

THE MINUTES OF THE REGULAR MEETING OF OCTOBER 13, 2021

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday afternoon, October 13, 2021, in Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware. Members of the public also attended this meeting by teleconference.

The meeting was called to order at 3:00 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. Lauren DeVore – Planner III, Ms. Christin Scott – Planner I and Mr. Elliott Young – Planner I.

Mr. Whitehouse noted there was a request from the Applicant for SoDel Concepts Office Revised Preliminary Site Plan to be moved forward on the agenda due to the availability of the engineer. The second request was in relation to the Revised Preliminary Site Plan (S-22-23) Stingey Lane, LLC which required further work before being noticed by the Commission and request the Commission take no action at the current meeting.

Motion by Ms. Wingate seconded by Ms. Stevenson and carried unanimously to approve the Agenda as revised. Motion carried 5-0.

Chairman Wheatley stated in the interest of time, he proposed to amend the agenda to move SolDel Concepts Office- Rehoboth Revised Preliminary Site Plan ahead of Old Business.

Motion by Mr. Hopkins seconded by Ms. Stevenson and carried unanimously to amend the Agenda as amended. Motion carried 5-0.

OTHER BUSINESS

SoDel Concepts Office - Rehoboth

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the creation of a 2-story 2,826 square foot office building, parking, and other site improvements. The property is located on the southwest corner of Coastal Highway (Route 1) and Ann Avenue. The Applicant is requesting to allow for 10 spaces to be located within the front yard setback. The plan otherwise complies with the Sussex County Zoning Code. The Revised Preliminary Site Plan was last viewed by the Planning & Zoning Commission at their meeting of Thursday, September 9, 2021. Tax Parcel: 334-20.13-27.00. Zoning: C-1 (General Commercial Zoning District.) Staff are awaiting agency approvals.

Ms. Stevenson questioned how the engineer performed the calculations; that they can count bathrooms and stairways but not hallways and that the Commission had to consider what the building could be used for in the future if ever sold by SolDel Concepts.

Mr. Whitehouse stated he requested the engineer be present for the meeting to answer any questions; that the internal corridors and circulation areas on the site plan are not shown in color but do have an area; that based upon that if those areas were included in the calculations it would increase the parking requirement beyond that stated.

The Commission found that Mr. Kevin Smith with the Kercher Group spoke on behalf of the Revised Preliminary Site Plan; that he had spoken with Mr. Whitehouse regarding what the Sussex County Code requirements are for office buildings; that it does state the entire internal square footage; that the square

footage of the building is 2,560 sq. ft. for each floor; that when you do that calculation it is roughly 26 parking spaces; that Fisher Architecture submitted items to the Commission that highlighted the areas that will be used for the individuals; that the areas that were not highlighted are common areas for the employees; that the hallways, the stairwell, and some of the conference areas which will be utilized by the same employees were not included in the calculation; that if those common areas were removed only 15 parking spaces would be required for the 12 employees; that in most office settings you have people, such as customers, coming into the office; that for this particular building the employees are the only people utilizing the spaces; that in typical situations the conference areas would be considered areas that you would bring customers into along with the employees which could add the need for the additional parking spaces; that in the information provided they attempted to spell out what they believed was the usable space for the employees; that this was the information presented to the Commission; that if you are looking at 26 parking spaces, on the plans there is actually 19 parking spaces presented; that if the Commission is using the 26 parking space number, he requesting a waiver for a reduction of seven parking spaces; that this was a grey area; that they are interested in getting the Commission's input on what is considered for the particular use and the purposed use is atypical for an office building to not have customers coming into the building.

The Commission discussed the Revised Preliminary Site Plan.

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

OLD BUSINESS

2020-08 Lockhaven

A standard subdivision to divide 125.8 acres +/- into 25 single-family lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the west side of Round Pole Bridge (S.C.R. 257), approximately 0.48 mile west of Hudson Rd. (S.C.R. 258). Tax Parcel: 235-15.00-34.00. Zoning District: AR-1 (Agricultural Residential District).

