

THE MINUTES OF THE REGULAR MEETING OF MAY 27, 2021

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 27, 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 teleconference system was tested during the meeting by staff to confirm connectivity.

The meeting was called to order at 5:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins - Absent, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, and Ms. Lauren DeVore – Planner III.

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

Motion by Ms. Stevenson, seconded by Ms. Wingate to approve the Minutes of the April 22, 2021 Planning and Zoning Commission meeting as circulated. Motion carried 4-0

OTHER BUSINESS

Hailey's Glen (2017-17) (F.K.A. Kielbasa)

Final Subdivision Plan

This is a Final Subdivision Plan for the subdivision of a 32.366-acre +/- parcel of land into sixty-seven (67) lots with private roads, open space, and associated amenities to include a proposed pavilion. The property is located on the north side of Angola Road (S.C.R. 277) and lies within the Henlopen Transportation Improvement District (TID) although it will not be subject to the requirements of the TID as the TID was approved after the application was first submitted and introduced. Additionally, the developer has opted to pay the Area Wide Study Fee in lieu of a Traffic Impact Study (TIS) for the project. The Planning and Zoning Commission approved the Preliminary Subdivision Plan at their meeting of Thursday, April 12, 2018. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcel: 234-12.00-11.00. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Final Subdivision Plan. Motion carried 4-0.

Baylis Estates (Phase I) Amenities Plan

Preliminary Site Plan

This is a Preliminary Amenities Plan for the Baylis Estates Phase I subdivision. This plan proposes a 4,100 square foot clubhouse, 1,215 square foot in-ground pool and fencing, multi-purpose courts, and 21 parking spaces. The site is located between Phases I and II as Lots 122 through 126 are currently proposed as part of Phase II. No landscaping is proposed as part of this plan. This Preliminary Amenities Plan complies with the Sussex County Zoning Code. Tax Parcel: 234-29.00-42.00. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are awaiting all agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan requiring a landscaping plan before the Final Site Plan approval. Motion carried 4-0

Frankford Business Park (S-18-56)

Revised Final Site Plan

This is a Revised Final Site Plan for the construction of four single-story warehouse type buildings totaling 84,900 sf. and 10,000 sf. of office space along with two enclosed pipe yards, loading spaces and additional parking and site improvements. The Final Site Plan was previously approved by the Planning and Zoning Commission at its meeting on October 10, 2019. The Revised Final Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 433-11.00-21.02. Zoning: C-1 (General Commercial District) and AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried to approve the Revised Final Site Plan. Motion carried 3-0 with Ms. Wingate abstaining.

Rehoboth Inn (S-20-29) (F.K.A. Carmas Lane Cottages Motel)

Preliminary Site Plan

This is a Preliminary Site Plan for a proposal to renovate two (2) existing hotels to include a total gross square footage of 15,100 square feet. The proposal consists of the renovation of Building “A,” an existing two-story motel and Building “C,” an existing two-story motel, replacing Building “B” with a proposed two-story, 9-unit motel and constructing a proposed 500 square foot addition to Building “C.” The property is located on the south side of Coastal Highway (Route 1) and lies within the Combined Highway Corridor Overlay Zone (CHCOZ). Multiple variances were sought for the property through BOA Case No. 12489 of which the Findings of Fact were approved by the Board of Adjustment on February 15, 2021. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-19.08-176.00. Zoning District: C-1 (General Commercial Zoning District.) Staff are in receipt of all required agency approvals for this proposal, and therefore, both Preliminary and Final approvals may be granted at the will of the Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Preliminary and Final Site Plan. Motion carried 4-0.

S-21-09 DelDOT – Georgetown Administrative Building

Revised Final Site Plan

This is a Revised Final Site Plan for the expansion of the Delaware Department of Transportation Administrative Building in Georgetown. This plan proposes a 6,651 square foot addition to the existing 14,300 square foot building. Additionally, 48 new parking spaces and crosswalks are proposed to accommodate the increase in square footage of the building. Various landscaping and other site improvements are included as well as drainage upgrades that will be required to meet stormwater management standards and regulations. The property is located on northeastern corner of Dupont Boulevard (Rt. 113) and South Bedford Street (S.C.R. 431) in Georgetown. The site plan complies with the Sussex County Zoning Code. Tax Parcel: 135-23.00-13.00. Zoning District: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson seconded by Ms. Wingate and carried unanimously to approve the Revised Final Site Plan. Motion carried 4-0.

