

THE MINUTES OF THE REGULAR MEETING OF OCTOBER 22, 2020

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, October 22, 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 - Absent, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Mr. Chase Phillips – Planner I and Mr. Nick Torrance – Planner I.

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

Motion by Ms. Stevenson, seconded by Mr. Hopkins to approve the revised Minutes of the September 24 and October 8, 2020, Planning and Zoning Commission meeting. Motion carried 4-0.

OTHER BUSINESS

Beach Tree Preserve Subdivision (2018-04)

Final Subdivision & Landscape Plans

These are a Final Subdivision and Landscape Plans for a cluster subdivision of 155 single-family lots from a 77.79-acre parcel of land accessed from and lying on the north side of Robinsonville Road (S.C.R. 277) and west side of John J. Williams Highway (Route 24) with associated open space and site improvements. At their meeting of Thursday, June 14, 2018, the Planning and Zoning Commission approved the Preliminary Subdivision Plan. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 234-11.00-49.00 (part of). 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 Final Subdivision and Landscape Plan. Motion carried 4-0.

Friendship Hall (S-18-89 & CU 2142) (F.K.A. Orr Property)

Final Site Plan

This is a Final Site Plan for the creation of one-hundred and thirty-three (133) condominium units on a 47.71-acre parcel of land. The property is located on the side of Central Avenue (S.C.R. 84). At their meeting of Tuesday, November 13, 2018, County Council approved the Conditional Use (CU 2142) to accommodate the use of the townhomes on the parcel and the change was adopted through Ordinance No. 2612. Furthermore, at their meeting of Thursday, January 10, 2019, the Planning and Zoning Commission approved the Preliminary Site Plan. The Final Site Plan complies with the Sussex County Zoning Code and all conditions of approval. Tax Parcel: 134-16.00-39.00. Zoning: GR (General 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 Final Site Plan. Motion carried 4-0.

WMF Powersports, LLC (S-20-07)

Final Site Plan

This is a Final Site Plan for a proposed 2,200 square foot pole building for boat repairs and other site improvements on a 0.471 acre +/- parcel. At their meeting of Thursday, March 26, 2020, the Planning and Zoning Commission approved the Preliminary Site Plan contingent upon the Final Site Plan being revised to show interconnectivity with the adjoining parcel along with any changes to parking as needed. The Applicant is requesting a waiver from the interconnectivity requirement for commercial uses and has submitted a letter noting existing site constraints. The site is located at 32665 Oak Orchard Road. The Final Site Plan otherwise complies with the Sussex County Zoning Code. If approved, the Applicant has indicated that a lot consolidation plan, to combine the lots, will be submitted prior to any stamping of final plans. Tax Parcels: 234-34.08-54.00 & 234-34.08-63.00. Zoning: C-1 (General Commercial Zoning District) and GR (General Residential Zoning District.) Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins, and carried to approve the Final Site Plan. Ms. Stevenson voted against the motion. Motion carried 3-1.

Hang 10 LLC (Diego's Hideaway)

Revised Site Plan

This is a Revised Site Plan for additional outside seating, two (2) storage sheds, and other site improvements for Diego's Hideaway bar and nightclub. The parcels are located on the southwest side of the intersection of Rehoboth Avenue Ext. (Route 1A) and Atlantic Avenue. The Planning and Zoning Department approved a Temporary Outdoor Seating Area application that is valid until March 31, 2021 under the Governor of Delaware's current declaration. The applicant is seeking approval to keep and expand their outdoor seating areas permanently. There is a shared parking agreement between the applicant and the adjacent property owners of Crystal Restaurant. The Revised Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 334-13.20-81.00, 95.01, 96.00, 97.00, & 98.00. Zoning: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals.

Mr. Whitehouse informed the Commission that the Revised Site Plan would require a variance; that the Applicant has stated they will make some revisions and submit a Revised Site Plan.

Motion by Mr. Mears, seconded by Ms. Stevenson, and carried unanimously to defer until the Revised Site Plan is submitted to the Commission. Motion carried 4-0.

Brent and Lisa Hershey (S-20-36)

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed storage facility with outdoor storage located at 14356 Broadkill Road (Route 16). At their meeting of Tuesday, November 11, 2019, the Sussex County Council approved Conditional Use (CU 2183) subject to six (6) conditions. At their meeting of Monday, January 27, 2014, the Board of Adjustment approved variances for the existing structures which are used for the existing hog farm. The Preliminary Site Plan complies with the Sussex County Zoning Code and all conditions of approval. Tax Parcel: 235-15.00-26.07. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Mears, and carried unanimously to approve the Preliminary Site Plan with final by Staff upon receipt of all agency approvals. Motion carried 4-0.

