

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 24, 2020

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, September 24, 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 5:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Ms. Jenny Norwood – Planner I, Ms. Lauren DeVore – Planner III and Mr. Nick Torrance – 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 5-0.

Motion by Ms. Stevenson, seconded by Mr. Hopkins to approve the Minutes of the September 10, 2020, Planning and Zoning Commission meeting. Motion carried 5-0.

OTHER BUSINESS

Lands of Arturo Granados-Gonzalez (2019-31)

Final Subdivision Plan

This is a Final Subdivision plan for the subdivision of a 2.152-acre parcel of land into two (2) buildable lots. Proposed Lot #3A will consist of 1.075 acres +/- and proposed Lot #3B will consist of 1.074 acres +/- . At their meeting of Thursday, February 27, 2020, the Planning and Zoning Commission approved the Preliminary Subdivision Plan. The lots will be located on the south side of Burbage Road (S.C.R. 353). The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 134-14.00-20.04. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

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

Lands of H&S Properties (S-20-11/CU 2190)

Request for Interpretation of Conditions of Approval

The applicant has requested clarification from the Commission regarding Conditions “B” and “D” which were originally issued by the Sussex County Council and appear to contradict one another. Condition “B” indicates the Conditional Use has been “approved subject to the applicant’s newly submitted site plan” but Condition “D” states that “the current structure is nonconforming and shall not be permitted for this use (business v. residential).” The applicant does not believe that there is reason to prohibit the use of the structure on the subject property for a professional office and does not understand the rationale behind this statement.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously that no action be taken, and the matter be reviewed by County Council. Motion carried 5-0.

Lands of H&S Properties (S-20-11/CU 2190)

Preliminary Site Plan

This is a Preliminary Site plan for a proposed professional office to be located within an existing 485 square foot, single-story dwelling. At their meeting of Tuesday, January 7, 2020, the Sussex County Council approved the Conditional Use subject to eleven (11) conditions. The office is located at the intersection of Beaver Dam Road (Route 23) and Church Street (S.C.R. 285B). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-5.00-212.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to defer action for further consideration until information is received from County Council. Motion carried 5-0.

Cellco Communications Tower (Verizon Wireless Communication Facility) (S-20-23)

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed wireless cellular communications tower to be located at 26602 Harbeson Road. At their meeting of Monday, November 20, 2018, the Sussex County Board of Adjustment approved Special Use Exception No. 12201 for the location and operation of the cell tower. The proposed cell tower will be located within a compound that is 50-ft X 60-ft that will also include various utilities. The proposed cell tower includes warning lights as regulated by the Federal Aviation Communications Commission (FCC) and the Federal Aviation Administration (FAA). The Preliminary Site Plan complies with the Sussex County Zoning Code, particularly the 50-ft setback required for the tower itself. Tax Parcels: 234-10.00-70.06 & 234-10.00-70.07. Zoning C-1 (General Commercial Zoning District.) Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to approve the Preliminary Site Plan with final approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

Dollar General - Lincoln (S-20-27)

Preliminary Site Plan

This is a Preliminary Site Plan for 9,100 square foot Dollar General retail store and 30 parking spaces. The Dollar General will be located on the south side of Johnson Rd. (S.C.R. 207). The applicant is requesting a modification in the parking layout with 15 parking spaces proposed within the front yard setback, as well as a providing 30 parking spaces where 39 spaces are required. The Planning & Zoning Commission previously denied the Preliminary Site Plan at the August 27, 2020 meeting. The applicant has provided a response highlighting existing constraints located on the property that impact the site design. Tax Parcels: 230-5.20-43.00 & 230-6.17-1.01. Zoning: AR-1 (Agricultural Residential Zoning District) & B-1 (Neighborhood Business Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the Preliminary Site Plan with final approval by staff subject to receipt of all agency approvals with the condition that all lighting be downward screened. Motion carried 5-0.