Ms. Stevenson moved that the Commission deny Subdivision 2020-08 for Lockhaven based upon the record made during the public hearing and for the following reasons:

1. This application is for a 25-lot standard subdivision. The site is located in an environmentally sensitive area, bounded on the east by Beaverdam Creek and on the North by the Broadkill River. Approximately 28.7 acres of the site is wetlands, which does not include the area of the large man-made lagoon that is essentially part of the Broadkill River. The site also contains approximately 38.44 acres of woodlands. Each lot is proposed to be served by an individual, on-site septic system.
2. I do not believe that the Applicant has favorably addressed the requirements of Section 99-9C of the Subdivision Code, which contains 17 items that must be considered in any subdivision application.
3. This application does not adequately satisfy Section 99-9C(1) which requires the consideration of "an integration of the proposed subdivision into the existing terrain and surrounding landscape." The subdivision has extensive wetlands and woodlands, all of which are located within individual lots. Even the buffers are located within the individual lots. There is no protection against future tree clearing or disturbance of the wetlands or the buffer areas by future lot owners.

4. This application does not adequately satisfy Section 99-9C(2) which requires the “minimal use of wetlands and floodplains”. In this case, the wetlands are located solely within the lot lines. In fact, 13 of the 25 lots contain wetlands. This is not the “minimal use of wetlands”. Although there is a 50-foot wetlands buffer proposed, it is also located within each lot, which offers no guarantee that the buffer or the wetlands will be used or disturbed in the future once homes are built on the various lots.
5. This application does not adequately satisfy Section 99-9C(3) which requires the consideration of the “preservation of natural and historical features.” While there are no known historic features on the site, 13 of the lots contain wetlands. The design of the subdivision is counter to the preservation of the natural areas since the lots are oriented to the perimeter of the site where the wetlands and waterways are located, and not towards the interior of the site that was previously farmed and no natural features exist.
6. This application does not adequately satisfy Section 99-9C(4) which requires a consideration of the “preservation of open space and scenic views.” The design of the subdivision includes 14.75 acres of open space that is mainly oriented to the center of the site. The design does not preserve scenic views, particularly where the primary scenic view is the man-made lagoon and its view of the Broadkill River beyond it, all of which is located within a single lot (Lot 15) that is not accessible to the other lots within the development.
7. This application does not adequately satisfy Section 99-9C(5) which requires a consideration of the “minimization of tree, vegetation and soil removal and grade changes.” As already stated, all 38 acres of the existing forest is located within the individual lots. Although the applicant has stated that the forested areas will be preserved, the site plan that was submitted states that the “treeline is shown for estimated lot clearing. Actual lot clearing varies.” I am not satisfied that tree clearing will be minimized on these lots once homes are designed and built with rear yards, wells, and septic systems.
8. I am not satisfied that the Applicant has adequately addressed the provision for sewage disposal as required by Section 99-9C(8). The Applicant is proposing 25 individual septic systems and I am not satisfied that the soils are adequate based upon the information contained in the record, which includes a fifteen-year-old soil study from 2006 that reviewed a completely different site plan with two cul de sacs and a different lot layout. In December of 2015, which is now almost six years ago, DNREC indicated that 4 of the lots in that old subdivision design were marginal for On-Site Wastewater Treatment and Disposal Systems and that one of the former lots was not feasible for an on-site system at all. The developer has redesigned the subdivision to address the lot with the bad soils, but DNREC has not reviewed the current plan to confirm that each of the lots will have adequate soils for on-site septic systems.
9. This application does not adequately satisfy Section 99-9C(11) which requires the consideration of safe vehicular movement within the site and to adjacent ways and Section 99-9C(15) which requires the consideration of the effect on area roadways. The site is located along Round Pole Bridge Road, which is an unlined tar and chip roadway with no shoulders and failing pavement edges. DelDOT has stated that it has no plans for any improvement of this roadway. The proposed entrance to the site is approximately 500 feet from a 90-degree turn in the road, making it difficult to anticipate oncoming traffic. I am not satisfied that these circumstances provide for safe vehicular and pedestrian movement onto adjacent roadways and the entrance creates an

unsafe effect on the already marginal Round Pole Bridge Road.

10. The proposed project does not meet the purpose of the Subdivision Code. For the reasons stated, it does not protect the health, safety orderly growth, and welfare of citizens of the County.
11. For all of these reasons, I move that we deny preliminary approval of Subdivision 2020-8 for Lockhaven.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to deny Subdivision 2020-08 Lockhaven for the reasons stated in the motion. Motion carried 5-0.

