

THE MINUTES OF THE REGULAR MEETING OF DECEMBER 8, 2022.

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, December 8, 2022, in Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware. Members of the public were also able to attend 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, Mr. Keller Hopkins, and Mr. Bruce Mears. Ms. Kim Hoey-Stevenson and Ms. Holly Wingate were absent. Also, in attendance were Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Ms. Lauren DeVore – Planner III, Mx. Jesse Lindenberg – Planner I, and Ms. Ann Lepore – Recording Secretary.

Mr. Whitehouse announced that Lockhaven Farms is being removed from the agenda and will be on the Agenda of December 15, 2022.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the Agenda as amended. Motion carried 3-0.

Motion by Mr. Mears, seconded by Mr. Hopkins to approve the Minutes of the October 27, 2022, Planning and Zoning Commission meeting as circulated. Motion carried 3-0.

PUBLIC COMMENT

There were no comments made during the public comment section of the meeting.

OTHER BUSINESS

S-22-19 Sussex Regional Recharge Facility (F.K.A. Artesian Wastewater Management

Preliminary Site Plan

This is a Preliminary Site Plan for the amendment of previously issued Conditions of Approval for Conditional Use No. 1724, the expansion of an existing Wastewater Treatment Plant and related facilities. Conditional Use No. 2208 was approved for the property by the Sussex County Council at their meeting of Tuesday, April 13th, 2021, and adopted through Ordinance No. 2768. There were three (3) additional and previous Conditional Use Applications on the site (Conditional Use Nos. 1810, 1725 and 1724.) Specifically, the Application includes the addition of 52.76 +/- acres to the existing site for a total acreage of 127.37 +/- and operation of a 90-million-gallon storage lagoon, a water treatment control building, treatment trains and other related processes on the site for the collection, storage, treatment and disposal of wastewater on the site. The property is located on the south side of Reynolds Pond Road (S.C.R. 231), approximately 635 feet east of Isaacs Road (Route 30). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. A table originally submitted by the Applicant which further clarifies the changes to the Conditions of Approval has been provided in the Commission's packet this evening as an Exhibit. Tax Parcels: 235-6.00-28.00 & 28.09. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be by the staff upon receipt of all agency approvals. Motion carried 3-0.

Lands of David & Bonnie Wootten

Minor off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of an 18.64-acre parcel into four (4) lots including the residual lands. Proposed Lot 1 will consist of 2.78-acres +/-, proposed Lot 2 will consist of 2.57-acres +/-, proposed Lot 3 will consist of 2.54-acres +/-, and the residual lands will contain 10.75-acres +/- . Lots 1, 2, 3 and residual lands shall have shared access through a 50-ft ingress/egress access easement from the south side of Chipmans Pond Road (S.C.R. 465). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 232-18.00-2.00. Zoning: AR-1 (Agricultural Residential) District. Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the minor subdivision off a 50-foot easement as preliminary and final. Motion carried 3-0.

Lands of Lucas Perez Velasquez and Zayuri Perez

Minor off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 6.99-acre parcel into one (1) lot and residual lands off a 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 5.16-acres +/- and the residual lands will consist of 1.84-acres +/- . Lot A and residual lands shall have shared access off an ingress/egress access easement known as Widen Way on south side of East Piney Grove Road (S.C.R. 329). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-10.00-38.04. Zoning: AR-1 (Agricultural Residential) District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to approve the minor subdivision off a 50-foot easement as a preliminary, with final approval to be by the staff upon receipt of all agency approvals. Motion carried 3-0.

Lands of Linda Bunch

Minor off a 50-ft Easement

This is a Minor Subdivision Plan which proposes the creation of one lot to consist of approximately 0.98 acres +/- and residual lands to consist of 0.87 acres +/- . The proposed parcels will be accessed off Morris Lane, a 50-foot access easement that extends approximately 1,750 feet from Thorogoods Road. Additionally, the site will be subject to a 50-foot conservation buffer that will be established per the subdivision of the parcel. The property is located on the north side of Thorogoods Road (Route 333) in Dagsboro. This plan is submitted as a Concept Plan that is subject to final changes by staff. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 233-6.00-1.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the minor subdivision off a 50-foot easement as a preliminary, with final approval to be by the staff upon receipt of all agency approvals. Motion carried 3-0.