Dagsboro Trace (2004-34)

Revised Subdivision Plan

This Revised Subdivision Plan proposes to remove the sidewalks from the subdivision. The sidewalks have not been installed and the proposed location of the sidewalks would require the relocation of street lighting and transformers already installed throughout the development. The Planning and Zoning Office has received documentation that 51% of existing property owners within the subdivision consent to this

proposed change. Tax Parcel: 233-11.00-194.01. Zoning: AR-1 (Agricultural Residential Zoning District).

Motion by Mr. Hopkins, seconded by Ms. Wingate, and carried defer action for receipt of additional information. Motion carried 5-0.

Lands of Ribinsky

Minor Subdivision off a 24-ft easement

This is a concept plan for a proposed minor subdivision off a 24-ft easement over an existing driveway the proposed plan will create one (1) lot from an existing 7.06 acre +/- parcel located off of Lawton Lane. The proposed lot will be accessed from the proposed 24-ft easement. The proposed plan will also increase the lot size of Tax Parcel 234-18.00-51.10 by 0.5 acres +/- . A Preliminary Subdivision Plan will be reviewed by staff for compliance with the Sussex County Subdivision Code prior to the approval of any Final Subdivision Plan. Tax Parcels: 234-18.00-51.08 & 234-18.00-51.10. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to approve the Minor Subdivision off a 24' Easement. Motion carried 5-0.

Lands of Wilkinson

Minor Subdivision off a 50-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision off a 50-ft easement over an existing driveway to create three (3) lots with a residual lot located off of Benson Road. Lot 4 will measure 1.1288 acres +/-, Lot 5 will measure 1 acre +/-, Lot 6 will measure 1.0083 acres +/- and the residual lot will measure 39.844 acres +/- . Tax Parcel: 230-20.00-30.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, 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 5-0.

Lands of John and Melody Pettyjohn

Minor Subdivision off a 30-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision off a 5.1169-acres parcel to create one (1) lot consisting of 3.448 acres, off a proposed 50-ft ingress/egress easement, over an existing driveway. The residual lands will consist of 1.672 acres. This property is located off Johnson Road (S.C.R. 434A). The Preliminary Subdivision Plan complies with Sussex County Zoning and Subdivision Code. Tax Parcel: 232-20.00-49.00. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Minor Subdivision off a 30' Easement with the condition that a shared easement maintenance agreement be provided. Motion carried 5-0.

Lands of Mitchell

Minor Subdivision off a 50-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 4.669-acres parcel to create one (1) lot consisting of 1.000 acre off an existing 50-ft access easement and existing driveway. The residual land will measure 3.669 acres. This property is located off Harbeson Road (Rt. 5). The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 235-

26.00-17.09. 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 with the condition that a shared easement maintenance agreement be provided. Motion carried 5-0.

OLD BUSINESS

C/Z 1913 FW & SV Thoroughgood Family Limited Partnership

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 3.60 acres, more or less. The property is lying on the west side of Thorogoods Road. 911 Address: 30512 & 30540 Thorogoods Road, Dagsboro. Tax Parcel: 233-5.00-70.00.

The Commission discussed this application which has been deferred since September 10, 2020.

Ms. Wingate moved that the Commission recommend approval for Change of Zone 1913 FW & SV Thoroughgood Family Limited Partnership based upon the record made during the Public Hearing and for the following reasons:

1. The location is appropriate for HI zoning. The property is in a Developing Area and is adjacent to an Industrial Area according to the Future Land Use Map of the County's Comprehensive Land Use Plan.
2. The properties to the north and east of the site are currently zoned HI-1, and this property will be an appropriate expansion of this existing zoning.
3. The site is adjacent to an existing rail line accessing the property. This makes this location appropriate for industrial zoning.
4. The site is currently used as a truck repair facility approved as a conditional use by Ordinance #1039. The rezoning from the conditional use to HI-1 is a reasonable expansion of the current use of the property.
5. HI zoning is appropriate, since the Zoning Code states that the purpose of the district is "to provide for a variety of industrial operations, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district."
6. The rezoning will promote the local economy and will create jobs in the area for Sussex County residents.
7. While a HI zone has many possible uses, there are only a limited number of uses that are permissible without a further hearing in front of the County Board of Adjustment.
8. Under the HI zoning, if a possible use is "potentially hazardous" or if there is any doubt as to whether it is potentially hazardous, there will be another public hearing on the particular use before the Board of Adjustment. The Board of Adjustment cannot approve the particular use unless it finds that the public's health and welfare will be protected and that there are safeguards to protect area waters, property and people.