Spring Town Farms Subdivision (2007-43)

Request to Revise Conditions of Approval

This is a request to revise the Conditions of Approval for the Spring Town Farms Subdivision (2007-43), which is a standard subdivision comprised of forty-one (41) single family lots. The Final Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, June 26, 2014. Specifically, the Applicant is requesting to remove Condition “L” which states, “*there shall be a walking path throughout the subdivision along the rear of all lots*” and Condition “O” which states, “*A location for a picnic area, tot lot and supporting benches shall be shown on the Final Site Plan*”. The Applicant also would request that the plan be amended to remove the proposed lighting at the cul-de-sac ends of Asher Court and Marley Court since there is already adequate lighting installed throughout the subdivision. The applicant has submitted documentation that demonstrates that well over 51% (83%) of current property owners’ consent to these requested changes. Tax Parcels: 334-10.00-67.00 & 334-10.00-279.00. Zoning: AR-1 (Agricultural Residential Zoning District).

The Commission discussed the Request to Revise Conditions of Approval.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the request to Revise Conditions of Approval. Motion carried 4-0.

OLD BUSINESS

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).

The Commission discussed this application which has been deferred since September 24, 2020.

Mr. Mears moved that the Commission recommend approval for Conditional Use 2237 for Samuel C. Warrington based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 2.5 acres of a much larger 40-acre tract owned by the Applicant and his family. This is one of the last undeveloped tracts in the area between Plantations Road and Route One, and some type of appropriate development is to be expected at this location.
2. The area of the proposed use is located on the front section of the larger property and it is oriented away from the nearby adjacent residential units.
3. There is a need for the use proposed by the Applicant in this area of Sussex County.
4. This use is limited in nature and will not involve any new buildings. It is an appropriate transition from the heavier commercial uses that exist within the Route One commercial corridor.
5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.

6. The use as a boat storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
7. While there were concerns about traffic and the size of vehicles and trailers leaving the premises, I believe that this type of use will generate less daily traffic than nearly any other type of development that could occur on this property. DelDOT will also require the Applicant to make roadway improvements that will enable the safe entrance and exit from this use onto Postal Lane.
8. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.
 - b. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.
 - c. The perimeter of the site shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways.
 - d. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The Final Site Plan for this use shall include a landscaping plan for this buffer area.
 - e. No maintenance of boats or RVs shall occur on the site.
 - f. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - g. No more than 60 boats and RVs shall be permitted on the site.
 - h. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the final site plan.
 - i. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.
 - j. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.
 - k. No hazardous materials or fuel shall be stored on the property.
 - l. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
 - m. No sales shall occur on the site.
 - n. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried to recommend approval for the reasons and conditions stated in the motion. Ms. Stevenson voted against the motion. Motion carried 3 – 1.

C/U 2234 James Jones

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a fiberglass swimming pool and spa display and landscaping business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.70 acres, more or less. The property is lying on the south side of Cordrey Rd. (S.C.R. 308), approximately 0.12 miles east of William Street Rd. (S.C.R. 309). 911 Address: 28984 Cordrey Road, Millsboro. Tax Parcel: 234-28.00-67.00.

The Commission discussed this application which has been deferred since October 8, 2020.

Mr. Mears moved that the Commission recommend approval for Condition Use 2234 James Jones based upon the record made during the Public Hearing and for the following reasons:

1. This use is limited in nature. It is a location for model swimming pools and spas to be viewed for purchase from the manufacturer. It is not a location where swimming pools or spas are stockpiled for sale from the site. Once purchased, spas and pools are delivered directly from the manufacturer to the purchaser's property.
2. The use as location for model swimming pools and spas will not require extensive deliveries to or from the site, and the use does not generate a significant amount of traffic from customers.
3. This limited use, as a display area for spas and pools, is appropriate for this location.
4. The applicant also seeks to operate a small landscaping business from the site, which will use the existing pole building on the site. All landscaping equipment will be located within the pole building.
5. The limited use will not have an adverse impact upon traffic, roadways or area properties.
6. The applicant has stated that he resides on the property. As a result, he will have control over the use and maintenance of the property at all times.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - a. The use shall be limited to a landscaping business and the display of model swimming pools and spas that are for sale. No other sales shall occur on the property.
 - b. No pools or spas shall be constructed, stockpiled or inventoried on the property. As stated by the applicant, all swimming pools and spas on the property shall be display models, used by customers to inspect prior to ordering the structures for delivery from the off-site manufacturer directly to their properties.
 - c. No more than one pool and one spa shall be displayed on the site at any one time. The location of these displays shall be shown on the Final Site Plan.
 - d. As stated by the applicant, the home on the property shall be the owner's primary residence which may include a small office for the business.
 - e. The landscaping business shall be located at the rear of the property, with all vehicles and trailers parked at the rear of the premises. The parking area for the business vehicles and trailers shall be shown on the Final Site Plan and clearly shown on the site itself. All other equipment shall be stored within the existing pole building on the site.
 - f. All vehicle and equipment maintenance shall only occur within the existing pole building.
 - g. The hours of operation shall be limited to 7:00 am until 7:00 pm, unless the applicant is providing services for snow removal, storm damage or from similar causes.
 - h. No grinding, shredding, mulching or dyeing of materials shall occur on the site.
 - i. No landscaping materials shall be brought onto the site for dumping.
 - j. As stated by the applicant, signage shall be limited to one lighted sign along the roadway not to exceed 32 square feet in size.
 - k. Any lighting directed at the display models shall be screened so that it does not shine on neighboring properties or roadways. Any such lighting shall be turned off no later than 10:00 pm each day.
 - l. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.

- m. All entrances shall be subject to all DelDOT requirements.
- n. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

C/U 2240 Tidewater Utilities, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a public utility elevated storage tank to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.32 acres more or less. The property is lying on the southeast side of John J. Williams Highway (Rt. 24) approximately 1.52 miles southwest of Coastal Highway (S.R. 1). 911 Address: 19483 John J. Williams Highway, Lewes. Tax Parcel: 334-12.00-107.00 (portion of).

The Commission discussed this application which has been deferred since October 8, 2020.

Mr. Mears moved that the Commission recommend approval for Condition Use 2240 Tidewater Utilities, Inc. based upon the record made during the Public Hearing and for the following reasons:

1. This project benefits the health, safety and welfare of the residents in the area.
2. The elevated water storage tower will provide for water supply to the Love Creek Elementary School, Beacon Middle School and current and future area residents.
3. Fire protection capabilities will be further enhanced to the area.
4. The project will not have an adverse impact on neighboring properties or the community.
5. Water utility operations like those in this project are subject to substantial regulation by the Public Service Commission, DNREC, Public Health, State Fire Marshall, FAA, among others.
6. There was no opposition to this application, and the record contains letters of support from the Cape Henlopen School District and the Office of Social Services of the State of Delaware.
7. This recommendation for approval is subject to the following conditions:
 - a. The maximum capacity of the tower shall not exceed 1,000,000 gallons.
 - b. The maximum height of the tower shall be 160 feet.
 - c. The lighting at the tower shall be limited to normal security lights which shall be shielded from nearby neighbors and roadways and safety lights required by the Federal Aviation Administration on the tower.
 - d. The tower shall be painted white or a sky neutral color and may include signage for both Tidewater and the Cape Henlopen School District or Beacon Middle School.
 - e. The water facilities shall be surrounded by a security fence at least eight (8) feet in height.
 - f. Structural design and operation of the water facility shall comply at a minimum with industry standards such as The American Water Works Association.
 - g. The applicant will allow placement of antenna on the tower by the Cape Henlopen School District, and other government and public safety agencies.
 - h. One lighted ground-level sign shall be permitted identifying the owner and providing emergency contact information.
 - i. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all applicable agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 4 – 0.

C/U 2241 Jonathan J. Bowman

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a truck and trailer repair business to be located on a certain parcel of land lying and being in Gumboro Hundred, Sussex County, containing 2.69 acres, more or less. The property is lying on the east side of Millsboro Highway (S.C.R. 26/30) approximately 120 ft. north of Bradford Road (S.C.R. 426). 911 Address: 34647 Millsboro Highway, Millsboro. Tax Parcel: 333-7.00-32.00

The Commission discussed this application which has been deferred since October 8, 2020.