Lands of Wyatt

Minor off a 50-ft Easement

This is a Minor Subdivision Plan that proposes two (2) lots plus residual land. Lot 1 will consist of 1.71 acres +/-, Lot 2 will consist of 4.37 acres +/-, and the residual lands will consist of 1.52 acres +/- . A 50-foot-wide access easement will serve proposed Lots 1 and 2. Dwellings exist on the proposed lots, and

staff have verified compliance with effective setbacks. The property is located on the east side of Dupont Boulevard (Route 113). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 135-9.00-32.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to approve the minor subdivision off a 50-foot easement as a preliminary, with final approval to be by the staff upon receipt of all agency approvals. Motion carried 3-0.

Lands of AAA Storage Limited Partnership

Minor off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 65.17 acre +/- parcel of land into two (2) lots. Proposed Lot 1 consists of 3.44 acres +/- and Proposed Lot 2 consists of 61.73 acres +/- . Access for both proposed lots is via an ingress/egress access easement on Lot 1. The property is located on the west side of Janice Road approximately 520 feet west of the intersection of Coastal Highway (Route 1) and Nassau Road (S.C.R. 266B). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 334-5.00-153.00. Zoning: AR-1 (Agricultural Residential District) and C-1 (General Commercial District). Staff are in receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to approve the minor subdivision off a 50-foot easement as preliminary and final approval. Motion carried 3-0.

Lands of Delnova Properties, LLC

Minor off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of 5.09 acre +/- parcel of land into five (5) lots plus the residual lands. Proposed Lot 1 consists of 1.0 acre +/-; Lot 2 consists of 1.0 acre +/-; Lot 3 consists of 1.0 acre +/-; Lot 4 consists of 1.0 acre +/-; and the residual (Lot 5) consists of 1.09 acres +/- . The plan proposes one (1) lot with direct access from Camp Arrowhead Road (S.C.R. 279) and four (4) lots off a 50-foot easement. The property is located on the east side of Camp Arrowhead Lane (Route 279). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-12.00-86.00. Zoning: GR (General Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the minor subdivision off a 50-foot easement as preliminary and final approval. Motion carried 3-0.

Lands of Delnova Properties, LLC

Minor off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 1.96 acre +/- parcel of land into two (2) lots and lot line adjustments to the adjacent parcels which currently access via an easement parcel. The easement and related lots were approved as a Minor Subdivision by the Planning & Zoning Commission at their meeting of Thursday, August 11, 2016. The plan proposes to subdivide Parcel 87.00 and reconfigure the lot lines of Parcel 87.02 and Parcel 87.03 (Easement Lot) resulting in a total of four (4) lots and residual land. Proposed Lot 1 consists of 1.0 acre +/-; Parcel 87.00 (Residual) consists of (1.0) acre +/-; Parcel 87.01 consists of 1.0 acre +/-; Parcel 87.02 consists of (1.1) acres +/- . Parcel 87.03 consists of 1.0 acres +/- . The plan proposes one (1) lot with direct access from Camp Arrowhead Road (S.C.R. 279) and four (4) lots off a 50-foot easement. The property is located on the east side of Camp Arrowhead Lane (Route 279). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 234-12.00-87.00, 87.01, 87.02 & 87.03. Zoning: GR (General Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the minor subdivision off a 50-foot easement as preliminary and final approval. Motion carried 3-0.

Lands of Kimberlee E. Lee

Minor Subdivision off a 25-ft Easement

This is a Minor Subdivision Plan for the Lands of Lands of Kimberlee E. Lee for the subdivision of 16.14 acre +/- parcel of land into one (1) lot and residual land. Proposed Lot 1 consists of 2.001 acres +/- and the Residual Lot 2 consists of 12.688 acres +/- . Access for both proposed lots is via the existing entrance and a proposed 25-foot ingress/egress access easement. The property is located on the north side of Deer Forest Road (S.C.R. 565) approximately 0.38 miles west of Cedar Corners Road (S.C.R. 638). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 430-17.00-16.14. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the minor subdivision off a 25-foot easement as a preliminary and final. Motion carried 3-0.

OLD BUSINESS

2021-25 Four Winds Farm – A cluster subdivision to divide 168.9 acres +/- into three-hundred and thirty-six (336) 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 east side of Shingle Point Road (S.C.R. 249), approximately 0.88 mile south of the intersection of Shingle Point Road (S.C.R. 249) and Harbeson Road (Route 5). Tax Parcel: 235-25.00-39.00. Zoning: AR-1 (Agricultural Residential District).

The Commission discussed the Application which had been deferred since April 14, 2022.

Mr. Whitehouse advised the Commission that the Traffic Impact Study (TIS) information was received and submitted into the record. There are ten (10) days for the receipt of written comments regarding the TIS and this Application will be on a Planning and Zoning Commission agenda in January.