9. The HI zoning, with the safeguard of having further hearings limiting potential uses, will not adversely affect the neighboring or adjacent properties.
10. No parties appeared in opposition to the application.
11. Any future use and development of the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 5-0.

C/Z 1919 Newton Farms, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 (General Commercial District) to a LI-2 (Light Industrial District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 23.7021 acres, more or less. The property is lying on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13). 911 Address: N/A. Tax Parcel: 131-6.00-8.00.

The Commission discussed this application which has been deferred since September 10, 2020.

Mr. Hopkins moved that the Commission recommend approval for Change of Zone 1919 Newton Farms, LLC based upon the record made during the Public Hearing and for the following reasons:

1. The land that is the subject of this application is adjacent to other Properties that are zoned LI-2. This parcel is a reasonable expansion of the existing LI-2 District.
2. This location, along Route 404, is surrounded by uses that are essentially industrial in character and zoning. This is an appropriate use for LI-2 Zoning. This is basically an infill zoning.
3. The intended use of the site will be for manufacturing, light industrial uses and flex space. These are appropriate uses for this area, and they are consistent with the surrounding uses.
4. The rezoning will not have an adverse impact on neighboring properties, roadways or other public facilities.
5. This small expansion of the LI-2 zone satisfies the stated purpose of the district according to the Sussex County Zoning Code.
6. No parties appeared in opposition to this application.
7. Any development of this property under LI-2 zoning will be subject to site plan review by the Sussex County Planning and Zoning Commission to ensure that it complies with all requirements of the zoning code.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 5-0.

PUBLIC HEARINGS

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

C/U 2237 Samuel C. Warrington II

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES MORE OR LESS.

The property is lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1). 911 Address: 34378 Postal Lane, Lewes. Tax Parcel: 334-12.00-55.01 (portion of).

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, a staff analysis, a copy of the DelDOT service level evaluation response, and comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that 90 letters of opposition have been submitted to the Planning and Zoning Department.

The Commission found that Mr. Tim Willard, Esquire was present on behalf of the applicant, Samuel C. Warrington, II, that also present are Sam Warrington, II and Sam Warrington, III; that the Warrington family have owned this property since 1914; that the Applicant and his son live on Postal Lane; that tourism is a big part of Sussex County which is encouraged and that includes boating; that the conditional use for boat storage will support and encourage that use in an area where it is needed and that it is an appropriate use for this property; that the Sussex County Comprehensive Plan states that the eastern portion of Sussex County is characterized by popular ocean side seasonal vacation towns; that Sussex County is a draw for seasonal visitors and tourism has become an indispensable part of the local economy; that the Future Land Use Plan encourages tourism; that in 2015 tourism spent 1.8 billion dollars; that the tourism sector employs over 19,000 individuals; that the Future Land Use Plan also encourages recreation, the county is famous for beaches, boat launches with access to the ocean and inland bays; that the property is identified as being in the Coastal Area which is a growth area and allows for light commercial; that the property is surrounded by MR and HR which are high density and medium density; that there are several conditional uses in the area; that this use would not generate a lot of traffic as people would come periodically to pick up or drop off their RVs or boats; that it would be consistent with the land use for the area based on the surrounding uses; that the use would be on 2.5 acres of a 40-acre property; that the entrance to the storage area would be on Postal Lane adjacent to Sam Warrington III residence; that the Applicant has submitted proposed findings and conditions; and that for all the reasons stated this is an appropriate use as it will not adversely affect the neighborhood and is semi-public in nature as it supports tourism in the area.