Ms. Stevenson moved that the Commission recommend approval for Condition Use 2241 Jonathan J. Bowman based upon the record made during the Public Hearing and for the following reasons:

1. The proposed truck and trailer repair facility is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.
2. The use began as a hobby on the Applicant's property, and the need for a conditional use arose as the use expanded.
3. The location is mostly surrounded by farms and other large tracts of land.
4. The Applicants live on the site and the Applicants intend to keep the residential appearance of the property.
5. No parties appeared in opposition to this application.
6. This recommendation for approval is subject to the following conditions and stipulations:
 - a. Before Final Site Plan approval occurs, the Applicant shall clean up the property and remove any inoperable trucks, trailers or vehicles. This cleanup shall be verified by a Sussex County Constable.
 - b. No sign shall be permitted.
 - c. Security lighting shall be shielded and downward screened and shall be directed away from neighboring properties and roadways.
 - d. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - e. No junked, unregistered or permanently inoperable vehicles, trucks or trailers shall be stored on the site.
 - f. There shall be no more than five (5) trucks or trailers on the site at any time.
 - g. There shall not be any parking in the front yard setback.
 - h. The parking and repair areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks and trailers shall only be parked and worked on within these designated areas.
 - i. All oils and other fluids shall be properly stored indoors in appropriate containers. The applicant shall also comply with all state and federal requirements for the disposal of these fluids.
 - j. The site shall be subject to all DeIDOT entrance and roadway requirements.
 - k. As stated by the Applicant, there shall be a perimeter buffer of cypress trees or similar vegetation that shall be planted and maintained to screen the use from neighboring properties and roadways and to suppress noise coming from the truck repairs. The location and details of this perimeter buffer shall be shown on the Final Site Plan.

- l. Any violation of these conditions may be grounds for termination of this conditional use.
- m. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 4 – 0.

C/Z 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 25.63 acres, more or less. The property is lying on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363). 911 Address: N/A. Tax Parcel: 134-19.00-22.00 (portion of).

The Commission discussed this application which has been deferred since October 8, 2020.

Ms. Stevenson moved that the Commission recommend approval for Change of Zone C/Z 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut based upon the record made during the Public Hearing and for the following reasons:

1. B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.
2. The site is in the Coastal Area according to the current Sussex County Comprehensive Plan and it is surrounded by this classification on the north, south, east and west. B-2 zoning and the uses permitted in that District are appropriate in the Coastal Area according to the Plan.
3. This location is centrally located between Routes 54 and 26. It will provide a convenient location for B-2 uses and will reduce the need for current and future nearby residents to have to travel to Routes 54 and 26 for shopping and services that can be located on this site. It is an appropriate location for B-2 zoning.
4. The rezoning will not adversely affect area roadways or traffic.
5. The rezoning will also not adversely affect nearby properties or property values.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. No parties appeared in opposition to the application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PUBLIC HEARINGS

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

C/Z 1928 Plantation Partners, LLC

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.570 ACRES, MORE OR LESS The property is lying on the southwest side of Plantations Rd. (S.C.R. 275) and the southeast side of Cedar Grove Rd. (S.C.R. 283) approximately 0.63 mile northwest of John J. Williams Hwy. (Rt. 24). 911 Address: N/A. Tax Parcel: 334-12.00-52.00 (portion of)