2021-21 - Lewes Crossing Phase 8 Revision (2016-4)

This is a revision to a previously approved 42-lot major subdivision known as Lewes Crossing. The proposal is to reduce the number of trees proposed within Perimeter 2 in Phase 8 of the Lewes Crossing Subdivision. This reduction is proposed to the rear of Lots 215-227. The property is located on the south side of Beaver Dam Road approximately 1,436 ft. west of Salt Marsh Boulevard. The property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 334-5.00-222.01

The Commission discussed this Application which was present at the public hearing of July 22, 2021; that the record was left open for the receipt of the rendering information which has now been received and was included in the Commission's paperless packet for the September 23, 2021 meeting.

Motion by Ms. Stevenson, seconded by Mr. Mears to close the record and defer action for Subdivision 2021-21 Lewes Crossing Phase 8 Revision (2016-4). Motion carried 5-0.

C/U 2262 Matthew Hete

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwellings (4 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.25 acres, more or less. The property is lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (S.C.R. 275). 911 Address: 34360 Postal Lane, Lewes. Tax Parcel: 334-6.00-686.00.

Ms. Stevenson moved that the Commission recommend approval for Conditional Use # 2262 for MATTHEW HETE for 4 Multi-Family Dwellings in an AR-1 District based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 4 multi-family structures on approximately 1.25 acres.
2. Multi-family dwellings can be approved with a density of 4 units per acre as a conditional use in the AR-1 District, subject to a bonus density payment for each unit above 2 units per acre to preserve open space elsewhere. There will be a bonus density payment required for the two additional units of density on this site.
3. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that "a range of housing types" are acceptable here.

4. The proposed development will not have an adverse impact on the neighboring properties or roadways. In fact, there are letters in support of the application from many of the nearby neighbors.
5. The development will be served by central sewer provided by Sussex County.
6. The development will be served by central water.
7. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be 4.
 - b. All entrance, intersection, roadways, and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - c. There shall be a 75-foot buffer along the road frontage that complies with the requirements of Section 115-22 of the Zoning Code for multi-family dwellings in the AR-1 District.
 - d. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.
 - e. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - f. The project shall be served by central water to provide drinking water and fire protection.
 - g. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 am and 5:00 pm Monday through Friday. There shall be no construction activities at the site on Saturdays and Sundays. A 24 inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - h. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - i. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - j. All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.
 - k. The Applicant must pay the bonus density fee required by Chapter 62, Section 62-7 of the Code of Sussex County for the two additional units in excess of two units per acre.
 - l. 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 Mr. Hopkins and carried unanimously to recommend approval for C/U 2262 Matthew Hete for the reasons and conditions stated in the motion. Motion carried 5-0.

OTHER BUSINESS

(2004-38) Wetherby

Determination as to Substantially Underway Status

On August 2, 2021, the Planning & Zoning Department received a revised Subdivision Plan for the Wetherby Subdivision. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, August 11, 2005. Following this, the Planning & Zoning Commission approved three-time extension requests for the Subdivision (on August 22, 2006, July 18, 2007, and August 20, 2008.) The Final Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, September 16, 2009, under the condition that a Notice to Proceed would not be issued for the project until the specified regional wastewater facility was substantially under construction or another treatment and disposal facility was approved by DNREC to service the project. The Final Record Plan was recorded in the Office of the Recorder of Deeds on March 1, 2010. A letter was received from the property owner requesting a 6-month time extension for the subdivision, which was filed on December 30, 2015. The letter stated that the Wandendale facility, which was necessary to service the proposed development, would not be constructed. A 6-month time extension request was subsequently approved by the Sussex County Council on January 26, 2016, to extend the date by which development must be substantially underway to July 1, 2016. On July 5, 2016, a letter was issued to the Applicant from the Planning and Zoning Director confirming that conditions on-site (which included rough grading of the main road and entrance) were determined to be substantially underway. This determination was made under the condition that work shall continue on the project site to maintain this status.

Following the receipt of third-party concerns that the subdivision may have lapsed, aerial drone inspections were carried out on September 20, 2018, and November 10, 2020. Photos of which have been date stamped and included in the Commission's packet. Staff have provided two separate lists detailing the chronology of the application, one of which was prepared by staff and the other of which was prepared by the Applicant to fill in any gaps within the previously documented information. Staff are requesting that the Commission make a determination as to whether the project is still deemed to be substantially underway.

The Commission discussed if the Application was considered substantially underway.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously that the (2004-38) Wetherby Subdivision remains valid. Motion carried 5-0.

