

THE MINUTES OF THE REGULAR MEETING OF DECEMBER 8, 2021

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, December 8, 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. Jamie Sharp – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Ms. Christin Scott – Planner I, Mr. Elliott Young – Planner I and Ms. Ashley Paugh – Recording Secretary.

Mr. Whitehouse stated there is one correction to the agenda; that staff would request Lands of Dutch Brothers, LLC be removed from the current agenda and staff intends to place it on the agenda for next week's meeting of December 16, 2021.

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

OTHER BUSINESS

Cardinal Grove (2020-11)

Final Subdivision & Landscape Plan

This is a Final Subdivision and Landscape Plan for the creation of a cluster subdivision to consist of ninety-eight (98) single-family lots with associated amenities to include an in-ground pool and pool house to be located on the west side of Beaver Dam Road (Route 23). The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of Thursday, February 11, 2021. The Final Subdivision and Landscape Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 234-2.00-1.10 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

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

Tanager Woods (2018-20)

Final Subdivision Plan

This is a Final Subdivision and Landscape Plan for the construction of a cluster subdivision to comprising one-hundred and sixty-eight (168) single-family lots and related amenities to include a covered bus stop, 2,516 square foot clubhouse, and multi-use court. The property is located on the southwest side of Robinsonville Road (S.C.R. 277). The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of Thursday, December 20, 2018. The Final Subdivision and Landscape Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcels: 234-6.00-58.00 & 85.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Ms. Stevenson questioned the location and direction of the airstrip, making sure to not have any homes located within the landing strip; that the use of an airstrip will be mentioned in the HOA Documents, and stated she would encourage it to be mentioned active hunting will take place nearby.

Mr. Whitehouse stated there is an annotation note, located on sheet 10, which states “approximate flight path.”

Mr. James Eriksen, Principal Engineer at Solutions IPEM, offered comment on behalf of the Final Site Plan for Tanager Woods (2018-20); that they left a flight path for the plans taking off and landing; that one can see where they have delineated it; that they provided a distanced based off of information; that off the top of his head he cannot recall where the information was originally pulled from; that the flight path was ended with no lots located at that section; that they are within the setbacks; that the further one goes from the actual landing strip, there is less likelihood of hitting a structure due to being further up or further down; that where it technically ends is where the ending is shown; that they did leave some additional buffer at the end by locating all the lots in the roadway to help provide the path; that the flight path is located in the lower corner, running parallel to the property line where it is shown; that it will be mentioned in the documents for the HOA Homeowners Association and he does not believe notification of active hunting was listed in the Conditions of Approval.

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

Hardy Self-Storage of Bridgeville (S-20-26)

Final Site Plan

This is a Final Site Plan for 9 proposed 2,496 square-foot mini-storage buildings, 3 proposed 2,499 square-foot mini-storage buildings, 1 proposed 2,480 square-foot mini-storage building, and 1 proposed 1,950 square-foot mini-storage building, with a 660 square foot office. The storage units will be located on the northeast side of Sussex Hwy. (Rt. 13) and the southwest side of Seashore Hwy (Rt. 404). The site contains a Wellhead Protection Area which obtained a variance on August 15, 2019, in order to modify the protection perimeter to accommodate the proposed site design. Additionally, the site was granted a 55-ft variance from the required 60-ft front yard through BOA Case No. 12237 which was approved on February 5, 2019, and reduced the front yard setback to 5-ft. The Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 131-15.00-24.03. Zoning: C-1 (General Commercial Zoning District). Staff are in receipt of all agency approvals.

Ms. Christin Scott stated Mr. Sharp did have a question regarding the Board of Adjustment Case No. 12237; that the variance could potentially be expired, however, they were granted an extension on January 4, 2021, for a period of 12 months.

Mr. Jamie Sharp stated all Board of Adjustment approvals are granted for a period of two years unless otherwise stated; that up to a one-year extension can be granted after; that he could not recall if they had been granted a variance or not and they have until February 2022 before the variance expires.

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

S-21-31 Prettyman Farms

Preliminary Site Plan

This is a Preliminary Site Plan for the establishment of a lawnmower and small engine repair business, outdoor storage, and leased storage units and storage buildings to be located on the southeast side of Robinsonville Road (S.C.R. 277). There is an approved Conditional Use application for the site, Conditional Use No. (2179), which was approved by the Sussex County Council at its meeting of Tuesday, August 13, 2019, and adopted through Ordinance No. 2674. The property is located within the Henlopen Transportation Improvement District (TID). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 334-11.00-47.00. Zoning: AR-1 (Agricultural Residential District) & C-1 (General Commercial District). Staff are awaiting the receipt of the State Fire Marshal's approval for this project. All other required agency approvals have been received.

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

S-21-32 Bay Knolls

Preliminary Site Plan

This is a Preliminary Site Plan for the establishment of eighty-two (82) Duplex units, an amenities area, and other site improvements to be located on the southeast corner of Lighthouse Road (Rt. 54) and Sandy Cove Road (S.C.R. 394). There are two approved Conditional Use applications for the site, Conditional Use No. 2197, which was approved by the Sussex County Council at its meeting of Tuesday, December 28, 2019, and adopted through Ordinance No. 2701 and Conditional Use No. 2292, which was approved by the Sussex County Council at its meeting of Tuesday, September 21, 2021. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcels: 533-19.00-52.00 & 56.05. Zoning: MR (Medium Residential District). Staff are awaiting agency approvals.

Ms. Wingate questioned the number of approved units.

Ms. Scott stated it is 82 approved lots.