Mr. Samuel C. Warrington, III confirmed that the statements made by Mr. Willard were true and correct and that he would be managing the RV and Boat storage if it gets approval.

Ms. Stevenson asked about the type of lighting. Mr. Willard stated that the lighting will be inward facing and for security purposes only.

Ms. Wingate asked Mr. Willard to elaborate on the type of landscaping that will be used. Mr. Willard stated that there will be fencing; that the landscaping will be outside the fence around the perimeter of the storage area and will be a buffer from neighboring properties.

Mr. Mears asked if the boat storage would be only for seasonal use. Mr. Willard stated that it may also be used by weekend boaters, but the Applicant does not anticipate people coming on a day to day basis to drop off or pick up their boats.

Mr. Wheatley asked if the Applicant would be offering shrink wrap services, fuel sales, accessory sales, or boat engine service. Mr. Willard stated there will be no fuel sales, accessory sales or engine service on the property.

The Commission found that no one spoke in favor of and two people spoke in opposition to the Application.

Mr. Ron Scala spoke on behalf of the 146 homeowners in Heritage Village. Mr. Scala stated the Heritage Village is located on the south side of Postal Lane and are adjacent to the subject property; that the community of Sandy Brae lies on the northside of Postal Lane for a total of over 400 homes making Postal Lane a heavily traveled road; that the request for RV and Boat storage will greatly increase the large vehicle traffic for the area; that it will pose many safety and environmental concerns for the residents; that there were over 90 requests to deny the Application; that the residents of Heritage Village feel that this location is not appropriate for this use; that there are no sidewalks in this area; that the Commission previously denied an application for 14 townhomes citing a heavily traveled road and it would not support health, safety, convenience and general welfare of the neighborhood and County; and that for all these reasons the residents of Heritage Village are opposed to this request.

Mr. John Luzzi spoke on behalf of the residents of Sandy Brae. Mr. Luzzi stated that the residents of Sandy Brae are requesting that the Commission deny the Application for safety reasons and that a commercial use on Postal Lane is not in keeping with the residential character of the area; that there are school bus stops on Postal Lane; entrances to single-family homes; that traffic cuts through Sandy Brae trying to avoid Postal Lane causing confusion and more safety issues; and that having commercial use in the area will affect property values.

Ms. Wingate asked who owns the roads within Sandy Brae. Mr. Luzzi responded that they are County roads.

Ms. Joy Greevy spoke by teleconference. Ms. Greevy stated that she agreed with the previous speakers and has further safety concerns about vehicles using Bethpage Drive to turn around.

Upon there being no further questions or comments, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2237 Samuel C. Warrington, II. Motion by Ms. Stevenson, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

2019-32 – Lands of Coroc/Rehoboth, III, LLC

A standard subdivision to divide 10.00 acres +/- into 3 lots to be located on a certain parcel of land lying and being in Lewes and Rehoboth, Hundred, Sussex County. The property is lying on the west side of Holland Glade Road (S.C.R. 271), approximately 0.11-mile northeast of Coastal Highway (Route 1). Tax Parcel: 334-13.00-325.36. Zoning District: C-3 (Heavy Commercial District).

Mr. Whitehouse advised the Commission that submitted into the record is the Applicant's subdivision plat, a copy of the chapter 999C response, a copy of the Applicants environment assessment public facility evaluation report and an exhibit book.