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book, a copy of the DelDOT service level evaluation response, and a staff analysis. Mr. Whitehouse noted that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and zero mail returns.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the applicant, Plantation Partners, LLC.; that also present on behalf of the Application are Doug Motley, Nick Hammonds, Cliff Mumford and Gene Bayard; that the property is located on the southwest side of Plantations Road; that this application is a request to change the zoning classification from AR-1 to C-2 (Medium Commercial); that the property is currently unimproved and the request is for an 11.57-acre portion of the total 114-acre property; that this is the second application for this property; that the original application was to change the zoning classification to B-2 but the area did not meet the area requirements and the application was withdrawn; that the purpose of the C-2 supports uses that include retail sales and performance of consumer services, that it permits a variety of retail, professional and services businesses, that the district shall be primarily located near arterial and collector streets, that is accommodates community commercial uses that do not have outside storage or sales; that the surrounding uses include a variety of uses that are similar to the uses allowed in C-2, to the northwest of the subject property is a future assisted living facility, to the southeast are the Plantation Park office park, the Metropolitan Community Church of Rehoboth, Plantation Square and the Sussex County Paramedic Station; that across route 24 is the Beebe Medical campus; that all of these businesses create the need for retail and support services which is what the C-2 zoning classification permits; that the subject property is located near arterial and collector streets – Plantations Road and Route 24 are designated as major collector roads by DelDOT; that this application fits the exact purpose as described in the Zoning Code for the C-2 district; that property meets the bulk and height requirements for this zoning district; that all setbacks can be met for any proposed building; that the 2020 Delaware Strategies for State Policies and Spending designate this property and the surrounding properties as being in an investment level II area; that investment level II is an area where growth is expected by State and County in the near future; that 2045 Future Land Use Map in the 2018 Comprehensive Plan identifies this property as being in the Coastal Area; that the Coastal Area is one of the seven growth areas in the County; that an environmental assessment report was prepared and was included in the exhibit book; that public sewer and water is available for this property; that there are no wetlands or flood zones on the portion of the property which is the subject of this Application; that there are no historical or cultural resources on the subject property; that there are no records of any federally listed threatened or endangered species or their habitats on this portion of the property; that DelDOT determined that a Traffic Impact Study (TIS) would not be required until a site plan is submitted for this property; and that for all these reasons, the Applicant is requesting that the Commission recommend approval to County Council.

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 1928 Plantation Partners, LLC. Motion by Ms. Stevenson, second by Mr. Hopkins, to defer action for further consideration. Motion carried 4-0.

C/U 2228 M.L. Joseph Heirs Farm Account, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A CAMPGROUND FOR MOBILE CAMPERS, CAMP TRAILERS, TOURING VANS AND THE LIKE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 73.91, MORE OR LESS. The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.66 mile east of the intersection of Sand Hill Rd. (S.C.R. 319) and Lewes-Georgetown Hwy. (Rt. 9). 911 Address: 22349 Lewes-Georgetown Hwy., Georgetown. Tax Parcel: 135-15.00-55.01

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book, a copy of the DeIDOT service level evaluation response, and a staff analysis. Mr. Whitehouse noted that the Office of Planning and Zoning received two letters in support of and none in opposition to the Application and one mail return.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the applicant, M.L. Joseph Heirs Farm Account, LLC; that also present on behalf of the Application are Ken Adams and Mark Davidson; that this Application is for a conditional use for campground on a 73.91-acre parcel in an Agricultural Residential (AR-1) zoning district; that the subject property is located between Sandhill Road and Route 9; that the property was the location of Georgetown Raceway in the 1970s where harness horseracing, training and boarding occurred; that there are stables remaining on this property today; that following the use as a raceway, the property was used as a private equine facility for the Joseph family; that the tourism in Sussex County is not just limited to the beaches and inland bays but also Sports at the Beach which draws over 80,000 people annually; that similarly there is another sports complex (Sussex Sports Center) in close proximity to the subject property; that one industry that has performed well during the pandemic is the RV industry as it allows families to travel and still maintain social distancing; that Sports at the Beach and the Sussex Sports Center have submitted letters of support for this Application; that RV parks are only allowed by Conditional Use in two zoning districts with Sussex County, one is the AR-1 Zoning District and the other the Marine Zoning District; that 115-22 of Sussex County Code describes an RV park or campground and regarding conditional uses further lists some special requirements; that a portion of the subject property is adjacent to the town limits of Georgetown and has been identified as a potential annexation area; that as Georgetown does not have a zoning district for RV parks and campgrounds, the subject property would not be considered for annexation into the town boundaries; that the town of Georgetown submitted a letter of support for the project; that within the Counties boundaries there are a number of commercial properties adjacent to this property both on Sandhill Road and on the Lewes Georgetown Highway; that the 2015 Strategies for State Policies and Spending Map identifies this property as being in Investment Levels 2 and 3; that Level 2 reflects an area where growth is anticipated by local, county and state in the near-term future and Level 3 reflects an area where growth is anticipated by local, county and state in the longer-term future; that the 2045 Future Land Use Map in the 2019 Comprehensive Plan shows that this property is in the Developing Area which is one of the Counties growth areas; that the proposed Conditional Use is for 304 RV sites and 46 cabins/safari cabins; that the RV resort proposes to use both roads as access points; that the Applicant proposes a phasing plan for this project and the first phase would be the western portion of the property which would use Sandhill Road entrance for access; that the Applicant

