

THE MINUTES OF THE REGULAR MEETING OF JANUARY 7, 2021

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, January 7, 2021 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, Mr. Chase Phillips – Planner I and Mr. Nicholas Torrance – Planner I.

Mr. Whitehouse noted that there were no changes to the Agenda. Motion by Ms. Stevenson seconded by Mr. Hopkins and carried unanimously to approve the Agenda. Motion carried 5-0.

Motion by Ms. Wingate, seconded by Ms. Stevenson to approve the Minutes of the December 10, 2020 Planning and Zoning Commission meeting as revised. Motion carried 5-0.

OTHER BUSINESS

Outer Banks North & South (2018-2)

Amenities Plan

This is an Amenities Plan for a proposed 262 square foot bathrooms, 126 square foot pool mechanical and storage, 1,500 square foot pool with pool deck, BBQ area and 19 associated parking spaces to be located within the existing Outer Banks North & South (2018-2) subdivision. 10 parking spaces are located within the front yard setback. At their meeting of Thursday, October 10, 2019, the Planning and Zoning Commission approved the Final Subdivision Plan for the development. The Amenities Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 334-11.00-5.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff is in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Amenities Plan. Motion carried 5-0.

Catching Cove (F.K.A. Lands of Robert and Deborah Reed) (S-19-31)

Final Site Plan and Landscape Plan

This is a Final Site Plan and Landscape Plan for 24 single family condominium units, parking and other site improvements to be located off Savannah Rd. A Conditional Use for multifamily dwellings in a Medium Residential Zoning District was approved on June 18, 2019 by the Sussex County Council. The Planning and Zoning Commission approved the Preliminary Site Plan at their meeting of October 1st, 2019. The Final Site Plan and Landscape Plan comply with the Sussex County Zoning Code and all conditions of approval. Tax Parcel: 335-12.06-1.00. Zoning: MR (Medium Residential District). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Final Site Plan and Landscape Plan. Motion carried 5-0.

Seaglass at Rehoboth Beach (F.K.A. Herola Property) (S-20-39)

Final Site Plan and Landscape Plan

This is a Final Site Plan and Landscape Plan for a proposed 224-unit multi-family apartment complex to consist of a clubhouse, pool, dog park, tot lot, 394 parking spaces and other site improvements located on 18.759 acres +/- . The property is located directly east of John J. Williams Hwy (Route 24) just south of Coastal Highway (Route 1). The Final Site Plan and Landscape Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-12.00-127.01 & 127.10. Zoning: CR-1 (Commercial 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 Site Plan and Landscape Plan. Motion carried 5-0.

Tanger Microtel (S-20-13)

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for a 78-bedroom hotel with 120 total parking spaces with 98 to be located within “Lot 1” of the major subdivision, Lands of Coroc/Rehoboth III LLC (2019-32) and 22 temporary parking spaces to be located the adjacent “Lot 2”. The Planning and Zoning Commission previously approved the Preliminary Site Plan at their meeting of April 23, 2020 with the condition that a shared parking study be completed with the adjacent parcel at the point of Final Site Plan approval. The applicant is requesting these 22 spots be granted temporarily on the neighboring parcel until the completion of construction of “Lot 2” and a shared parking study be completed at that point. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.00-325.36. Zoning: C-3 (Heavy Commercial Zoning District) Staff are in receipt of all agency approvals and this project is eligible for Final Site Plan approval.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Revised Preliminary Site Plan and Final Site Plan. Motion carried 5-0.

Lands of Shubert (S-20-01/C/U 1610)

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for a proposed 3,072 square foot pole barn warehouse addition with site improvements on a 9.607-acre parcel of land accessed from Iron Hill Road (S.C.R. 454A). At their meeting of Thursday, May 26, 2005, the Planning and Zoning Commission approved Conditional Use No. 1610 to allow for a produce/garden center to operate on site. The application was also subsequently approved by the Sussex County Council at their meeting of June 14, 2005 and adopted through Ordinance No. 1780. There is also an approved Change of Zone for the parcel, Change of Zone No. 1864, which was approved by the Sussex County Council on January 8, 2019 and adopted through Ordinance No. 2625. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of approval. Tax Parcel: 532-14.00-6.05. Zoning: C-3 (Heavy Commercial Zoning District) & AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously to approve the Revised Preliminary Site Plan and Final Site Plan. Motion carried 5-0.