Lands of John D. & Ann M. Bamforth

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 5.07-acre +/- parcel of land for the creation of one (1) lot plus residual lands with Lot 2 having access off an existing 40-ft ingress/egress access easement. Lot 1B will consist of 2.004 acres +/- . The parcel is located on the west side of Sand Hill Road (S.C.R 319). The Minor Subdivision Plan complies with the Sussex County Zoning and

Subdivision Codes. Tax Parcel: 135-10.00-15.01. Zoning District: 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' easement with final approval by staff upon receipt of all agency approvals. Motion carried 4-0.

Lands of Matthew L. Smith & Leah B. Wallace

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 4.25-acre +/- parcel of land for the creation of one (1) lot plus residual lands with Lot 2 having access off a proposed 50-ft ingress/egress access easement. Lot 2 will consist of 2.109 acres +/- . The parcel is located on the east side of Horsey Church Road (S.C.R 510). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 532-12.00-36.01. Zoning District: 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 Minor Subdivision off a 50' easement. Motion carried 4-0.

Lands of Jesse Atkinson

Minor Subdivision off a 40-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 5.07-acre +/- parcel of land for the creation of one (1) lot plus residual lands with proposed Lot 2 having access off a proposed 40-ft ingress/egress access easement. Lot 1 will consist of 1.14-acres +/- and the residual lands consisting of 3.93 acres +/- . The parcel is located on the west side of Marsh Road (S.C.R 521). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 231-7.00-38.01. Zoning District: 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 40' easement with final approval by staff upon receipt of all agency approvals. Motion carried 4-0.

OLD BUSINESS

2020-20 – Johnsonville (2006-39)

A revision to an existing and previously approved standard subdivision to divide 42.11 +/- acres into 32 single-family lots lying and being in Indian River Hundred, Sussex County. The proposal is to reduce the existing Forest Conservation Easement from 100-ft in depth to 50-ft in depth to the rear of Lots 2-16 for the future accommodation of patios, decks, sheds, or swimming pools. The property is lying on the northeast and southwest sides of Lawson Road (S.C.R. 296). Tax Parcel: 234-21.00-141.00, 234-21.00-394.00 through 234-21.00-425.00. Zoning District: AR-1 (Agricultural Residential District).

The Commission discussed this application which has been deferred since May 13, 2021.

Ms. Stevenson moved that the Commission partially approve the request to amend the approved Final Site Plan for Subdivision **2020-20** for **JOHNSONVILLE (2006-39)** based upon the record made during the public hearing and for the following reasons:

1. This subdivision received Preliminary Approval as Subdivision 2006-39 on January 28, 2010. The Final Site Plan was approved on March 10, 2011.
2. The Final Site Plan included a “Tree Conservation Easement” to the rear of Lots 2 through 16. The current developer of the subdivision is asking that the Final Site Plan be amended to delete or reduce that “Forest Conservation Easement”.
3. On July 9, 2020, the Commission considered this request as an “Other Business” item and it was determined that a public hearing should be scheduled so that anyone with an interest in this request could be heard, including neighboring property owners who might be impacted by the request.
4. After considering the information presented during the public hearing, I move that the “Tree Conservation Easement” shown on the Revised Final Subdivision Plan approved on May 25, 2016, may be reduced in depth by a maximum of 50 feet from that currently shown for lots 2 through 4 and lots 8-16. However, the “Tree Conservation Easement” shall remain unchanged for lots 5, 6, and 7 so that hunting rights for adjoining property owners are not impacted.
5. A revised Final Site Plan including these amendments shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve Subdivision 2020-20 for Johnsonville (2206-39), for the reasons and conditions stated in the motion. Motion carried 4 – 0.

C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District, CR-1 Commercial Residential District and GR General Residential District to a GR-RPC General Residential District - Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 64.32 acres, more or less. The property is lying on the south side of Zion Church Road (Rt. 20), approximately 0.55-mile northwest of Bayard Road. 911 Address: N/A. Tax Parcel: 533-11.00-42.00.

