

## **THE MINUTES OF THE REGULAR MEETING OF MAY 11, 2023.**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 11, 2023, 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 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Ms. Holly Wingate, and Mr. Bruce Mears. Mr. Keller Hopkins was absent. Also, in attendance were Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Mr. Michael Lowrey – Planner III, Mr. Elliott Young – Planner I and Ms. Ashley Paugh – Recording Secretary.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Agenda as circulated. Motion carried 3-0.

Motion by Ms. Wingate, seconded by Mr. Mears to approve the Minutes of the April 20, 2023, Planning and Zoning Commission meeting as circulated. Motion carried 3-0.

### **PUBLIC COMMENT**

The Commission found that Mr. Michael Wolk wished to provide public comment. Mr. Wolk encouraged the Commission to review the Traffic Impact Study decision process and criteria with DelDOT; that evaluation should be given to the current Planning & Zoning and DelDOT Ordinances, regulations, Codes, and Memorandum of Understanding to include an effective process with strong enough criteria to assess the commutative impact of the multitude of developments that are approved, and he stated that proactive decisions and actions are required to allow for road improvements and to ensure public safety is protected.

The Commission found there was no one present by teleconference who wished to provide public comment.

### **OTHER BUSINESS**

#### **(C/U 2327) Howard Ritter & Sons Borrow Pit**

##### **Preliminary and Final Site Plan**

This is a Preliminary and Final Site Plan for the Howard Ritter & Sons Borrow Pit Operation. The parcel contains 50.90 acres +/- and is located on the southwest side of Plantations Road (S.C.R. 275) with access off of Ritter Lake Drive. Conditional Use No. 2327 was approved by Sussex County Council at their meeting of Tuesday, January 24, 2023, through Ordinance No. 2901 for the expansion of a non-conforming borrow pit to include storage and sales of material on the project site. The Preliminary and Final Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. The property is also located within the Henlopen Transportation Improvement District (TID). Tax Parcel: 334-12.00-7.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Preliminary and Final Site Plan. Motion carried 3-0.

**(C/Z 1931) Ocean View Beach Club North (F.K.A. Lighthipe)**

Final Site Plan

This is a Final Site Plan for the addition of 10-single family homes to be incorporated into the existing Ocean View Beach Club Residential Planned Community (RPC). The Plan includes the proposed street, deletion of one lot, necessary adjustments to lot lines, stormwater management, forested buffers, and other site improvements. The Plan received preliminary approval from the Planning and Zoning Commission at their meeting of Thursday, October 27<sup>th</sup>, 2022. Staff note the additional plantings mentioned in Condition “D” were found to be necessary, and these plantings have been incorporated into the plan so that additional screening to the adjacent Ocean Way Estates Subdivision is provided. The property is located on the north side of Muddy Neck Road (S.C.R. 361) and will be accessed off the south side of Gooseberry Avenue, which is an internal street within the RPC. The Plan complies with the Sussex County Zoning Code and all Conditions of Approval, including the original Conditions of Approval from 2015 that pertain to this addition. Tax Parcel: 134-17.00-12.02. Zoning: MR-RPC (Medium Density Residential – Residential Planned Community). Staff are in receipt of all agency approvals which include acknowledgments from the two property owners of Ocean View Beach Club North that have agreed to the necessary lot line adjustments.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Final Site. Motion carried 3-0.

**(S-19-16) Klerlein Enterprises, LLC**

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of a proposed 4,000-square-foot commercial garage, a 9,600-square-foot commercial warehouse, and other site improvements. The parcel is located on the east side of Isaacs Road (Route 30), approximately 460 feet away from Milton Ellendale Highway (Rt. 16). Staff would like to note that Applicant has confirmed that a Grading Plan will be included with the Final Site Plan. A Final Site Plan was previously administratively approved on May 9<sup>th</sup>, 2019, by the Planning and Zoning Office. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 235-14.00-67.00. Zoning: C-1 (General Commercial 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 Ms. Wingate and carried unanimously to approve the Revised Preliminary Site Plan as a preliminary with final approval to be by the staff subject to receipt of all agency approvals and submission of a Grading Plan. Motion carried 3-0.

**(S-23-19 & C/U 976) Sussex Technical High School**

Preliminary Site Plan

This is a Preliminary Site Plan for Sussex Technical High School on the Lands of Sussex County Vocational Technical School District for the construction of a total of 383,761 square feet of improvements to include a school building, field buildings, a greenhouse, parking, ancillary improvements, as well as a revision to the design configuration existing at the site including relocation of playing fields and the addition of new interior roads. The Plan proposes two phases and includes the removal of existing buildings with 95,696 square feet of the existing structures to be retained. The use of the site was approved by Sussex County Council on August 13, 1991, as a Conditional Use (C/U #976). The Plan proposes four vehicular access points along the frontage of the site lying on the north side of County Seat Highway (Route 9) approximately one mile west of the intersection of County Seat Highway (Route 9) and Old Furnace Road (S.C.R. 46). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 231-19.00-7.00, 231-19.00-8.00, & 231-19.00-14.01. 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 Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be by the staff subject to the receipt of all agency approvals. Motion carried 3-0