Plantation Square (S-18-54)

Preliminary Site Plan

This is a Preliminary Site Plan for two proposed two-story commercial business buildings totaling 49,450 square feet, 267 parking spaces and other site improvements on a 6.058 +/- acres parcels located on the southwest side of Plantations Road within the Henlopen TID. Staff notes the 267 parking spaces

meets the required 247 parking spaces required and interconnectivity is also shown with the parcel located directly to the south currently zoned AR-1. The Preliminary Site Plan Complies with the Sussex County Zoning Code. Tax Parcel: 334-12.00-57.01. Zoning: B-1 (Neighborhood Business Zoning District). Staff are awaiting agency approvals.

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

Nicola's Family Pizza Restaurant (S-20-50)

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 9,640 square foot restaurant with two floors to be located at 17501 Coastal Highway (Route 1) in Lewes. This plan also includes 144 parking spaces, a 1,726 square foot deck, and other site improvements to be located on parcel of land that is approximately 1.78 acres +/- . Staff note this plan includes a lot line adjustment which proposes an increase in the area of the subject property to 1.86 acres +/- . Additionally, there is a Cross Blanket Access Easement to accommodate vehicular traffic and parking. This Preliminary Site Plan complies with the Sussex County Zoning Code and the requirements of the Combined Highway Corridor Overlay Zone (CHCOZ). Tax Parcel: 334-6.00-14.00. 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, that Staff should consult with the Applicant regarding additional interconnectivity, and final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

Indian River Volunteer Fire Department

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 13,146 square foot addition, 20 new parking spaces and other site improvements on a 1.888 acre +/- property located on the east side of Banks Road (S.C.R. 298). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 234-23.00-287.00. Zoning: GR (General Residential Zoning District). Staff are in receipt of all agency approvals and this project is eligible for Final Site Plan approval.

Motion by Mr. Mears, seconded by Mr. Hopkins, and carried unanimously to approve the Revised Preliminary Site Plan and Final Site Plan. Motion carried 5-0.

Lands of Marjorie O. Biles

Minor Subdivision off a 20' easement

This is a Preliminary Minor Subdivision Plan for the creation of one lot off a proposed 20' access easement which shall exist over an existing 10' driveway. The lot to be established will be 0.60 of an acre +/- . The property is located off Cessna Drive in Rehoboth Beach not within the Henlopen TID. The proposed lot is located within the Sussex County Sewer District. Tax Parcel: 334-13.00-303.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals. Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to approve the Minor Subdivision off a 20' easement. Motion carried 5-0.

OLD BUSINESS

2020-12 – Carsyljan Acres

A standard subdivision to divide 0.58 acre +/- into 2 lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the northeast side of Brohawn Ave., approximately 0.11-mile northeast of Sweetbriar Rd. (S.C.R. 261). Tax Parcel: 235-27.00-94.00. Zoning District: GR (General Residential District).

Mr. Whitehouse stated that the subdivision currently has 74 existing lots; that the Applicant would need 38 homeowners to approve the request for 51% of the total subdivision; that the Applicant has asked to withdraw this Application so that the signatures can be collected; and that the Application will be resubmitted in the future.

2020-18 – The Woodlands II

A coastal area/cluster subdivision to divide 16.52 acres +/- into 33 single family lots to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the southeast corner of Central Ave. (Rt. 84) and Bayard Rd. (Rt. 84), approximately 0.28-mile northwest of Double Bridges Rd. (S.C.R. 363) Tax Parcel: 134-19.00-23.00. Zoning District: AR-1 (Agricultural Residential District).