C/U 2325 David & Sandra Blank

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.76 ACRES MORE OR LESS. The property is lying on the northeast side of Jay Patch Road (S.C.R. 376A), approximately 0.5-miles southeast of Pepper Road (S.C.R. 376). 911 Address: N/A. Tax Parcel: 533-9.00-58.00.

The Commission discussed the Application which had been deferred since November 17, 2022.

Mr. Mears moved that the Commission grant preliminary approval of C/U 2325 David & Sandra Blank for a small campground consisting of only two campsites based on the record made during the public hearing and for the following reasons:

1. This conditional use for the creation of a 2-campsite campground located on a 30-acre property. Because the Applicants are seeking to install campsites for RVs or tents, this small campground still falls under the requirements for a campground conditional use. This use is

so small that with the conditions imposed, it will not have any adverse impact on neighboring properties or roadways.

2. The proposed conditional use will not adversely affect the congestion of roads or streets as confirmed by DelDOT. In accordance with the MOU between Sussex County and DelDOT, the campground would only have a diminutive impact on area roadways.
3. The two proposed campsites will comply with the requirements of Section 115-172H of the Sussex County Zoning Code for the approval, design, and operation of campgrounds.
4. This recommendation is subject to the following conditions:
 - a. There shall be no more than two campsites located on the property, in addition to the property owners' residence.
 - b. The applicants shall comply with all DelDOT requirements associated with the use.
 - c. The two campsites and other facilities shall be connected to adequate on-site wastewater treatment facilities approved by the Department of Natural Resources and Environmental Control. The type and location of the approved on-site wastewater facilities shall be shown on the Final Site Plan.
 - d. Stormwater Management and sediment and erosion control facilities shall be constructed as required by State and County requirements.
 - e. The two campsites shall be surrounded by a 50-foot landscaped buffer. This buffer may include existing vegetation. The buffer shall be shown on the Final Site Plan.
 - f. Because the Applicants have stated that this use will not be operated as a commercial enterprise, no signage or advertising (including print, electronic, or social media) shall be permitted.
 - g. There shall be no accessory buildings located on the two campsites.
 - h. All units to be used for the purpose of human habitation on the campsites shall be tents, travel trailers, recreation vehicles, or equipment manufactured specifically for camping purposes.
 - i. The Applicant shall identify all "dwellings" in the vicinity of the property that require a 400-foot buffer pursuant to Section 115-172H (3) of the Sussex County Code. The campsites shall be a minimum of 400 feet away from any dwelling that exists at the time of the Final Site Plan approval.
 - j. The two campsites must be 2,000 square feet in size and at least 40 feet wide. The location of the campsites shall be clearly marked on the site plan and the site itself.
 - k. Neither campsite shall have direct access to any road outside of the boundaries of the campground. Access to the campsites shall be restricted so that they are not accessible when not in use.
 - l. The campground shall comply with all of the requirements of Section 115-172H.
 - m. This Conditional Use shall be reviewed for compliance and continued compatibility with the area by the Planning & Zoning Commission 4 years after County Council has approved the use.
 - n. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to recommend approval for C/U 2325 David & Sandra Blank for the reasons and conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Mr. Hopkins – yea, Mr. Mears – yea, Chairman Wheatley - yea

C/U 2327 Howard L. Ritter & Sons, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 DISTRICT TO ALLOW THE CONTINUED SALES AND STORAGE OF STONE, MULCH, SOIL, AND RELATED OUTDOOR PRODUCTS AT THE PROPERTY WITH THE EXISTING, NON-CONFORMING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 50.90 ACRES, MORE OR LESS. The property is lying on the southwest side of Plantations Road (Rt. 1D), approximately 0.18 mile southeast of Robinsonville Road (S.C.R. 277). 911 Address: 33508 Ritter Lake Road, Lewes. Tax Parcel: 334-12.00-7.00.

In relation to C/U 2327 Howard L. Ritter & Sons, Inc. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

Vote by roll call: Mr. Hopkins – yea, Mr. Mears – yea, Chairman Wheatley - yea

Recess

5:28 p.m. – 5:38 p.m.

PUBLIC HEARINGS

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

2021-36 Wynford Preserve (F.K.A. Prettyman Road Development, LLC)

A cluster subdivision to divide 50.50 acres +/- into one hundred (100) single-family lots to be located on a certain parcel of land lying and being in Broad Kill Hundred, Sussex County. The property is lying on the south side of Prettyman Road (S.C.R. 254), approximately 0.87-mile northwest of Lewes-Georgetown Highway (Rt. 9). Tax Parcel: 235-29.00-25.00. Zoning: AR-1 (Agricultural Residential).