**(S-23-08 & C/U 2318) Mulberry Knoll Store**

**Request to Clarify Conditions of Preliminary Approval**

At the meeting of Thursday, April 20, 2023, the Planning & Zoning Commission granted Approval of the Preliminary Site Plan for Mulberry Knoll Store (S-23-08) on the Lands of V&M, LLC with Final Plan Approval to be granted by Staff upon receipt of all agency approvals with the Condition that the Applicant amend the Plan to include fencing and a designated walking path to facilitate pedestrian traffic between the proposed improvements and the school. The Applicant is requesting clarification asserting that the Conditions are addressed in the current Plan, noting that a fence already exists on School property along the entirety of the shared boundary with the school and that pedestrian traffic will be routed to the sidewalk on Route 24 connecting the site to the school's entrance as part of the Route 24 DelDOT projects adjacent to the site. The Preliminary Site Plan is for a 5,000-square-foot convenience store, a  $\approx$  5,000-square-foot fueling station area, a 12,000-square-foot office building, parking, and related improvements. These uses were approved for the site via Conditional Use (C/U 2318) approved by Sussex County Council on Tuesday, May 17, 2022. The parcels are located on the southeast corner of the intersection of John J. Williams Highway (Route 24) and Mulberry Knoll Road (S.C.R. 284). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00. 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 Ms. Wingate and carried unanimously to approve the Preliminary Site Plan. Motion carried 3-0.

**Lands of DGas Inc.**

**Minor Subdivision off a 50-ft Easement**

This is a Minor Subdivision Plan to divide a 10.01- acre +/- parcel of land into one (1) lot and residual lands. Proposed Lot 5 consists of 1.06 acres +/- and the residual lands consist of 8.93 acres +/- . The Residual Lands will be accessed by a 50-ft wide ingress/egress access easement. The property is located on the east side of Wil King Road (S.C.R. 288), approximately 0.5 miles south of Kendale Road (S.C.R. 287). Staff note the property is within the Henlopen Transportation Improvement District. The Minor Subdivision complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-6.00-59.11. 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 50-ft easement. Motion carried 3-0.

**Lands of Frederick J. Tana**

**Lot Line Reinstatement off a 50-ft Easement**

This is a Lot Line Reinstatement Plan for a 12.756-acre parcel that will be served by an existing and partially proposed 50-foot easement. The remaining parcel of land will be 44.96 acres +/- . The property is located on the north side of Robinsonville Road (S.C.R. 277), and the parcel to be reinstated will be served by a private drive known as Fox Run. The Plan has received approval from the Office of the State

Fire Marshal. The Plan complies with the Sussex County Code. Tax Parcel: 234-6.00-76.00. Zoning: MR (Medium Density Residential District). Staff are in receipt of all agency approvals. Therefore, the Plan is eligible for preliminary and final approvals.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Lot Line Reinstatement off a 50-ft. easement. Motion carried 3-0.

Ms. Stevenson entered Council Chambers.

## OLD BUSINESS

### **2022-16 Armada**

A cluster subdivision to divide 47.07 acres +/- into sixty-seven (67) single-family lots, to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The properties are lying on the south side of Harmons Hill Road (S.C.R. 302), approximately 1-mile west of Indian Mission Road (Route 5). 911 Address: N/A. Tax Map Parcels: 234-16.00-25.00 & 25.05. Zoning District: AR-1 (Agricultural Residential).

The Commission discussed the Application which had been deferred since April 20, 2023.

Ms. Wingate moved that the Commission grant preliminary approval of 2022-16 Armada based on the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a cluster subdivision on land zoned AR-1 located within the "Low Density" Area of the current Sussex County Comprehensive Plan.
2. The subdivision will have no more than 67 lots on 47.07 acres of land resulting in a gross density of 1.42 lots per acre, which is much less than what is permitted in the AR-1 Zone. All lots will be at least 7,500 square feet in size.
3. The proposed development will comply with all DelDOT roadway and entrance requirements.
4. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the Applicant has addressed the requirements of Section 99-9C of the Code.
5. Approximately 70% of the site will remain as open space. Within this open space, there will be extensive tree preservation with approximately 15 acres of existing woodlands preserved. This represents 56% of the existing woods.
6. The subdivision will be served by central water and sewer.
7. The subdivision provides for a total environment and design which are superior to a standard subdivision including a substantial amount of open space with forest preservation and buffers. It also complies with the design requirements and review procedures for an AR-1 cluster subdivision. It is evident from the record that the Applicant complied with the design process of Section 115-25 of the Zoning Code by seeking to identify and preserve environmentally sensitive areas first and locating the roads and lots last. For example, the site improvements avoid the wetland areas with no residential lot closer than 150 feet to any wetlands.
8. The subdivision is consistent with the character and trend of residential development in the area and with the conditions imposed by this preliminary approval it will not adversely affect the neighboring and adjacent properties.
9. The subdivision meets the purpose of the Zoning and Subdivision Codes and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County.
10. This recommendation is subject to the following conditions:
  - A. There shall be no more than 67 lots within the subdivision.

