easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 31.16 acre parcel to create a 4.3670 acre lot leaving a residual parcel measuring 26.79 acres off of an existing 50' easement. The residual lands cannot be developed per DNREC. The property owner intends to allow the property to be used for hunting purposes only. The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 333-16.00-5.00 (Part of). Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approve the Minor Subdivision off a 50' Easement with final approval by staff subject to receipt of all agency approvals. Motion carried 4-0.

### **Lands of Absher Farms LLC**

Minor Subdivision off a 50' easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 8.13 acre parcel to create three (3) lots, Lot 1 will measure 1.750 acres, Lot 2 will measure 1.715 acres, and Lot 3 will measure 1.794 acres, the residual lands will measure 1.750 acres. This property is located off of Woodland Ferry Rd. The property has a recorded easement per Deed Book 821 Page 36 dated December 17, 1976. The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 132-10.00-23.01. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approve the Minor Subdivision off a 50' Easement with final approval by staff subject to receipt of all agency approvals. Motion carried 4-0.

### **Lands of Absher Farms LLC**

Minor Subdivision off a 50' easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 5.00 acre parcel to create three (3) lots, Lot 1 will measure 1.00 acres, Lot 2 will measure 1.028 acres, Lot 3 will measure 1.127 acres, the residual lot will measure 1.00 acre. This property is located off of Woodland Ferry Rd and the proposed easement will be over an existing driveway. The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 132-10.00-23.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approve the Minor Subdivision off a 50' Easement with final approval by staff subject to receipt of all agency approvals. Motion carried 4-0.

### **Lands of Absher Farms LLC**

Minor Subdivision off a 50' easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 8.91 acre parcel to create three (3) lots, Lot 1 will measure 1.500 acres, Lot 2 will measure 1.442 acres, and Lot 3 will measure 3.366 acres, the residual lot will measure 1.500 acres. This property is located off of Woodland Ferry Rd and the proposed easement will be over an existing driveway. The Preliminary Subdivision Plan complies with

the Sussex County Zoning and Subdivision Code. Tax Parcel: 132-10.00-23.04. Zoning: AR-1 (Agricultural Residential Zoning Code). Staff are awaiting agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approve the Minor Subdivision off a 50' Easement with final approval by staff subject to receipt of all agency approvals. Motion carried 4-0.

### **Lands of Houck**

Minor Subdivision off a 50' easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 5.83 acre parcel to create one (1) lot off an existing easement, Lot A will measure 1.1283 acres and the residual lot will measure 4.7017 acres. The property is located off of Breasure Rd. The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 133-6.00-85.06. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Minor Subdivision off a 50' Easement. Motion carried 4-0.

### **Additional Business**

The Commission discussed the potential amendment to Rules of Procedure regarding start times and meeting order of Planning & Zoning Commission Meetings.

Mr. Robertson presented the changes discussed as follows:

### **AMENDMENT TO RULES OF PROCEDURE OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION**

**WHEREAS**, the Sussex County Planning and Zoning Commission has rules governing the procedure of meeting conducted by it; and

**WHEREAS**, the Planning and Zoning Commission desires to adopt an amendment to Rules 1.1 and Rule 2.2 to revise the time which meeting shall start and the order of business to accommodate staff and the public with a more convenient meeting schedule.

**NOW, THEREFORE**, this 13<sup>th</sup> day of August, 2020, the Sussex County Planning and Zoning Commission having determined that it is appropriate to amend its Rules of Procedure to revise the time which meetings shall start and the order of business, Rule 1.1 and Rule 2.2 are hereby amended as follows, with deleted language in brackets and new language in italics:

### **Rule 1 – Order of Business; Conduct of Meetings**

1.1 The order of business at each regular meeting of the Planning and Zoning Commission shall be as follows:

Call to Order

Amendments to Agenda

Adoption of Agenda

Approval of Minutes

Consent Agenda

*Other Business*  
*Additional Business*  
Old Business  
Public Hearings  
[Other Business]  
Adjournment

**Rule 2 – Meetings of the Planning and Zoning Commission**

2.2 Regular meeting shall convene at [6:00] 5:00 P.M. on those days when a meeting has been properly noticed and advertised. *No public hearing shall start prior to 5:30 P.M.*

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to amend the Rules of the Commission in accordance with the conditions described in the motion. Motion carried 4-0.

**Meeting adjourned at 7:25 p.m.**

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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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