(2005-49) The Woodlands Subdivision

Request to Revise Landscape Plan and/or Conditions of Approval

This is a Final Subdivision and Landscape Plan for The Woodlands (2005-49) Subdivision, which is a cluster subdivision comprised of eighty-eight (88) single-family lots within an AR-1(Agricultural Residential Zoning District). The Final Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, November 12, 2009. The Applicant is requesting relief from the 30-ft Agricultural Buffer requirement at specific locations within the development. The Applicant is requesting for the existing mature trees to remain in those specific areas to serve the purpose of the Agricultural Buffer. The Plan complies with the Sussex County Zoning and Subdivision Code and all

Conditions of Approval. Tax Parcels: 134-19.00-30.00 & 30.01. Zoning District: AR-1 (Agricultural Residential Zoning District.)

The Commission discussed the revision request to the landscape plan.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to grant relief from the 30-ft agricultural buffer requirements be granted except for Lot 69 belonging to 33322 Curran Court. Motion carried 5-0.

(2017-11) Stonewater Creek Phase 7

Revised Final Subdivision Plan

This is a Revised Final Subdivision Plan for Stonewater Creek Phase 7, a cluster subdivision consisting of ninety-six (96) single-family lots located on the east side of Indian Mission Road (Route 5) and with access to the existing Stonewater Creek Subdivision. At their meeting of Thursday, November 29, 2018, the Planning and Zoning Commission approved the Final Subdivision Plan for the development. Changes to the plans include the removal of 4 lots (specifically Lot numbers 587, 588, 589, and lot 590) from the previously-approved plan, the dedication of additional lands to Artesian for maintenance purposes and access to their facilities, and an increase in the setbacks from the previous lots to the Wastewater Treatment Plant. The plans have received approval from the Sussex Conservation District, Sussex County Engineering Department, and the State Fire Marshal's Office. The Revised Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcels: 234-16.00-19.00, 19.04, 19.09, 208-277 & 1702-1731. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all updated agency approvals.

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

(2019-16) Estates at Milton Crossing Subdivision

Final Subdivision Plan

This is a Final Subdivision Plan for the creation of a standard subdivision to consist of eighty-seven (87) single-family lots located on the south side of Delaware Route 1 (Coastal Highway) with access off of the north side of Reynolds Road (S.C.R. 233). At their meeting of Thursday, December 12, 2019, the Planning and Zoning Commission approved the Preliminary Subdivision Plan for the development. Staff note that there is an 8-ft berm that is proposed to be located within the width of the 30-ft landscaped buffer, which was required under Condition "D" of the Conditions of Approval. The berm has been required by DelDOT for purposes of noise mitigation off of Route 1. Staff flagged this up as a potential non-compliance in their staff review comments. This proposal remains subject to Commission review and otherwise complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcels: 235-8.00-26.00, 26.03 & 31.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

The Commission discussed the Final Subdivision Plan.

Motion by Ms. Stevenson, seconded by Mr. Hopkins to grant preliminary approval to the revised landscaping plan showing that the buffer plantings in the berm were within the 30-ft. requirement with the revised plan being subject to staff approval.

The Commission found that Mr. Mark Davidson with Pennoni spoke on behalf of the Final Subdivision Plan; that the site plan does reflect a 30-ft buffer as per the conditions made as part of the approvals; that the berm, the landscaping, and the sound barrier that DelDOT had required have all been incorporated;

that the condition is a 30-ft buffer; that 20-ft of the buffer is to be landscaped per the landscaping requirements; that all of the requirements were incorporated together to meet the conditions of approval; that this is reflected on the landscaping plan; that they did not want to place an eight-foot sound wall; that they incorporated this and had it approved by DelDOT to be able to place a berm along with all landscaping that was required and by doing this they have made the visual barrier a lot better.

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

(2018-24) Sycamore Chase Amenities

Revised Amenities Plan

This is a Preliminary Amenities Plan for Sycamore Chase (2018-24) for a proposed 1,527 square foot clubhouse and pool equipment room, fire pit and grill area, and fenced pool. Include in the site plan are 17 parking spaces, sidewalks, and other site improvements. The Preliminary Amenities Site Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 134-18.00-55.02. Zoning: AR-1 (Agricultural Residential) Zoning District. Staff are in receipt of all agency approvals, therefore the plan can be considered for preliminary and final approval.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Revised Amenities Site Plan. Motion carried 5-0.