- B. There shall be a homeowner's association responsible for the maintenance of the streets, buffers, stormwater management facilities, and other common areas.
- C. As shown on the Preliminary Site Plan, approximately 70% of the site shall remain as open space. This shall include at least 15 acres of the existing forest area. The Final Site Plan shall depict all forested areas that will be preserved.
- D. The stormwater management system shall meet or exceed the requirements of the State and County and the Final Site Plan shall contain the approval of the Sussex Conservation District. The system shall be maintained and operated using Best Management Practices.
- E. There shall be a forested and/or vegetated buffer strip that is at least 30 feet wide along the perimeter of the subdivision adjacent to the land of other ownership in accordance with Section 99-5 of the Subdivision Ordinance. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- F. The development shall comply with DelDOT entrance roadway improvement requirements.
- G. Street design shall meet or exceed Sussex County standards.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- I. The subdivision shall be served by Artesian Water Resources for its central wastewater system and for drinking water and fire protection.
- J. Sidewalks shall be installed on at least one side of all internal streets.
- K. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- L. The Applicant shall coordinate with the local school district for a school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.
- M. There shall be on-site recreational amenities including a playground, pavilion, and walking trail. These amenities shall be completed and open to use prior to the issuance of the 34<sup>th</sup> residential building permit.
- N. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided, the preservation of all buffer areas, and the forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.
- O. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
- P. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- Q. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to grant preliminary approval of 2022-16 Armada for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley - yea

**2022-21 Lands of Elizabeth L. Sharp & Dewey V. Griffith, Jr.**

A standard subdivision to divide 10.968 +/- acres into four (4) single-family lots, to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County. The property is lying on the north side of Delmar Road (Route 54) and the west side of Providence Church Road (S.C.R. 504). 911 Address: N/A. Tax Map Parcel: 532-18.00-28.00. Zoning District: GR (General Residential).

The Commission discussed the Application which had been deferred since April 20, 2023.

Mr. Mears moved that the Commission grant preliminary approval of 2022-21 The Lands of Elizabeth L. Sharp & Dewey V. Griffith, Jr., based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1 which permits low-density, single-family residential development. The proposed subdivision density of four (4) lots on 10.968 acres of land is significantly less than the allowable density.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings, and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This small subdivision satisfies the criteria set forth in Section 99-9C in the Sussex County Subdivision Code.
7. Given the relatively small size of this subdivision at only four (4) lots, with the smallest lot being 1.8 acres in size, it is appropriate to grant a waiver from the topographic, grading, and buffer requirements of the Subdivision Code.
8. This preliminary approval is subject to the following conditions:
  - A. There shall be no more than four (4) lots within the subdivision.
  - B. If required, the stormwater management system shall meet or exceed the requirements of the State and County.
  - C. All entrances shall comply with all of DelDOT's requirements.
  - D. There shall be a shared maintenance agreement established for the common maintenance of the roadway providing access to these lots. This shared maintenance agreement shall be included in the Final Site Plan or recorded as a separate document in the Office of the Recorder of Deeds.
  - E. The Final Site Plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to grant preliminary approval of 2022-21 The Lands of Elizabeth L. Sharp & Dewey V. Griffith, Jr., for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea

**C/U 2362 Delaware SiteScapes, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS.** The property is lying on the east side of Omar Road (Route 54), approximately 726 ft. southwest of Jones Road (S.C.R. 369). 911 Address: 32414 Omar Road, Frankford. Tax Map Parcel: 134-10.00-62.10.

The Commission discussed the Application which had been deferred since April 20, 2023.

Mr. Mears moved that the Commission recommend approval of C/U 2362 Delaware Sitescapes, LLC for an HVAC Business on land zoned AR-1 based upon the record made during the public hearing and for the following reasons:

1. The site is zoned AR-1. It is in a location where other small business conditional uses exist. In addition, a portion of the property is covered by a utility easement for above-ground electric transmission lines. These circumstances make this property an appropriate location for a small HVAC business and not residential use.
2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses, like this one, are appropriate within this Area according to the Plan.
3. DelDOT has stated that the traffic generated by this use will be “diminutive”.
4. The proposed use will not have a negative impact on the neighboring properties or roadways.
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
  - A. The project shall be used for an HVAC business.
  - B. There shall be no retail sales occurring on the property.
  - C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
  - D. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - E. The Applicant shall comply with all DelDOT requirements for entrances and roadway improvements.
  - F. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
  - G. 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. Wingate and carried unanimously to recommend approval of C/U 2362 Delaware Sitescapes, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley - yea

**C/Z 1976 John H. Legg**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN**

**GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS.** The property is lying on the northeast side of Gravel Hill Road (Rt. 30), approximately 0.14-mile southeast of Lewes Georgetown Highway (Rt. 9). 911 Address: 20093 Gravel Hill Road, Georgetown. Tax Map Parcel: 135-11.00-82.00.