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

Ms. Wingate moved that the Commission approve the Subdivison 2020-18 – The Woodlands II based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant is seeking approval of a subdivision within the Coastal Area and the AR-1 Zoning District. The Applicant is seeking lots with a minimum area of 7,500 square feet as permitted in the Coastal Area.
2. The proposed subdivision will include 33 lots on 16.52 acres. This density is permitted in the AR-1 zone.
3. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
4. The project will be served by central water and sewer.
5. The development complies with the Sussex County Comprehensive Plan as a low density, single family dwelling subdivision within the Coastal Area.
6. This subdivision is consistent with others in the area, including the existing Woodlands development.
7. The subdivision will not have any adverse impact upon neighboring properties, area roadways or public facilities.
8. While there were concerns expressed by neighboring residents of the existing Woodlands development, those concerns are not sufficient to deny this application for the following reasons:
 - a. There was a lot of opposition to the interconnectivity between the Woodlands and this subdivision using Wichess Lane. Such interconnectivity is promoted by §99-17 of the Subdivision Code. In addition, the potential for future interconnectivity is clearly shown on the approved Final Site Plan for the Woodlands. To mitigate these concerns, there are conditions imposed requiring signage and speedbumps, and no construction traffic will be permitted to use Wichess Lane via the Woodlands.

- b. There was a concern about this new subdivision being merged with the existing Woodlands development and its HOA. This subdivision will be an entirely separate subdivision with its own HOA.
 - c. There were concerns about impacts to the existing homes along Yianna Drive in the Woodlands. There will be a 20-foot perimeter buffer within this subdivision in addition to the existing buffer in the Woodlands. With that and the required building setbacks no new home will be closer than 90 feet to an existing home in the Woodlands.
 - d. There were concerns about poor drainage on this property and how it impacts properties within the Woodlands. Right now, the site of this new subdivision is undeveloped and there is no stormwater management system that exists on it. With the development, the stormwater management system will be designed by engineers and approved by the Sussex Conservation District. It will then be constructed with oversight by the Conservation District. This will improve the drainage and flow of water not only within this property, but also in how it impacts the adjacent properties.
 - e. There were concerns about traffic on Central Avenue and Bayard Roads. DelDOT is requiring significant improvements to the Bayard Avenue and Central Avenue intersection, including bypass lanes at the entrance to the development and turn lanes at the intersection.
9. This preliminary approval is subject to the following conditions:
- a. There shall be no more than 33 lots within the subdivision.
 - b. Wichess Lane shall interconnect with Wichess Lane in the existing Woodlands subdivision. The developer shall install speed bumps system along Wichess Lane near the common boundary with the Woodlands. This developer shall install “NO THROUGH STREET” signs at the entrance to this subdivision. The location of the speedbumps and the “NO THROUGH STREET” signs shall be shown on the Final Site Plan for consideration.
 - c. The developer shall establish a homeowners association responsible for the maintenance of roads, buffers, stormwater management facilities and other common areas. This HOA shall be entirely separate from the HOA associated with the adjacent Woodlands subdivision.
 - d. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - e. As stated by the Applicant, there shall be a forested or landscaped buffer of at least 20 feet in depth along the perimeter of the project. The Final Site Plan shall contain a landscape plan for all of these areas.
 - f. The development shall comply with all DelDOT entrance and roadway improvement requirements.
 - g. As proffered by the Applicant, sidewalks shall be installed on the entire north side of Wichess Lane and along the entire southwestern and southern side of the other unnamed subdivision streets.
 - h. A system of fully-shielded and downward-screened streetlighting shall be provided.
 - i. The subdivision shall be served by a central sewer system.
 - j. The subdivision shall be served by a publicly regulated central water system.
 - k. Street design shall meet or exceed Sussex County standards.
 - l. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - m. Construction, site work and deliveries shall only occur on the site between the hours of 8:00 a.m. through 7:00 p.m., Monday through Friday, and 8:00 am through 2:00 pm on Saturdays. No construction deliveries, vehicles or equipment shall enter the site via the interconnectivity with Wichess Lane in the Woodlands.

- n. The Applicant shall coordinate with the local school district regarding the location of a covered school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.
- o. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- p. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Ms. Stevenson asked if Ms. Wingate was requiring more than one speed bump as part of the motion. Ms. Wingate responded that at least one speed bump must be installed on Wichess Lane between the subdivisions, however, the developer may install more than one speed bump if they choose.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the subdivision for the reasons and 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.

Chairman Wheatley read the mask policy.

2021-01 – Doe Run

A standard subdivision to divide 24.412 acres +/- into 14 single family lots (alterations to 1990-15 Doe Run Subdivision) to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County. The property is lying on the south side of Tuckers Rd. (S.C.R. 597), approximately 700 ft. east of Fawn Rd. (S.C.R. 600). Tax Parcels: 430-11.00-43.00, 44.00, 45.00, 46.00, 47.00, 48.00, 49.00, 50.00, 51.00, 52.00, 53.00, 54.00, 55.00, & 56.00. 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, and the staff analysis. Mr. Whitehouse noted that the Office of Planning and Zoning received nine letters in support of the application from residents of the Doe Run Subdivision representing 62% of property owners.