(C/Z 1759) Osprey Point MR – RPC Amenities

Revised Amenities Plan

This is a Preliminary Amenities Plan for Osprey Point for a proposed 3,445 square foot clubhouse including restrooms, meeting rooms and a restaurant, 2,000 sq. ft. pool, tiki bar, multipurpose courts, dog park, storage building, play area, and other improvements. Included in the site plan are 30 parking spaces, sidewalks, and future expansion areas. The Preliminary Amenities Site Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 334-18.00-83.21. Zoning: MR-RPC (Medium Residential – Residential Planned Community) Zoning District. Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Revised Amenities Site Plan. Motion carried 5-0.

Americana Bayside MR-RPC – Parcel P

Final Site Plan

This is a Final Site Plan for Americana Bayside Parcel P for the development of three (3) commercialized buildings totaling 6,230 square feet on a 2.33-acre parcel +/-, with access off an existing 30-ft ingress/egress access easement and located on the northwest side of Tidal Road (S.C.R. 381A). At their meeting of Thursday, April 16, 2020, the Planning and Zoning Commission approved the Preliminary Site Plan for the proposal. The Final Site Plan Complies with the Sussex County Zoning Code. Tax Parcel: 533-19.00-17.01. Zoning: MR/RPC (Medium Residential Zoning District). Staff are in receipt of all agency approvals.

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

DelDOT Georgetown Administrative Building

Final Site Plan

This is a Final Site Plan for the expansion of the Delaware Department of Transportation Administrative Building in Georgetown. This plan proposes a 6,651 square foot addition to the existing 14,300 square

foot building. Additionally, 48 new parking spaces and crosswalks are proposed to accommodate the increase in the square footage of the building. Various landscaping and other site improvements are included as well as drainage upgrades that will be required to meet stormwater management standards and regulations. The Revised Final Site Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, May 27, 2021. The property is located on the northeast corner of Dupont Boulevard (Route 113) and South Bedford Street (S.C.R. 431) in Georgetown. The Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 135-23.00-13.00. Zoning District: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

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

Big Oyster Brewery

Revised Final Site Plan

This is a Revised Final Site Plan for the establishment of a 3,000 sq. ft. storage building, 1,624 square foot enclosed outdoor patio, loading area, and parking. The property is located on the southeast side of Kings Highway (Route 9). The Final Site Plan was last approved by the Planning & Zoning Commission at their meeting of Thursday, February 11, 2016. The Applicant is requesting to allow four (4) parking spaces to be located within the front yard setback. Otherwise, this plan complies with the Sussex County Zoning Code. Tax Parcel: 335-8.00-39.00. Zoning: C-1 (General Commercial) & C-3 (General Commercial Zoning Districts). Staff are awaiting agency approvals.

The Commission discussed the Revised Final Site Plan and the potential effects on any future DelDOT CPT projects.

The Commission found that Mr. Cliff Mumford with Davis, Bowen and Friedel, Inc. spoke on behalf of Revised Final Site Plan and potential interconnectivity; that there currently is a plan for the Mitchell Farm, but it has not been finalized yet; that Mr. Jeff Hamer, the owner of Big Oyster, does have plans to expand in the back of the property, but the plans are not finalized either; that the current Revised Final Site Plan does allow him what is currently required to move forward with his restaurant expansion; that there is a plan that revises the parking lot and will connect into the Mitchell Farm development; that DelDOT is aware of that connection; that there is an intersection where Beebe Medical Center has their entrance; that Beebe Medical Center's entrance will align with the Mitchell Farm entrance; that there is a plan to possibly have that area signalized; that Mr. Hamer will be contributing to that proposed signal; that there are a lot of moving parts to the project; that the exact location of interconnectivity could change with the additional property Mr. Hamer is looking to obtain as he is under contract but does not have it yet; that he cannot state it will exactly line up; that Mr. Hamer has left a 25-ft. wide area in the back to connect a road out to the potential Mitchell Farm development and it is the Applicant's intention to provide vehicular interconnectivity from the Big Oyster Brewery site and the Mitchell Farm site.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Revised Site Plan with a reduction of two parking spaces located within the front yard setback subject to the review and approval by staff. Motion carried 5-0.

Eagle Crest Retail

Final Site Plan

This is a Final Site Plan for an existing 1-story structure to be converted into retail space, the addition of parking spaces, a loading area, and other site improvements. The property is located on the northwest corner of Coastal Highway (Rt. 1) and Eagles Crest Road (S.C.R. 264). The Final Site Plan complies

with the Sussex County Zoning Code. Tax Parcel: 235-22.00-440.00. Zoning: C-1 (General Commercial Zoning 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. Motion carried 5-0.