The Commission discussed the Application which had been deferred since April 20<sup>th</sup>, 2023.

Mr. Whitehouse advised the Commission that the application is scheduled before County Council on May 16, 2023; that based on the Commission's discussions at the previous meeting, staff had suggested introducing an Ordinance to County Council requesting an amendment to the Future Land Use Map; that the application would then be brought back and travel with the Ordinance; that staff would provide re-notice for a new public hearing date before County Council and this would add a few months to the process but would allow the Change of Zone and Future Land Use amendment application to travel together.

Mr. Robertson stated the issue was the Change of Zone request was not consistent with the current state of the Future Land Use Map.

Mr. Whitehouse advised the Commission, should the Application be deferred, the Application would be removed from County Council's agenda for a public hearing on May 16, 2023, and the Application would be re-noticed for a future public hearing date before County Council.

In relation to C/Z 1976 John H. Legg. Motion by Ms. Wingate to defer, pending a change to the Sussex County Comprehensive Plan's Future Land Use Map, seconded by Ms. Stevenson and carried unanimously. Motion carried 4-0.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley - yea

### **2021-23 Stillwater Harbor**

A Coastal Area cluster subdivision to divide 57.107 acres +/- into one hundred and twenty-three (123) single-family lots to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The properties are lying on the north side of River Road (S.C.R. 312), approximately 0.3 miles northwest of Chief Road (S.C.R. 311). Tax Parcels: 234-34.00-79.00, 234-34.11-9.00, 234-34.11-9.01 & 234-29.00-226.01. Zoning: MR (Medium-Density Residential District) and GR (General Residential District).

The Commission discussed the Application which had been deferred since April 27, 2023, at which time the record was left open to allow for additional written comment until the close of business on May 5, 2023, to allow for a report from the Sussex County Engineering Department regarding the resource buffer shown on the Preliminary Site Plan, and to allow for the analysis of the subject Application easement.

Mr. Whitehouse advised the Commission that additional written comments were provided for the Application, they had been scanned and uploaded to the online land use docket for viewing; that the provided additional comments did include audio and video files provided on behalf of the Applicant and staff had placed the Application on the agenda to announce the closure of the public record for additional written comment, should the Commission wish.

Mr. Robertson stated he is still looking into the easement.



In relation to 2021-23 Stillwater Harbor. Chairman Wheatley announced that the 2021-31 Stillwater Harbor public record for additional written comment was closed.

**C/Z 1973 Osprey Point Preserve, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1759 (ORDINANCE NO. 2475) TO INCLUDE A 1.85-ACRE MARINA & RESTAURANT AMENITY AREA FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS.** The property is lying on the southwest side of Old Landing Road (S.C.R. 274), within the Osprey Point Residential Planned Community, on the north end of Ethan Allen Drive, approximately 0.12 mile west of Old Landing Road (S.C.R. 274). 911 Address: N/A. Tax Parcels: 334-18.00-83.00, 83.17, 83.20, 83.21 & 1073.00 through 1289.00.

The Commission discussed the Application which had been deferred since August 25, 2022, at which time the record was left open to allow for a decision from DNREC regarding the marina.

Mr. Whitehouse advised the Commission that the Application was last heard on August 25, 2022, when the Commission deferred for further consideration and to receive an update in relation to the DNREC permit that was being applied for, and that staff did receive a letter on behalf of the Applicant, specifically requesting the Commission’s reconsideration to the previous decision to defer, pending the DNREC permit information.

Mr. Robertson stated the letter essentially stated that the previous requirement set by the Commission, had placed the Applicant in a catch-22, due to the position taken by DNREC; that the Commission had previously deferred action, pending DNREC’s determination on the marina aspect of the Application, and DNREC has responded that they will not review the marina aspect of the Application until the Commission acts first.

In relation to C/Z 1973 Osprey Point Preserve, LLC. Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to approve the elimination of the DNREC marina approval requirement.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley - yea

**PUBLIC HEARINGS**

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

**C/U 2353 Sussex CSG 2, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 28.09 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 55.00 ACRES, MORE OR LESS.** The properties are lying on the south side of Gum Tree Road (S.C.R. 405), the west side of DuPont Boulevard (Rt. 113), and the north side of Blueberry Lane (S.C.R. 402). Address: N/A. Tax Map Parcels: 433-6.00-18.00, 20.00 & 26.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant’s Conceptual

Site Plan, the Applicant's Exhibit Booklet, which included a Wetland and Water Course Investigation Report, the Staff Analysis, the DelDOT Service Level Evaluation Response, and a response received from the Delaware Division of Fish and Wildlife. Mr. Whitehouse stated that zero comments had been received for the Application.