The Commission found that Mr. David Miller was present on behalf of his application; that the request is to add 4.2 acres to the south side of his lot; that there is no road access to these additional lands; that adding the additional acreage to Lot 15 will not create any issues for the water systems as each lot is on private well; that there is no HOA at this subdivision; that there are no historical significance to this property; and that adding property to the subdivision will not affect roads, soils, schools, wetlands.

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 Application 2021-01 – Doe Run.

Mr. Hopkins moved that the Commission grant Preliminary and Final Site Plan approval to Subdivision 2021-01 – Doe Run to add 4.192 acres to the subdivision in general and to Lot 15 of that subdivision in

particular. As a result of their Application Lot 15 of the Doe Run subdivision will now be 6.684 acres in size. This approval does not increase the density of the Doe Run Subdivision and it will not adversely impact the existing lots within the Doe Run Subdivision, other neighboring properties, roadways or public facilities.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to approve the subdivision for the reasons and conditions stated in the motion. Motion carried 5 – 0.

Chairman Wheatley announced that the Commission would hear a combined public hearing for Ordinance 20-06, application C/Z 1910 and application C/U 2212. Whilst the hearings would be combined, the Commission would ultimately vote on each application separately.

Ord. 20-06 – Future Land Use Map

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)

Mr. Whitehouse advised the Commission that submitted into the record for Ordinance 20-06 is a copy of the PLUS submission and a copy of the PLUS comments.

C/Z 1910 – Brickyard Apartments, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 3.093 acres, more or less. The property is lying on the northwest side of Brickyard Road approximately 0.3 miles southeast of Sussex Highway (Rt. 13). 911 Address: 9329 Brickyard Road, Seaford. Tax Parcel: 132-2.00-264.00

Mr. Whitehouse advised the Commission that submitted into the record for CZ 1910 is a copy of the Applicant’s site plan, a copy of the staff analysis, a copy of the DelDOT service level evaluation response, a copy of the Applicant’s exhibit book, and comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that one letter of support and one mail return have been received.

C/U 2212 – Brickyard Apartments, LLC

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family (48 apartments) to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 5.05 acres, more or less. The property is lying on the northwest side of Brickyard Road, approximately 0.3 miles southeast of Sussex Highway (Rt. 13). 911 Address: 9329 Brickyard Road, Seaford. Tax Parcel: 132-2.00-264.00

Mr. Whitehouse advised the Commission that submitted into the record for CU 2212 is a copy of the Applicant’s site plan, a copy of the staff analysis, a copy of the DelDOT service level evaluation response, a copy of the Applicant’s exhibit book, comments from the Sussex County Engineering Department Utility Planning Division and comments from DelDOT. Mr. Whitehouse noted that one letter of support and one mail return have been received.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Brickyard Apartments, LLC.; that also present are Project Designer, Sherry Hockstedler from George Miles and Buhr and Billy Betts, Brickyard Apartments, LLC.; that a portion of the property is currently zoned GR; that this request is for a Change of Zone to allow for uniform zoning of GR and a Conditional Use

for 48 apartments; that there would be a total of 12 buildings; that six buildings would have four one-bedroom apartments and six buildings with four two-bedroom apartments; that GR zoning designation is consistent with the prevailing uses and character of the neighborhood; that split-zoning is disfavored; that as Staff has noted that the approval would be consistent with the land use, area and surrounding uses; that the approval of this Application would help advance with the County's long standing goal of providing opportunities for affordable housing in the area; that the Office of State Planning Coordination is supportive; that there are letters of no objection from Sussex Conservation District and the DelDOT; and that there are no letters of objection.

Mr. Hopkins asked for the square footage of the apartments.

Ms. Hockstedler stated that the one-bedroom apartment buildings are 4,430 gross sf and the two-bedroom apartment buildings are 5,906 gross sf.

Ms. Stevenson asked if the development would meet Sussex County parking requirements.