Ms. Wingate stated that she was not prepared to make a motion; that she feels that there is overcrowding on the front of this property; that the previous apartments on this property totaled 48 units and this Application is for 168 apartments, 44 townhomes and 44 single-family lots; that berms are shown on the conceptual site plan but when questioned the Applicant said they may not have sufficient room to install said berms; and that the open space is not usable open space.

The Commission discussed the Application.

Motion by Ms. Wingate to defer action on Application C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC) for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

C/Z 1922 – Baywood, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a B-1 (Neighborhood Business District), C-1 (General Commercial District) and CR-1 (Commercial Residential District) to a HR-RPC High Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 54.38 acres, more or less. The property is lying on the north side and south side of Long

Neck Road, approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway (Route 24). 911 Address: 32147 Long Neck Road, Millsboro. Tax Parcels: 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05.

The Commission discussed this application which has been deferred since May 13, 2021.

Mr. Mears moved that the Commission recommend approval of **C/Z # 1922** for **BAYWOOD, LLC** from B-1, C-1 and CR-1 to HR-RPC based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from B-1, C-1 and CR-1 to an HR-RPC. The purpose of the HR zone is to provide a variety of housing types in an area where central water and sewer is available, and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment. This purpose is satisfied for this site because it is located near Route 24 in an area that has developed with a variety of shopping facilities and employment opportunities and central water and sewer are available.
2. This application seeks approval of 514 residential units with the RPC designation. This will include 354 units on the north side of Long Neck Road. 354 units were previously approved for the north side under the prior B-1 and C-1 Zoning, but with an additional 48,000 square feet of commercial space. This application does not include any commercial space and it will have less of an impact than what was previously approved for the northern side of this site.
3. The property's existing C-1 zoning permits residential development with a density of up to 12 units per acre. It is also adjacent to other C-1 property that permits a wide variety of commercial uses and possible residential development of 12 units an acre. This HR-RPC is consistent with the existing C-1 zoning and land uses in the area.
4. The property is in the area of the Route 24 and Long Neck Road commercial areas and public transportation is available. This is an appropriate location for an HR-RPC.
5. The site is partially in the "Coastal Area" according to the Sussex County Comprehensive Plan. The Plan states that a range of housing types are appropriate in this Area, including multifamily uses. The property on the north side of Long Neck Road is in the "Commercial Area" according to the Plan based upon the current CR-1 zoning. That portion of the site will need to be revised to the "Coastal Area" to match what surrounds it.
6. The Comprehensive Plan provides that higher densities can be supported in the Coastal Area where:
 - (a) There is central water and sewer, both of which are available here.
 - (b) There are sufficient commercial areas and employment centers nearby, which exist here.
 - (c) There is an adequate Level of Service. DelDOT has also stated that the current LOS will be mitigated through existing State roadway projects that the developer will be required to contribute to, as well as specific roadway improvements that the developer will be required to fund or construct.
 - (d) Or there are other factors which are relevant to the requested density. Here, it is relevant that the Applicant is seeking an HR-RPC to develop affordable rental opportunities and options, which is also a goal of the Sussex County Comprehensive Plan.

7. Because of the high price of homes and rentals in much of eastern Sussex County, housing can be unaffordable for a lot of the workforce in this area of the County. As a result, many of those County residents cannot afford to live near where they work, resulting in long commuting time and increased traffic on County roadways. The project will provide more affordable rental housing options to Sussex County residents who are a large part of the workforce in eastern Sussex County.
8. The application promotes the Goals, Objectives and Strategies of the Housing Element of the Sussex County Comprehensive Plan, as follows:
 - It ensures the provision of safe and decent housing for all Sussex County residents. (Goal 8.1 of the Housing Element)
 - It ensures that a diversity of housing opportunities are available to meet the needs of residents of different ages and income levels. (Goal 8.2 of the Housing Element)
 - It affirmatively furthers affordable and fair housing opportunities in the County to better accommodate the needs of all residents. (Objective 8.2.1 of the Housing Element)
 - It promotes an increase in more affordable rental opportunities through a private developer. (Objective 8.2.2 of the Housing Element)
 - It facilitates and promotes a land use policy that enables an increase in the supply of more affordable housing in areas with adequate infrastructure (Objective 8.2.3 of the Housing Element)
9. The proposed HR-RPC meets the purpose of the Zoning Ordinance because it promotes the orderly growth of the County in an appropriate location.
10. The proposed development creates large scale rental residential housing with a superior living environment for County residents and it achieves the goals of the Comprehensive Plan consistent with the purpose of the RPC District.
11. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be 514.
 - b. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - c. The project shall be served by central sewer through the Inland Bays Preservation Company and Sussex County. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - d. The project shall be served by central water to provide drinking water and fire protection.
 - e. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - f. Construction, material deliveries and site work shall only occur on the property between 7:30 am and 7:00 pm Monday through Friday. No Saturday or Sunday hours shall be permitted. A 24 inch by 36 inch "NOTICE" sign confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - g. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - h. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
 - i. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - j. The applicant shall coordinate with the Indian River School District to establish a school bus stop area which shall be shown on the Final Site Plan if required by the District.