The Commission found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant. Mr. Fuqua stated that also present were Mr. Kieran Siao on behalf of the Applicant and Mr. Alan Decktor of Pennoni Associates; that both this application and the following application are for solar fields, being filed by the same Applicant; that he requested to have the comments for the current Application be included into the record for the previous application, C/U 2354 Sussex CSG 1, LLC; that there was an exhibit booklet submitted into the record, containing information about the Application; that the Applicant is owned by a company called Dimension Renewable Energy, who is a national company who focuses on community solar facilities and battery storage development; that Dimension operates many community facilities throughout the country; that he was first contacted by the company in October 2021; that the solar facilities' Conditional Use applications were both filed in February 2022, being over 15 months ago; that at that time community solar facilities were fairly new to him and the Commission; that currently he believed the Commission had seen up to 10 solar field applications; that the frequent solar applications resulted in a Solar Ordinance which had recently been adopted; that he was notified within the past hour or two of an issue with the Application for the C/U 2353 site located in Frankford; that the Application and the staff analysis referenced a parcel of land consisting of 55 acres +/-; that the actual Conditional Use portion consists of 28 acres +/-; that the advertisement reflected a total site area of 28 acres +/-, with a Conditional Use portion of 14 acres +/-; that he was unsure where the 14 acres derived from; that he believed the number may have come from one of the three parcels which make up the entire property; that he would request to proceed with the presentation, unless staff felt the public hearing required readvertisement, and the public hearing date before County Council is scheduled for June 6, 2023, which he requested to keep.

Mr. Robertson questioned if the correct properties and road names were included in the advertisement and if staff had provided the correct property posting notification.

Mr. Fuqua stated the advertisement included the correct properties, the property address, and the yellow notice sign was posted on the correct property.

Mr. Whitehouse confirmed the advertisement included the correct parcel numbers and it was the acreage totals that are incorrect.

Ms. Stevenson questioned if all the adjacent property owners were notified.

Mr. Whitehouse stated that all adjacent property owners were provided notification by mail; that there were two acreage totals; that he would confirm the information and provide an update at the end of Mr. Fuqua's presentation.

Mr. Fuqua stated the Application for C/U 2353 involved three different parcels; that the site contains approximately 54 acres of land; that the site is owned by Frankford Center, LLC; that the land is located just west of Frankford; that the site has road frontage on the south side of Gumtree Rd; that the property is located to the west side of Rt. 113 and the north side of Blueberry Lane; that the Applicant is proposing to lease approximately 29.1 acres of the entire 54-acre site; that the leased portion of land would be located on the western portion of the property; that the lease term would be a 25-year lease, with two five year options to extend the lease, equaling a maximum of 35 years; that the Conditional Use area borders the remainder of the site to the north and the east; that to the west there is a tax ditch right of

way and a Delmarva Power easement; that to the south there are several residential properties; that a portion of the 54-acre parcel, being the portion located within 500 ft. of Rt. 113, is zoned C-1 (General Commercial); that the remainder of the site is located within AR-1 (Agricultural Residential); that the entire Conditional Use portion would be within the AR-1 portion of the site; that under the Comprehensive Plan's Future Land Use Map, the commercial zoned land is designated as being commercial; that the AR-1 portion of land is designated part Town Center and part Developing Area; that the Conditional Use area is located within the Town Center and Developing Area designations; that the Comprehensive Plan, Goal 7.3 encourages the use of renewable energy options, such as the community solar facilities being proposed; that the entrance is proposed from Gumtree Rd.; that the entrance will be designed and constructed per DelDOT's requirements; that there will be a gravel access road that extends along the western side of the solar array fields; that there would be one unlight sign at the entrance; that the sign will not exceed 32 sq. ft. on each side; that DelDOT indicated in the Service Level Evaluation Response that traffic impact would be diminutive, and that no further studies were required; that it is anticipated after the construction of the facility, traffic to the site would be limited to bi-annual equipment inspections, routine property maintenance, grass cutting and equipment repair when required; that there are no on-site employees; that all equipment is monitored remotely; that the solar array field would have a seven foot security fence around the perimeter; that there would be an emergency key box at the entrance for emergency responders; that the solar arrays will be ground mounted, flex track, solar panels; that other equipment will consist of inverters and transformers, which are to be located on two separate equipment pads; that the solar grounds will be seeded with a pollinator seed mix, providing a slow growing and environmentally friendly ground cover; that the southern boundary, nearest to the residences, would have landscape buffers; that the landscape buffers will be 30 ft. wide; that there is a section where the 30 ft. width does slim down to about 15 ft; that there are about three homes located within the 15 ft. buffer area; that the access road to those homes is located on the subject property, in the area the buffer would be located; that there is a Operation and Maintenance Plan included within the exhibit booklet, which provides details on how maintenance will be performed; that the site maintenance will consist of conventional mowing and trimming; that no animals are involved in maintenance for the site; that minimal sound is associated with the Application; that the proposed sound is a low hum created by the inverters; that a Glare Analysis was performed, which predicted no potential glare resulting from the panels; that no odors, dust, smoke, or heat are associated with the operation; that stormwater management would comply with all State and County requirements; that there will be no impact on sewer or water; that the solar facility is anticipated to generate 7.62 GW hours of electricity, which will power approximately 850 homes; that the facility would connect to the Delmarva Power grid at a location near the entrance on Gumtree Rd.; that it is anticipated that the productive life of the facility will be about 30 to 35 years, which would correspond to the lease terms; that there is a Decommissioning Plan included in the exhibit booklet, which explains that upon the expiration of the lease or the earlier termination of the use, all equipment and materials would be removed from the site and properly disposed of; that the site would return to its current condition; that the Decommissioning Plan provides for a security in the form of a decommissioning bond, to cover the cost of the restoration, if necessary; that the estimated cost in terms of the security bond will be provided as part of the Final Site Plan review, which would be reviewed by the Commission; that the proposed facility is authorized by and subject to the laws of the State of Delaware, specifically, Title 26 of the Delaware Code, which was the amendment to the law regulating community owned energy generating facilities and renewable energy; that the project will be operated in compliance with that statute, and he requested to submit proposed Findings and Conditions for the Application.