Mr. Whitehouse stated there were two Applications for the parcel; that there are two Conditional Use Applications for the whole parcel and DelDOT had requested, as part of the Conditional Use for the second half, for the entrance to be relocated to align with the opposite entrance on the other side.

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

S-21-27 RRKS Investments

Preliminary Site Plan

This is a Preliminary Site Plan for addition of six (6) warehouses as well as additions to an existing unit to be located on the south side of Lewes Georgetown Highway (Rt. 9). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 235-30.00-58.05. Zoning: CR-1 (Commercial Residential 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 the receipt of all agency approvals Motion carried 5-0.

Lands of Janet Le DiGable

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision for the subdivision of a 4.16 acre +/- parcel of land into four (4) lots off of a proposed 50-ft ingress/egress access easement. Proposed Lot 1 consists of 1.29 acres, Lot 2 consists of 0.60 acres, Lot 3 consists of 0.75 acres, and Lot 4 consists of 0.73 acres. The property is located on the west side of Wil King Road (S.C.R. 288). The property is located within the Henlopen Transportation Improvement District (TID), however, the application is considered an exempt project under Section 6, Letter C. of the Henlopen TID Agreement. This exemption is limited to a maximum of one minor subdivision application per parent parcel. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-6.00-59.01. Zoning: AR-1 (Agricultural Residential District) and GR (General Residential District). Staff are in receipt of all agency approvals.

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

Lands of John & Donna Workman

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision for the subdivision of a 76.14 acre +/- parcel of land into three (3) lots and residual lands off of a proposed 50-ft ingress/egress access easement. Proposed Lot 1 consists of 2.00 acres, Lot 2 consists of 6.00 acres, and Lot 3 consists of 6.00 acres. The property is located on the northwest side of Maple Branch Road (S.C.R. 593). The property is not located within any established Transportation Improvement District. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 135-3.00-1.00. Zoning: AR-1 (Agricultural Residential 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 4-0. Chairman Wheatley abstained.

Lands of Absher Farms

Minor Subdivision off of a 20-ft Easement

This is a Minor Subdivision for the subdivision of a 99.752 acre +/- parcel of land into four (4) lots and residual lands with Lot 1 being off of a proposed 20-ft ingress/egress access easement. Proposed Lot 1 consists of 1.270 acres. The property is located on the east side of River Road (S.C.R. 490). The property is not located within any established Transportation Improvement District. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 132-6.00-67.04. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson 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 Marie Cullen, Heirs

Minor Subdivision off of a 25-ft Easement

This is a Minor Subdivision for the subdivision of a 2.39 acre +/- parcel of land into two (2) lots and residual lands with Lot 1 being 20,000 sq. ft, Lot 2 consists of 20,000 sq. ft. and the residual lands consist of 1.47 acres +/- . The property is located on the east side of Muddy Neck Road (S.C.R. 361). The property is not located within any established Transportation Improvement District. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 134-17.00-6.01. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Minor Subdivision off a 25-ft Easement. Motion carried 5-0.

Lands of Andrew Phillips

Minor Subdivision off of a 50-ft Easement

This is a Minor Subdivision for the subdivision of a 5.72 acre +/- parcel of land into one (1) lot and residual lands off of a proposed 50-ft ingress/egress access easement. Proposed Lot 3 consists of 0.75 acres. The property is located on the southwest side of Ellis Grove Road (S.C.R. 498). The property is not located within any established Transportation Improvement District. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 432-10.00-21.11. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Ms. Wingate, 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 Anthony & Jessica Savini

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision for the subdivision of a 8.56 +/- parcel of land and a 8.72 acre +/- parcel of land into three (3) lots and residual lands off of a proposed 50-ft ingress/egress access easement. Proposed Lot 1 consists of 1.83 acres, Lot 2 consists of 1.42 acres, and Lot 3 consists of 2.93 acres. The property is located on the northwest side of Shingle Point Road (S.C.R. 249). The property is not located within any established Transportation Improvement District. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 235-25.00-30.06 & 33.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

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

Lands of Katherine Carpenter & Danny Moore

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision for the subdivision of a 8.63 acre +/- parcel of land into two (2) lots including residual off of a proposed 50-ft ingress/egress access easement. Proposed Lot 1 consists of 1.00 acres and the Residual Land consists of 7.63 acres. The parcel is located on the west side of Shingle Point Road (S.C.R. 249). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 135-11.00-2.03 & 135-11.00-2.08. Zoning: AR-1 (Agricultural Residential District). The current plan is just a concept plan. Staff are awaiting agency approvals.

Motion by Mr. 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 Mark Davidson

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision for the Lands of Mark Davidson for the subdivision of a 22.25 acre +/- parcel into three (3) buildable lots plus residual. These lots consist of a 5.70 acre +/- parcel, two (2) 5.00 acre +/- parcels, and residual lands containing 6.52 acres +/- . Having access off dual 50-ft ingress-egress access easements located on the southwest side of Huff Road (S.C.R. 252). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-25.00-76.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

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

Lands of Dino & Rhonda Hashman

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision for the Lands of Dino Hashman for the subdivision of a 15.48 acre +/- parcel into two (2) buildable lots both consisting of 0.76 acres +/- while the residual lands contain 13.96 acres +/- . Having access off a 50-ft ingress/egress access easement located on the south side of Hickman Road (Rt. 16). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 530-2.00-18.00. Zoning: AR-1 (Agricultural Residential District). The current plan is just a concept plan. Staff are in receipt of all agency approvals.

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

ADDITIONAL BUSINESS

Mr. Whitehouse stated the Lands of Dutch Brothers, LLC, which was removed from the current agenda, will now be placed on the agenda for the meeting of December 16, 2021.

Meeting adjourned at 3:35 p.m.

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