The Commission found that Mr. Ring Lardner, P.E. was present on behalf of the Applicant, Coroc/Rehoboth, III, LLC.; that the owners were not able to be present this evening but are available by teleconference; that the request is for a 3-lot commercial major subdivision; that a revised site plan was submitted following Staff comments; that this property was rezoned to C-3 (Heavy Commercial) in 2019; that two site plans for Planet Fitness and Microtel which were approved by Commission in 2020; that the subject parcel is a 10-acre lot and is located to the rear of Tanger Seaside Outlets on Holland Glade Road; that the lands to the north are owned by the State of Delaware, to the east is the Epworth United Methodist Church and is surrounded by other commercial uses; that the Applicant wishes to adjust the lot line so the storm water management ponds for the Tanger Outlets will be on the Tanger property and then divide the remaining land into three lots; that there will be cross-access easement from Holland Glade Road into the Tanger outlets through the subject property; that lot one will be occupied by the Microtel, lot two by Planet Fitness and lot three is to be determined; the external setbacks will meet the residential setbacks and the interior setbacks between the proposed lots will be the commercial setbacks of 5 ft.; that the subject property is not in the 100 year flood plain and does not contain any wetlands; that it is located in level 2 and level 3 of the State Strategies Map; that it is identified as being in the Coastal Area in the Comprehensive Plan; the subdivision is being integrated into the surrounding community by its location adjacent to the existing Tanger parcel and using residential setbacks for lands owned by the State of Delaware; that the parcel does not contain woodlands or any natural historic features; that the site will be served by public water and sewer; that stormwater will be treated by infiltration ponds; that the commercial use will not negatively affect schools, public buildings or community facilities; that a traffic impact study was not required and each parcel will be required to obtain DelDOT approval; that the proposed subdivision meets the requirements of chapters 89, 99, and 115 of Sussex County Code; and that for all the reasons stated the Applicant is requesting preliminary approval of the subdivision.

Mr. Charles Worsham, Tanger Outlets spoke by teleconference in favor of the Application. Mr. Worsham thanked the Commission for considering the Application; that Tanger continues to remain a partner in the community and look forward to developing this property.

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 2019-32 – Lands of Coroc/Rehoboth, III, LLC. Motion by Mr. Mears, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

2020-06 – Lands of James & Denise Taylor

A standard subdivision to divide 8.925 acres +/- into 4 single family lots to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County. The property is lying on the south side of Asketum Branch Road (S.C.R. 442), approximately 0.21 mile south west of Bryans Store Road (S.C.R. 435). Tax Parcel: 133-14.00-3.05 Zoning District: AR-1 (Agricultural Residential District).

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's subdivision plan, comments from the Sussex County Engineering Department Utility Planning Division, a request from the Applicant for a waiver from the forested buffer requirement, a waiver from the street design standards, and a copy of the Applicant's soil feasibility study. Mr. Whitehouse noted that one letter has been received raising concerns about the proposed subdivision.

The Commission found that Mr. James Taylor and Ms. Denise Taylor were present on behalf of their application. Ms. Taylor stated that she and her husband purchased the property to create lots for her children and to have her parents close by for care; that all approvals have been obtained from other agencies; that they did not expect to have a public hearing regarding the subdivision.

Mr. Wheatley explained that a public hearing is sometimes necessary following more in depth evaluation of the property.

Mr. Hopkins asked if the Applicants would be open to a shared use agreement for the access easement to the lots. Both Mr. and Ms. Taylor agreed to a shared use agreement.

The Commission found that no one spoke in favor of the Application.

Mr. Don Eskridge spoke in opposition to the Application. Mr. Eskridge stated that he owns the lot adjacent to the property; that he is not opposed to the Application if the restrictions of buffers will be maintained.

Mr. Whitehouse stated that this lot was part of a previous subdivision and Mr. Eskridge may be referring to the current deed restrictions.

Mr. Robertson asked that the Commission defer action on this Application until he has an opportunity to review the restrictions mentioned by Mr. Eskridge.

Ms. Eskridge stated that there is a 30-foot buffer between property lines per the current deed restrictions and that he is concerned about the buffer between his lot and the subject property and not with the buffers within the proposed subdivision.