Ms. Wingate questioned if the fence is proposed around the entire perimeter of the property and what the fence would be made of.

Mr. Fuqua stated the fence is proposed to be a seven-foot, chain-link security fence, with emergency

access at the gate.

Mr. Whitehouse advised the Commission that approximately 26 notifications were sent out by mail to neighboring properties, and he believed there was sufficient time to issue re-notification postcards with the revised acreages before the scheduled public hearing before the County Council.

The Commission found there was no one present in the room or by teleconference who wished to speak in support of or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2353 Sussex CSG 2, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

**C/U 2354 Sussex CSG 1, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.58 ACRES, MORE OR LESS.** The property is lying on the south side of Old Racetrack Road (S.C.R. 502), approximately 0.75 mile east of Delmar Road (Route 54). Address: N/A. Tax Map Parcel: 532-20.00-14.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Booklet, which included a Wetland and Water Course Investigation, the Staff Analysis, the DelDOT Service Level Evaluation Response, and a response from the Delaware Division of Fish and Wildlife. Mr. Whitehouse advised the Commission that zero comments had been received for the Application.

Chairman Wheatly granted the request to include the comments previously provided for C/U 2353 Sussex CSG 2, LLC into the record for C/U 2354 Sussex CSG 1, LLC.

The Commission found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant. Mr. Fuqua stated that also present were Mr. Kieran Siao on behalf of the Applicant and Mr. Alan Decktor of Pennoni Associates; that there was an exhibit booklet submitted into the record, containing information about the Application; that the Applicant is owned by a company called Dimension Renewable Energy, who is a national company that focuses on community solar facilities and battery storage development; that Dimension operates many community facilities throughout the country; that he was first contacted by the company in October 2021; that the solar facilities Conditional Use Applications were both filed in February 2022, being over 15 months ago; that at the time community solar facilities were fairly new to him and the Commission; that currently he believed the Commission had seen up to 10 solar field applications; that the frequent solar applications resulted in a Solar Ordinance which had recently been adopted; that the Conditional Use request is for a solar facility to be located on a portion of a 49 acre parcel that is owned by Shore Properties, Inc.; that the land is located on the south side of Old Racetrack Rd., being northwest of the Town of Delmar; that the Applicant would be leasing approximately 23.58 acres, located at the southeastern portion, of the 49 acre site; that the lease would be for 25 years, with two five year renewal options; that the Conditional Use area borders woodlands to the south; that the Conrail Railroad track is located to the east; that HI (Heavy Industrial) land is located to the north of the site; the entire parcel is zoned AR-1 (Agricultural

Residential); that the site is designated as Industrial Area under the Comprehensive Plan's Future Land Use Map; that the solar field is located in the south east corner of the site; that the entrance would be from Old Racetrack Rd., located to the north; that the entrance would be designed and constructed to DelDOT's requirements; that a gravel access road would cross a portion of the unleased land, to access the site, per an easement agreement; that DNREC has indicated they have no objection to the proposed crossing of the Meadow Branch tax ditch, which runs across the property; that there would be an unlighted sign at the entrance, not exceeding 32 sq. ft. in size; that DelDOT indicated the traffic impact would be diminutive; that construction access would be very minimal and limited to inspections and maintenance; that there will be a seven-foot security fence around the perimeter of the solar array area, with an emergency key box located at the entrance; that the solar arrays will be ground mounted, flex track, solar panels; that other equipment will consist of inverters and transformers, which are to be located on an equipment pad in the middle of the solar array field; that the solar grounds will be seeded with a pollinator seed mix, providing a slow growing and environmentally friendly ground cover; the a Maintenance and Operations Plan is included within the exhibit book; that there will be no impact on sewer and water; that stormwater management will comply with State and County requirements; that there is a small area of Federal non-tidal wetlands located at the southern boundary of the solar array area; that the site design provides for a 25 ft. wide buffer around the edge of the wetlands; that in that area the perimeter boundary fence would be placed outside of the wetland buffer area; that the buffer would be located outside of the fence, with no intrusion within 25 ft of the wetland line; that there is an existing tree line located along a portion of the northern, eastern and southern boundaries of the site; that the trees will remain as a natural buffer, except for some selective trimming or removal of trees to allow the solar panels to function properly; that there is no noise or other nuisance type impacts associated with the facility; that a Glare Analysis was performed; that the study indicated a very minimal potential for glare during limited times of the year; that glare would have a slight impact based on the location of the site; that the facility is anticipated to generate 6.69 GW of electricity, which is equivalent to service the annual power needs of 750 homes; that the project will connect to the Delmarva Power grid at a location near the site entrance along Old Racetrack Rd.; that he believed there is a substation located across the road; that a Decommissioning Plan was included within the exhibit booklet; that the estimated cost of the security decommissioning bond would be provided as part of the Final Site Plan; that the facility would operate in compliance with Title 26 of the Delaware Code, which regulates community owned energy generating facilities and he requested to submit proposed findings and conditions for the application.