has submitted proposed findings of fact and conditions; that the DelDOT response was that this proposal would have a minor impact on area roadways; that this area is currently undergoing road improvements that is referred to that the Georgetown East Gateway Improvements; that the Applicant intends to offer shuttle service to the sporting venues in addition to other area attractions; that water and sewer will be provided by the town of Georgetown even though it is outside the boundary of the town; that there are no wetlands on the property; that it is in Flood Zone X as seen on the FEMA's insurance rates; that there are no historical or archeological sites that are listed on the national register of historical places on the subject property; that RV resorts and campgrounds are subject to special requirements per 115-172(H) of the County Code; that the first requirement is that the access to the site must be from a public highway or an easement having a width of at least 50 ft. and this property has access from two public roadways which are at least 50 ft in width; that the second requirement is that there is adequate drainage on the site and there are ponds on the site which will be utilized for drainage; that the third requirement is that the campsites be at least 400 ft. from any existing dwelling on property of other ownership and shall be at least 100 free from any public road and this site meets those requirements; that the fourth requirement is that each campsite shall have an area of 2000 sf and a width of not less than 40 ft. and that the park have a landscaped buffer of 50 ft. wide and the Applicant will meet the campsite dimensions and the 50 ft buffer requirements; that the fifth requirement is that proper provisions be made for public water supply, toilets and bathing facilities and electric connections and as described earlier these services will be provided and there are a number of bathhouses shown on the site plan; that the sixth requirement is that small retail businesses intended primarily for occupants of the park area shall be permitted within the park area and the campground will include a camp store that will be shown on the final site plan; that the seventh requirement is that proper provision shall be made for refuse storage and collection, subject at all times to County regulations and there will be areas shown on the site plan for refuse storage and there will be a contract with a commercial hauler to remove refuse from the resort; that there will be no accessory structures on the site except for one dwelling for the campground manager; that conditional uses are of a public or semipublic character and require the exercise of planning judgment on location and site plan, that a conditional use should be found to be desirable for the general convenience and welfare of the County; that the location of the two sports venues in close proximity to the site show the desirability of the location of this RV resort; that tourism is the number two economic generator in Sussex County and this RV resort would contribute to the prosperity and welfare of the County by providing another option for visitors to the County; and that this use is desirable for the convenience, orderly growth, prosperity and welfare of the County.

Ms. Stevenson asked if the 400 ft. separation distance was from another owner's property line or dwelling.

Mr. Robertson stated that County Code states that the campsite must be 400 ft. from any dwelling on property of different ownership.

Ms. Stevenson asked how the Applicant will address noise issues other than the 50 ft. buffer.

Mr. Hutt stated that quiet hours will be submitted as part of the campground rules. Mr. Hutt stated that there are no planned events for the campground but if there should be an event with a band there would be a shutdown which would be part of the conditions.

The Commission found that Ms. Norma Davidson spoke neither in favor of nor opposed to the Application but asked if there would be a fence within the buffer area.

Mr. Mark Davidson stated a fence is not being proposed.

The Commission found that Mr. Mike Johnson spoke in favor of the Application; that this is an ideal location because of the proximity to the two sports venues; that the access to Route 113 is ideal for traffic coming from the south or to the north; that music festivals with set time limits would be good events to be held here; that the ponds on the property should be maintained as fishing ponds; that the cabins are a good idea for people who don't have RV's but want the camping experience; and that it will be a good attraction for Sussex County.

The Commission found that Mr. Will Hall spoke in favor of the Application; that he lives on Sand Hill Road near the subject property and that this would be good for the County.

The Commission found that Mr. Pete Townsend spoke in favor of the Application; that he knows the Joseph family and knows that they have the community's best interest and will not do anything that would be a detriment to the area.

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

At the conclusion of the Public Hearings, the Commission discussed C/U 2228 M.L. Joseph Heirs Farm Account, LLC. Motion by Ms. Stevenson, second by Mr. Hopkins, to defer action for further consideration. Motion carried 4-0.

ADDITIONAL BUSINESS

The Commission discussed the draft 2021 Planning and Zoning Commission meeting schedule. Chairman Wheatley asked if any of the Commissioners had any questions or comments regarding the proposed hearing dates for the upcoming year. Upon there being no questions or comments, Chairman Wheatley adjourned the meeting.

Meeting adjourned at 7:20 p.m.

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