Holly Lake Campground

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for Holly Lake Campgrounds for the use of a new 5,978 square foot camp store, the addition of five (5) more parking spaces, and other site improvements. The applicant is requesting a parking waiver for the required 11 more parking spaces. The property is located at the corner of John J Williams Highway (Rt. 24) and Holly Lake Road (S.C.R. 301). The Revised Preliminary Site Plan complies with Sussex County Zoning Code. Tax Parcel: 234-17.00-20.00. Zoning: C-1 (General Commercial)/AR-1 (Agricultural Residential) Zoning Districts. Staff are in receipts of all agency approvals.

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

Heneghan's Run, LLC

Revised Preliminary Site Plan

This is a Revised Commercial Site Plan for Heneghan's Run, LLC for the site improvements of curbing, ADA pedestrian access to the site, and proposed decks/ramps. The site has two ingress/egress access points, one being on the southeast side of Atlantic Avenue while the other access point is located on the northwest side of Atlantic Avenue (Route 26). The Revised Commercial Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 134-12.00-294.00. Zoning: C-1 (General Commercial) Zoning District. Staff are in receipt of all agency approvals.

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

Thermo Warehouse Expansion

Revised Preliminary Site Plan

This is a Revised Commercial Site Plan for a Thermo Warehouse for a proposed 18,500 square foot building as well as an addition to parking spaces for a total of 36 spots. The site is located on Cedar Creek Avenue within the Sussex County Airport. The Revised Commercial Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 134-12.00-294.00. Zoning: LI-2 (Light Industrial) Zoning District. Staff are awaiting agency approvals.

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

(S-20-34 & C/U 2217) Lands of Israel Bravo

Preliminary Site Plan

This is a Preliminary Site Plan to allow for storage of utility construction equipment and vehicles at 20871 Sanflippo Road (S.C.R. 533). Conditional Use No. 2217 was approved by the Sussex County Council at their meeting of Tuesday, August 11, 2020. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 331-2.00-44.07. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

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

(S-21-03) Sussex Solar Park (F.K.A Spangler Strategic Advisers, LLC) (C/U 2114)

Preliminary Site Plan

This is a Revised Preliminary Site Plan for the establishment of a solar array farm and other site improvements. The property is located on the southwest corner of DuPont Boulevard (Route 113) and Pebblestone Lane. Conditional Use No. 2114 was approved by Sussex County Council at their meeting of Tuesday, February 20, 2018. The plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 133-6.00-123.00. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final approval by staff. Motion carried 5-0.

(S-21-26) Bayside Mini Storage

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the establishment of a 2-story 18,792 square foot storage building, a 3-story, 97,378 square foot storage building, a 1-story 1,301 square foot storage building, and other site improvements. The property is located on the north side of Zion Church Road (Route 20). The plan complies with the Sussex County Zoning Code. Tax Parcels: 533-11.00-78.01 & 78.03. Zoning: CR-1 (Commercial Residential Zoning District). Staff are awaiting agency approvals.

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

(S-21-20)(C/U 2206) Evans Farm

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the establishment of seventeen (17) 2-story apartment buildings, seventeen (17) tenant garages with 15 spaces each, a 1-story 2,400 square foot maintenance building, amenity areas, and other site improvements. The property is located on the northwest corner of Railway Road (S.C.R.350) and Old Mill Drive (S.C.R. 349) and the southeast side of Railway Road (S.C.R. 350). Conditional Use No. 2206 was approved by the Sussex County Council at their meeting of Tuesday, June 15, 2021. The plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 134-12.00-74.00. Zoning: GR (General Residential Zoning District). Staff are awaiting agency approvals.

The Commission discussed the Revised Preliminary Site Plan.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Revised Preliminary Site Plan with the relocation of the maintenance building to the interior of the Midge Circle within the development. Motion carried 5-0.