Chairman Wheatley announced that this Application will not be heard at this meeting and will be readvertised for a meeting during January 2023.

Chairman Wheatley announced that the following cases Ord. 22-08, CZ 1959 Charles E. Turner, Jr., and CU 2320 Charles E. Turner, Jr. are related applications, and that the Applicant has requested that they make one presentation. Chairman Wheatley noted that each Application will be voted on separately.

ORD 22-08

AN ORDINANCE TO AMEND THE FUTURE LANDS USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00. The property is located on the north side of Lewes Georgetown Highway (Rt. 9), approximately 620 feet northeast of Gravel Hill Road (Rt. 30). 911 Address: N/A Tax Parcel: 135-11.00-65.00.

Mr. Whitehouse stated that specifically the request is to amend the area designation on the Future Land Use Map from a Low-Density Area to the Existing Development Area.

C/Z 1959 Charles E. Turner Jr.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR

LESS. The property is located on the north side of Lewes Georgetown Highway (Rt. 9), approximately 620 feet northeast of Gravel Hill Road (Rt. 30). 911 Address: N/A Tax Parcel: 135-11.00-65.00.

C/U 2320 Charles E. Turner Jr.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (42 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS. The property is located on the north side of Lewes Georgetown Highway (Rt. 9), approximately 620 feet northeast of Gravel Hill Road (Rt. 30). 911 Address: N/A Tax Parcel: 135-11.00-65.00.

Mr. Whitehouse advised the Commission that submitted into the record for all three applications are a copy of the draft ordinance, a copy of the Applicant's exhibits, a copy of the DelDOT Service Level Evaluation Response, for the CZ and CU applications – there are copies of the staff analysis, a copy of the Applicant's PLUS submittal, a copy of the Applicant's proposed conditions of approval for the Conditional Use application, a copy of the Applicant's conceptual site plan, a copy of the deed for the property, a copy of written comments received from DNREC Watershed Stewardship, a letter received from Artesian Resources, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that there were no comments received for any of the three applications.

The Commission found that Ms. Mackenzie Peet, Esq. was present on behalf of the Applicant, Mr. Charles Turner; that also present are Mr. Turner and Mr. Roger Gross, P.E. with Merestone Consultants; that the existing property is 9.72 acres and is the present location of Silver Oaks Trailer Park; that this area is adjacent to the open space within the Hawthorne Community and the location of the former Burns Pet Store; that to the rear of the property is a tax ditch prong; that across the road are some residential homes and some property that was rezoned to B-1 (Neighborhood Business District) which is owned by Two Farms, Inc.; that the existing Silver Oaks Trailer Park was established on April 6, 1966 and was approved for 38 mobile home lots in 1970; that today there are eleven (11) mobile home lots on the site; that all existing mobile home owners have been notified of Mr. Turner's plan to develop the site; that the property is currently zoned AR-1 (Agricultural Residential District); that the properties adjacent to the subject property are also zoned AR-1; that along Route 9 there is a mixture of zoning districts mainly C-1, AR-1 and some B-1; that further out there are some MR, CR-1, and HI-1 zoning districts; that the Future Land Use Designation presently is Low-Density Area and is surrounded by properties designated as Commercial Area and Industrial Area; that the project is located in Investment Level IV and the Land Use Map amendment is scheduled before PLUS on December 21, 2022; that PLUS comments will be responded to before the County Council public hearing; that with respect to the Future Land Use Map request the property is currently designated as a Low-Density Area; that the Low Density Area is considered to be a rural area; that as of 2018, all lands designated as Low Density Areas are also zoned AR-1 which permit single-family detached lots; that Ordinance 22-08 seeks to amend the Future Land Use Map from Low Density to and Existing Development Area – a growth area; that Chapter 4 of the Comprehensive Plan explains that this area consists of primarily existing residential developments similar to this one presently under General Residential or Medium Residential zoning districts and some commercial uses; that these areas are scattered throughout the County and often times next to Low Density Areas; that the land use history of the property is relevant in that this property was permitted as a Mobile Home Park and approved for 38 lots as reflected in Exhibit B in the record; that this property has been an existing residential development since 1966; that the established Mobile Home Park predated Sussex County Code and this property should have been designated as an Existing Development Area; that this area permits a full range of housing types; that the proposed use is consistent with the Existing Development Area; that there are Existing Development Area in the vicinity of the

subject property close to Route 9 and Route 5; that infrastructure is already in the area and central water and sewer are encouraged for the Existing Development Area; that sewer and water will be provided by Artesian; and that the applicable zoning districts in the Existing Development Area include MR and would be consistent with the Land Use change.