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 2020-06 – Lands of James & Denise Taylor. Motion by Mr. Hopkins, second by Ms. Stevenson, to defer action for further consideration and to leave the record open to review deed restrictions on the property. Motion carried 5-0.

C/Z 1906 Eliud Ramirez-Mejia

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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS. The property is lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street. 911 Address: 27436 Dagsboro Road, Dagsboro. Tax Parcel: 233-5.00-172.00.

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

The Commission found that Mr. Tim Willard, Esquire was present on behalf of the Applicant, Mr. Eliud Ramirez-Mejia; that also present was Mr. Eliud Ramirez-Mejia; that this is a request for a change of

zone for a 2.5-acre parcel; that the property is located off Route 113 on Dagsboro Road adjacent to the business park; that the property is improved with a residence and a pole building; that the Applicant is a contractor with 47 employees; that the Applicant purchased this property with the intent to improve the lot with some pole buildings which could be used for his contractors business; that there is commercial zoning in the area and all along Route 113; that the property is located in the Coastal Area per the Comprehensive Plan; that the property is served by a septic system and a well; that a traffic impact study was not required by DelDOT; and that the Applicant has submitted proposed conditions of approval.

Mr. Eliud Ramirez-Mejia stated that the statements made by Mr. Willard are true and correct.

Ms. Wingate asked if this case was on a previous agenda. Mr. Willard stated that Mr. Ramirez-Mejia had submitted the Application but then hired Mr. Willard to represent him, so the Application was refiled.

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/Z 1906 Eliud Ramirez-Mejia. Motion by Ms. Wingate, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

C/U 2239 Coastal Services, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS. The property is lying on the west side of Cedar Neck Rd. (Rt. 357) approximately 0.64 mile north of Fred Hudson Rd. (S.C.R. 360). 911 Address: 30430 & 30432 Cedar Neck Rd., Ocean View. Tax Parcel: 134-9.00-67.00.

Mr. Whitehouse advised the Commission that submitted into the record is an exhibit book, a staff analysis, a boundary survey from the Applicant, and comments from the Sussex County Engineering Department Utility Planning Division.

The Commission found that Ms. Mackenzie Peet, Esquire was present on behalf of the applicant, Coastal Services, LLC, that also present are Mr. George Elliott, owner of Coastal Services, LLC; that the business has been in operation in Sussex County for more than 20 years; that the Applicant is requesting a conditional use for a contracting business to be located in Neighborhood Business (B-I) and General Residential (GR) zoning districts; that the Applicant purchased the GR property to the rear of the B-1 zoned property already owned by him and combined the lots creating the split zoned property; that the business is a permitted use in the B-1 zoned area of the property; that the request is for the GR zoned portion of the property; that a pole barn of over 6,000 sf is being proposed; that an application for a side yard variance has been submitted for a public hearing before the Board of Adjustment; that the properties to the north and west of the subject property are zoned GR, the property to the east is zoned General Commercial (C-1) and the property to the side is split zoned as B-1 and GR zoning; that the Applicant has spoken with adjacent landowners and has their support; that one property has requested that a fence be installed on the perimeter of the property and the Applicant will comply with that request; that the business operates from 7:00 am – 5:00 pm; that employees do not necessarily visit this site before going

to the work site and therefore there would be no impact on traffic; that the location of this business is compatible with surrounding uses; that all existing buildings meet setbacks; that the staff memo states that the proposed could be consistent with surrounding uses.

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 2239 Coastal Services, LLC. Motion by Mr. Mears, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

ADDITIONAL BUSINESS

Request for 6-month time extension for Subdivision 2017-01 Bayliss Estates Phase 2

The Preliminary Subdivision Plan was granted approval on May 18, 2017. A 6-month time extension was granted by the Planning and Zoning Commission at its meeting on February 13, 2020, which was set to expire in May 2020. The Applicant is requesting an additional 6-month time extension as they existing extension is set to expire on November 18, 2020.

The Commission discussed the request.

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

Meeting adjourned at 7:21 p.m.

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