Ms. Stevenson requested a definition of minimal impact relating to the glare analysis.

Mr. Fuqua stated the glare study indicated that up to 300 minutes of glare could potentially be produced; that the glare would be observable from the roads located to the north and the east; that the glare potential was in the very early morning hours, within the winter and fall months; that there is potential for glare on 40 days in the winter and 40 days in the fall, for a total of 80 days throughout the year; that if one were to take 300 minutes over 80 days, the potential for glare is about three minutes, 45 seconds for those 80 days, and glare impact is potential, not definitive, as there are trees that should buffer a lot of any glare potential.

Mr. Robertson questioned if the property's zoning classification was for industrial.

Mr. Fuqua stated according to the Future Land Use Map, the 54-acre site is classified as industrial.

Mr. Fred Baker spoke with concerns regarding the Application. Mr. Baker stated that he owns over 16 acres located adjacent to the site; that he does not necessarily oppose the Application; that he wanted to express his concerns regarding the negative impact on his property value, in the event he would want to

develop his land; that he noticed there is a portion of the site where no buffer is proposed, being adjacent to his land which is currently wooded; that if he chose to keep his land wooded, there should be no impact, however, should he choose to develop, there could be a negative impact; that he only wished to express his concern for the record and requested the Commission take his concern into consideration when making a decision.

The Commission found there was no one present by teleconference who wished to speak in support of or in opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2354 Sussex CSG 1, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

**C/U 2372 Augusto Morales Morales**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS.** The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 0.8 mile south of Redden Road (Rt. 40). 911 Address: 17490 Cedar Corners Road, Bridgeville. Tax Map Parcel: 430-17.00-62.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, the DeIDOT Service Level Evaluation response, and a letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated that two mail returns and zero comments had been received for the Application.

The Commission found that Mr. Kevin Perez spoke on behalf of this father's Application. Mr. Perez stated he was presenting on behalf of his father, who was unable to attend the meeting; that they own a small, family-owned landscape business, which they began in the summer of 2016; that the business performs general landscaping, some hardscaping and tree services; that they are requesting a location to store materials in the long-term future; that currently the business keeps tools and equipment in campers; that the campers are 30 ft. in length and 10 to 12 ft. in width; that the equipment stored in the campers consists of chainsaws, blowers and other small equipment used for landscaping; that the business owns a few vehicles, which they park on the lot; that the vehicles consist of one F550, a F350, and a few F250 pick up trucks; that they intend to store leftover material, pavers and landscaping debris, such as leaf clippings, at the site; that they do not use chemicals or fertilizers as they are not licensed; that they plan to only use a small portion, located at the mid-right of the site, for the equipment storage and for the employees to clock in at the shop; that their home is located closer to the front of the site, near the road; that the property is located about 10 minutes from Georgetown; that the property is on the Bridgeville line, but is about 10 minutes from the Georgetown Walmart; that they intend to utilize a small portion of the site for the landscaping material storage; that there are neighbors located to the right of the site, and the left and rear of the site are currently wooded.

Chairman Wheatley questioned the hours of operation and if any vehicle maintenance would be performed at the site.

Ms. Stevenson questioned if the business performed snow removal and if a sign was desired.

Ms. Wingate questioned the number of employees and if the grinding of debris would take place on the site.

Mr. Mears questioned what equipment would be stored on-site, what future equipment may be required to be stored on the site, what hardscaping material would be stored, what debris is intended to come back to the site, and if grinding of debris is proposed once returned to the site.