Chairman Wheatley asked for Clarification about the additional 8 units approved by Board of Adjustment.

Ms. Peet stated that the Mobile Home Park was originally approved for 38 units, however, only 21 were developed and the BOA Case 116 was for an additional 8 units which brought the total to 29 units.

Ms. Peet stated that the Applicant's second request is CZ 1959 to rezone the property from AR-1 to MR to ultimately develop 42 multi-family units; that the MR district provides for medium density residential development in areas which are or are expected to become generally urban in character where sanitary sewer and public water may or may not be available at the time of construction; that as previously discussed, there is availability here; that although AR-1 permits low-density multi-family through the pursuit of a Conditional Use application but the Applicant wishes to rezone to MR which permits the medium density residential to allow for 42 multi-family units; that the proposed rezoning is compatible with the surrounding land uses which includes a mix of residential, business, and commercial uses nearby; that there are other multi-family residential units nearby including Weston Willows Apartment Complex, Azelea Woods single-family subdivision, and Hawthorne subdivision; that Table II shows the bulk requirements for multi-family units must meet the same height, area and bulk requirements; that this is relevant considering the C-1 zoning district near the property; that there were three change of zone applications approved within a mile of this site; and that Table 4.5-2 Title Zoning Districts applicable to Future Land Use Categories confirms that the MR district is an applicable district in the Existing Development Area.

Ms. Peet stated that the final request is CU 2320 for a Conditional Use of land in an MR zoning district for the development of 42 multi-family units; that the proposed multi-family development will be accessed off of Route 9; that the proposed density for the development is 4.36 units per acre which is less than the permitted density in MR; that there are eight (8) buildings proposed and each building contains between 3 and 6 units; that there is also a community building and pool amenity proposed; that 6.4 acres or 66.7% of the site to remain as open space subject to final site engineering; that there will be 92 parking spaces which exceed the 84 required spaces; that the non-tidal wetlands will remain undisturbed; that stormwater management will be in accordance with local and state regulations; that water and sewer will be served by Artesian; that the increase in traffic on area roadways will be analyzed and approved by DelDOT; that preliminarily the response to the Service Level Evaluation Request state that the impact is considered to be negligible; that section 115-31 of the Code concerning multi-family units confirms that these units may be permitted as conditional uses subject to other provisions in the Code; that the proposed use is in compliance with all Code requirements including section 115-188 of the Code; that if the Future Land Use Amendment is adopted then the proposed use will be compliant and consistent with the Comprehensive Development Plan; that the Planning and Zoning office memorandum confirms that there have been three conditional use applications near this property; that proposed conditions of approval have been submitted into the record; and that for all these reasons the request is compatible with the surrounding uses and County Code.

Mr. Whitehouse asked about the PLUS submittal.

Ms. Peet stated that the application will go to PLUS on December 21, 2022, and that the Applicant is aware that the PLUS response is required before the County Council public hearing.

The Commission found that there was no one present who wished to speak in favor of or in opposition to this application.

Upon there being no further questions, Chairman Wheatley closed the public hearings.

At the conclusion of the public hearings, the Commission discussed the Applications.

In relation to Ordinance 22-08. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

In relation to C/Z 1959 Charles E. Turner, Jr. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

In relation to C/U 2320 Charles E. Turner, Jr. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

ADDITIONAL BUSINESS

The Commission discussed the potential Amendment to Rules of Procedure.

Mr. Robertson stated that at the end of one of the previous meetings a discussion came up about the timing of the meetings; that as it was not an agenda item, it was decided that it would be on the agenda for discussion this evening; that the rules actually state that the meetings should start at 6:00 pm when they have actually started at 5:00 pm for a few months.

Mr. Hopkins moved that the Commission amend Rule 2 of the “Rules of Procedure of the Sussex County Planning & Zoning Commission” to allow more flexibility in the start times for meetings of the Commission, so that Rule 2.2 of those Rules now state as follows:

Rule 2 – Meetings of the Planning and Zoning Commission

2.2 Regular meetings shall convene on those days and times when a meeting has been properly noticed and advertised.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to amend Rule 2 of the “Rules of Procedure of the Sussex County Planning & Zoning Commission. Motion carried 3-0.

Vote by roll call: Mr. Hopkins – yea, Mr. Mears – yea, Chairman Wheatley - yea

Meeting adjourned at 6:10 p.m.

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