Mr. Whitehouse stated that two parking spaces would be required for each unit with additional requirements for any units with more than three bedrooms.

Mr. Paradee stated that the parking requirements would be met.

Ms. Stevenson asked about the water and sewer connections.

Ms. Hockstedler stated that this development has an agreement to connect to the water treatment facility at Mobile Gardens which is to the north of the subject property.

Ms. Suzanne Laws, Engineer with DelDOT gave comments on this Application by teleconference. Ms. Laws stated that this Application received a letter of no objection from DelDOT on January 13, 2020 and plans were approved on February 12, 2020.

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 the Applications.

In relation to Ord. 20-06 – Future Land Use Map, motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

In relation to Application C/Z 1910 Brickyard Apartments, LLC., motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

In relation to Application C/U 2212 Brickyard Apartments, LLC., motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Ord. 21-01 – The Coastal Area

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA

Mr. Whitehouse advised the Commission that this is an Ordinance to amend Chapter 115, Article XXV, Section 115-194.3 of Sussex County Code regarding the Coastal Area. Mr. Whitehouse noted that Staff have received 108 comments regarding this Amendment.

The Commission found that Mr. Robertson presented the proposed amendment; that he reminded Commissioners that this is the second presentation regarding the amendment to the Coastal Area; that the desire is to make what is in the Coastal Area match what is in the rest of Sussex County in terms of what is required for a Cluster Subdivision; that the original ordinance that was introduced and was heard by this Commission did two things it brought the Coastal Area consistent with the rest of the County but it also added a Yield Plan to the Coastal Area; that there was a lot of opposition to the Yield Plan, so that Ordinance was not acted on; that County Council made a decision to have this Ordinance reintroduced without the Yield Plan; that the new Ordinance retained the goal of making Cluster Subdivisions consistent throughout the County; that a benefit of removing the Yield Plan is that it made the Ordinance Amendment shorter; that the new Ordinance will add three lines to section 194.3 that is a new subparagraph 5 stating that “Residential Developments utilizing the cluster option of subsection 3C above within the existing AR-1 and AR-2 zoning districts shall comply with the design requirements set forth in the requirements in Section 115-25F of the Zoning Code”; that currently all lots in Cluster Subdivisions must be at least 7,500 sf; that in almost 75% of the County, developers have to comply with a list of requirements but that is not so in the Coastal Area; that this Amendment will create one standard throughout Sussex County; that Council members felt it made sense to have these requirements in the Coastal Area which is an environmentally sensitive area; that this Amendment does not create any new Code language or text; that if you are in the Coastal Area you have to meet the requirements that are currently set forth in 115-25F for the AR-1 and AR-2 zoning districts of Sussex County; that one comment regarding this Amendment referenced open space; that open space is a well-defined term in 115-4 and list specific things that can be present in open space and things that cannot; that only 115-25F is incorporated into this Amendment because 115-25A through D do not deal with Cluster Subdivisions and 115-25E deals with some design requirements for Cluster Subdivisions but really the design requirements are in 115-25F; and that by just referencing 115-25F it will make all the design requirements consistent throughout the County.

The Commission found that Mr. Ring Lardner spoke in support of the Amendment on behalf of the Delaware Chapter of the American Council of Engineering Companies; that this organization had opposed the previous Ordinance Amendment but are in favor of the proposed Amendment to the Ordinance; and that a suggestion by their organization would be to have a working group setup to review the superior design standards.

The Commission found that Mr. Jim Eriksen spoke neither in support or opposition of the proposed Amendment; that he wanted to mention some of the issues with the superior design standards; that when designing subdivisions, they would like to be creative, that requirements for open space can create problems with providing amenities; that the superior design encourages grouping of lots and that they prefer to spread open space between the lots and give people usable space next to their lots; and that affordable housing is impacted by superior design.

The Commission found that the following people spoke by teleconference in support of the Ordinance 20-01 – The Coastal Area: Carol Conroy, Judy Rhodes, Beau Daly, Yu Lee, Chris Bason, Gail Van Gilbert and Rich Barasso.

At the conclusion of the Public Hearings, the Commission discussed Application Ord. 21-01 – The Coastal Area. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 5-0.

ADDITIONAL BUSINESS

There was no additional business.

Meeting adjourned at 7:07 p.m.

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountyde.gov.