Mr. Perez stated they typically being at 7:00 am; that work hours vary; that their workday could end between 1:00 pm to 5:00 pm; that at times they do not clock out until 6:00 pm or 7:00 pm, however at those times it is only for the guys to park the vehicles and to put up equipment; that during the later hours they would not create much noise; that they do perform snow removal services; that the business has 10 employees, which includes the office staff and himself; that he is unsure about the future of the business; that he does intend to expand, potentially not staying at the location on Cedar Corners Rd.; that currently, the business has one F150, three F250's, one F350, a F550 with a dump body, a bobcat, and a small skid loader bobcat, five grass mowers, two trailers and smaller equipment like chainsaws; that for hardscaping, it would only be leftover materials, such as pavers; that typically, he purchases materials the week of the project; that left over materials are often a yard or half a yard of mulch, pallets and pavers used to fix something or for small projects; that they mostly bring back grass clippings, leaves and occasionally logs when they perform tree services; that they use the logs for firewood; that the leaves and grass clippings are composted; that when they perform weeding, he feeds the debris to his pigs; that the rest gets composted, where he churns the land; that no vehicle maintenance would be performed at the site; that he may perform an oil change occasionally, but typically takes all vehicles to an auto shop; that when he does perform an oil change he disposes of the oil offsite, and he did not intend to have a sign currently, but would like permission for a sign in the future.

The Commission found there was no one present in the room or by teleconference who wished to speak in support of or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2372 Augusto Morales Morales. Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

**C/U 2391 M.R.O. Auto Repair, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRES, MORE OR LESS.** The property is lying on the northeast side of Cedar Lane (S.C.R. 318), approximately 950 ft. southeast of Wood Branch Road (S.C.R. 321). 911 Address: 22491 Cedar Lane, Georgetown. Tax Map Parcel: 135-20.00-142.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's exhibits, which included a Site Plan, a copy of the deed, the Staff Analysis, the DeIDOT Service Level Evaluation Response, and a letter from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated zero comments had been received for the Application.

The Commission found that Mr. Danny Perez spoke on behalf of the Applicant. Mr. Perez stated he is

the agent for the Conditional Use; that also present was the Applicant, Mr. Mario Roblero Ortiz; that the Application is for a small auto repair shop to be located on the Applicant's property; that the auto repair business is small and does not operate seven days a week; that the hours of operation are limited to 10:00 am until 5:00 pm; that a Site Plan was provided; that the plan reflects the property has two adjacent residential neighbors; that the adjacent property to the rear is a vacant lot; that access to the property is provided by a single lane off Cedar Lane; that the DeIDOT Service Level Evaluation Response was included within the submitted exhibits; that all work would be performed inside a building; that photos were submitted showing the precautions the Applicant had taken to ensure work is performed inside; that there are no employees; that the Applicant is the only employee, and the business originally started for only family members and a few friends.

Chairman Wheatley questioned the number of vehicles intended to be stored onsite, how waste oil and fluids are disposed of, and the estimated length of time one vehicle may be kept onsite.

Ms. Wingate questioned if any inoperable vehicles are intended to be stored at the site, if a sign is desired for advertising and the days the business would operate.

Mr. Perez stated there may be two or three vehicles located outside of the building; that all work will be performed inside the building on the property; that the Applicant did obtain a permit for the building; that the building has air conditioning and electric to it; that the Applicant has contacted a company called Rico Used Oil within Delaware to provide proper oil disposal; that currently there is no contract established, as the Applicant is waiting for the pending Conditional Use approval; that there will be no long-term storage of vehicles; that vehicles should not remain on the site any more than two or three days; that the proposed use is for tune-up repairs, such as battery changes; that no large repairs, such as engine or transmission repairs, are proposed; that no inoperable vehicles will be kept onsite; that the Applicant is not requesting a sign for business advertising, and the hours of operation would run Monday through Friday, from 10:00 am until 5:00 pm.

The Commission found that Mr. Homer Keene spoke in support of the Application. Mr. Keene stated he resides across the street from the site; that he has known the family since they moved to the property; that they are a nice family; that the family is very considerate of their neighbors; that the property is well maintained and does not have a lot of stuff lying around; that they tried to place a fence to ensure they did not intrude on their neighbors, and he is in support of the proposed use as he had previously had his own small business and understood how hard it can be.

The Commission found there was no one present in the room or by teleconference who wished to speak in support of or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2391 M.R.O. Auto Repair, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

#### ADDITIONAL BUSINESS

Mr. Whitehouse advised the Commission that staff are actively looking at the Commission's current devices, as the Commission has had their current devices for several years.



Ms. Stevens suggested that the Commission request all studies or reports, performed on any future applications, be provided to the Commission for review and suggested for all subdivision applications, it is written on the plans that the roads are private, but dedicated to private use.

Mr. Mears stated the COVID-19 pandemic is over; that everyone has the right to attend the Commission meetings in person or submit written comments, and questioned if the teleconference line will be terminated in the future.

Mr. Robertson stated the teleconference line is a topic currently being looked into; that the teleconference line will be placed on a future agenda to allow for discussion and an official decision to continue or not; that if Commission were to decide to discontinue, he suspected that the change would happen after July 1<sup>st</sup>; that he recommended the Commission consider the option to allow for the teleconference option if someone were to make an accommodation request, in advance, for a specific reason.

**Meeting adjourned at 4:47 p.m.**

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