(S-21-21) Hopkins Henlopen Homestead

Final Site Plan

This is a Revised Preliminary Site Plan for the establishment of an events venue within an existing barn, parking, and other site improvements. The property is located on the south side of Fisher Road (S.C.R. 262). Conditional Use No. 2280 was approved by the Sussex County Council at their meeting of Tuesday, July 13, 2021. The plan complies with the Sussex County Zoning Code and all Conditions of

Approval. Tax Parcel: 334-10.00-69.01. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

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

(S-21-24) Fishers Popcorn

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the establishment of a 9,700 square foot production building, parking, and other site improvements. The property is located on the north side of Zion Church Road (Route 20). The plan complies with the Sussex County Zoning Code. Tax Parcel: 533-11.00-78.04. Zoning: B-3 (Business Research Zoning District). Staff are awaiting agency approvals.

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

(S-21-25) Cambria Hotel

Revised Preliminary Site Plan

This is a Preliminary Commercial Site Plan for the Cambria Hotel and Restaurant (S-21-25) for a proposed 114 room hotel and pool, a 2,350 square foot restaurant, 225 parking spaces, and other site improvements to be located on the corner of Hood Road and Lexus Lane. This project is also located within the TID proximity. The Preliminary Commercial Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-12.00-127.11. Zoning: CR-1 (Commercial Residential Zoning District). Staff are awaiting agency approvals.

The Commission discussed the Revised Preliminary Site Plan.

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

Lands of Pamela Savage, Jeanne Conner & Steven Tull

Minor Subdivision off a 20-ft Easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus residual lands off a 20-ft wide access easement to be located off Blue Heron's Drive, an existing private road in Seaford. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 531-15.00-89.00. Zoning: AR-1 (Agricultural Residential) Zoning District. Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to approve the Minor Subdivision off a 20-ft Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Jason R. & Kristina L. Johnson

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual lands off a 50-ft wide access easement to be located off Neptune Road (S.C.R.251). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 235-24.00-37.00. Zoning: AR-1 (Agricultural Residential) Zoning District. Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Minor Subdivision off a 50-ft Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Robert E. Ribinsky

Minor Subdivision off a 24-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual lands off a 24-ft wide access easement to be located off White Tail Lane, an existing private road in Millsboro. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 234-18.00-51.21. Zoning: AR-1 (Agricultural Residential) Zoning District. Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to approve the Minor Subdivision off a 24-ft Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Arthur & Jennifer Miller

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus residual lands off a 50-ft wide access easement to be located off Shawnee Road (S.C.R.36). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 130-6.00-7.01. Zoning: GR (General 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-ft. Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Kathy M. Willey

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) off a 50-ft wide access easement to be located off Harbeson Road (Rt. 5). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 235-20.00-64.00. Zoning: AR-1 (Agricultural Residential) Zoning District. Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Minor Subdivision off a 50-ft. Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Kowalski, Merritt & Vanzandt

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot off a 50-ft wide access easement to be located off Horsey Church Road (S.C.R.510). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 532-12.00-36.00. Zoning: 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 Minor Subdivision off a 50-ft. Easement as final. Motion carried 4-0. Chairman Wheatley abstained.

Lands of Elrita L. Annett

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) off a 50-ft wide access easement to be located off Shawnee Road (S.C.R. 36). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 130-7.00-11.01. 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-ft. Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Robert C. Moore, III

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot off a 50-ft wide access easement to be located off Robin Hoof Road (S.C.R. 453). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 532-7.00-9.00. 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-ft Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Robert M. Warren

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual lands off a 50-ft wide access easement to be located off State Forest Road (S.C.R. 579). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 231-7.00-1.00. 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-ft. Easement with final approval by staff upon the receipt of all agency approvals. Motion carried 5-0.

Lands of Harry Dale Parsons & Old Keene, Trustee

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus residual lands off of a proposed 50-ft wide access easement to be located off of Steiner Road (S.C.R. 320). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 135-16.00-23.00. Zoning: HI-1 (Heavy Industrial) Zoning District. Staff are in receipt of all agencies.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to approve the Minor Subdivision off a 50-ft. Easement as final. Motion carried 5-0.

ADDITIONAL BUSINESS

There was no additional business. The following comments were made.

Mr. Whitehouse thanked the Commission for allowing the additional meeting to take place and noted that a draft list for 2022 Planning and Zoning Commission meetings will be distributed at a future meeting.

Ms. Wingate questioned if in the application it mentioned that the Commission is permitted to visit the application sites.

Mr. Whitehouse stated at the bottom of the application it does contain a box that must be checked accepting the posting for public notice.

Chairman Wheatley recommended the Commission keep their Sussex County identification on hand.

Meeting adjourned at 6:00 p.m.

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