- k. The Central Recreational Complex, including the community clubhouse, indoor and outdoor swimming pools shall be completed prior to the issuance of the Certificate of Occupancy for the 161st multifamily unit.
- l. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- m. Lighted signs shall be permitted at each of the four entrances to the development. Those signs shall not exceed 32 square feet in size per side.
- n. As proffered by the Applicant, this HR-RPC rezoning was sought for the specific purpose of development of a 514-unit multi-family development depicted on the site plan submitted with this application. In the event the RPC is not developed and is declared null and void pursuant to Section 99-9B or 99-40A of the Sussex County Code, then Sussex County may initiate the rezoning process and schedule public hearings to consider whether to revert this land (currently TMP 2-34-23.00-270.00, 273.01, 273.02, 270.03 and 270.05) back to the zoning classification of the land in existence immediately prior to this HR-RPC rezoning.
- o. The Developer shall coordinate with DelDOT for safe and clearly marked pedestrian crossings at the intersection of Long Neck Road and School Lane for the two sections of this development. The Developer shall clearly indicate the means of safe crossing on the Final Site Plan and no apartments shall be constructed on the south side of Long Neck Road until those safety measures are installed.
- p. This recommendation is contingent upon an amendment to the Future Land Use Map in the Sussex County Comprehensive Plan revising the designation of a portion of the property from “Commercial Area” to the “Coastal Area” which otherwise surrounds it.
- q. 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/Z 1922 for Baywood, LLC for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PUBLIC HEARINGS

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

2021-13 - Baylis Estates Phase 2 (2017-01)

An application to amend the existing cluster subdivision for Baylis Estates Phase 2 (2017-01) to subdivide 130.52 +/- acres into 51 single-family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the northeast side of Mount Joy Road (S.C.R. 297). Tax Parcel: 234-29.00-42.00. Zoning: AR-1 (Agricultural Residential Zoning District).

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Preliminary Subdivision Plat, a copy of a letter evidencing a homeowners vote showing the majority of consent for the proposed changes, a copy of the staff analysis, a copy of the Applicant’s Chapter 99.9.C response, a copy of the Applicant’s Environmental Assessment and Public Facilities Evaluation Report, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of TAC comments for the Application including comments from DelDOT, USDA – Department of Agriculture and the Urban Forestry program. Mr. Whitehouse noted that the DelDOT TAC response confirms that a TIS is not required for the proposed change.

The Commission found that Mr. Steve Fortunato was present on behalf of the Applicant, Baylis Estates, that also present is Kevin Brozyna – Insight Homes; that Baylis Estates Phase 1 is an ongoing project that was previously approved a number of years ago; that the front portion of Phase 1 is almost complete and the further portions of Phase 1 are under construction and has received all necessary approvals; that there was a previous preliminary application for Phase 2 that involved adding 37 lots; that this Application is to amend that request for Phase 2 increase that to 51 lots for a total of 150 lots for this community; that the design is similar to the previous design but have been moved to create a better use of space; that open space and stormwater management ponds will be maintained; that the 30 ft. forested buffer will be maintained to not affect any adjacent properties; that the entrance has been approved by DeIDOT and does not need to be revised for this proposed change; that this project is served by central water and sewer; that the project will not have a negative impact on traffic, schools, or property values; that this development will preserve as much existing forested area as possible; that the existing homeowners have no objection to the increase in lots

Ms. Stevenson commented that doubling the density is not a slight increase in density.

Ms. Stevenson asked if there is a plan for a second entrance.

Mr. Fortunato stated that there is a plan for interconnectivity with the land to the northeast.

Mr. Robertson asked if this application would be subject to the same requirements of the previous approval.

Mr. Fortunato stated that this proposal will meet and, in some cases, exceed the conditions of approval for the previous application.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support 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 Application 2021-13 - Baylis Estates Phase 2 (2017-01). Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 4 -0.

2020-10 – The Crossings (FKA The Crossings at Trap Pond)

A cluster subdivision to divide 39.02 acres +/- into 39 single family lots to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County. The property is lying on the north side of intersection of Laurel Road (Route 24) and Adams Road (S.C.R 437A). Tax Parcel: 232-19.00-50.01. Zoning District: AR-1 (Agricultural Residential District).

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's preliminary subdivision plan, a copy of the Applicant's exhibit booklet which includes the Chapter 99-9C response, copy of TAC comments received including responses from DeIDOT, Department of Agriculture, and Soils Report, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's soil feasibility report, and there were no letters in support or opposition and zero mail returns.

The Commission found that Mr. Drew Ward was present on behalf of the Applicant, that also present is Mr. Kevin Smith from Kercher Engineering. Mr. Ward stated that The Crossing is a proposed 39 lot community on approximately 39 acres with a cluster design; that the site is located at the intersection of Laurel and Adams Road just east of Laurel; that this housing will be ideal for first-time home buyers as shopping, restaurants, and community centers just a short drive away; that the proposed cluster design is superior to that of a conventional subdivision by providing approximately 12 acres of open space; that the open space will provide for walking trails in addition to passive recreation and buffering; that the size and density fits with the character of the community and one of a higher density with lesser open space; that the buffer shown on the west and south of the project would provide effective screening from traffic, noise and lights, and prevailing winds; that should the project be approved the buffer would be installed prior to the beginning of construction; that the wooded area of the property will remain undisturbed; that 0.7 acre of the property within the wooded area is wetlands and will remain undisturbed; that the property to the rear of the subject site is wooded land owned by DNREC; that water supply will be from onsite wells; that DNREC has submitted a letter stating that the site is feasible for onsite septic systems; that the final road design will incorporate a minimum movement of soil and maintain the current grade to the extent possible; that erosion and sedimentation will be reduced by the grassed swales and stormwater controls; that the groundwater recharge will be increased as on-site storm water will be kept on the site longer and will reduce flooding; that the interior roads will be built to the County specifications; that the proposed entrance is located on Adams Road; that the Applicant is proposing a walking path as part of the interior street design because of the projects close proximity to Trap Pond State Park; that the proposed land and home packages will begin at \$249,000 and will have a positive effect on property values in the area; that the effect on the local school district will be positive by the amount of tax revenue generated from this property; that the traffic increase will be negligible; that this area is composed of homes and farmland and this development is compatible; that all homes will be stick built; that the Applicant has submitted proposed conditions; that a homeowners association will be formed to maintain streets, stormwater management areas, forested buffers and common areas; and that the Applicant asks that the Commission votes favorably on this subdivision request.

Ms. Wingate commented that it is a great idea to present an option for families to get out of rental units and buy their own home.

Mr. Mears agreed with Ms. Wingate and thanked the Applicant for addressing the needs of first-time home buyers.

Ms. Stevenson asked if modular homes would be permitted in this development.

Mr. Ward stated that the site would be restricted to stick built homes.

Mr. Whitehouse asked if there would be space within the 20 ft. buffer for some deciduous trees to be planted in addition to the evergreen trees as there is specific requirements in design standards for buffer areas.

Mr. Ward stated that the Applicant's concern is that with deciduous trees that when they lose leaves in the winter, there would be no buffer.

Mr. Robertson asked Mr. Ward to explain the request for the buffer waiver.

Mr. Ward stated that the request for the buffer waiver between the interior lots and lots A – H which front onto Adams Road.

Mr. Robertson stated that this is a different scenario as it is a strip lot carved out of the same property and is not a request for a buffer waiver from an adjoining property.

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

Ms. Wingate moved that the Commission grant preliminary approval for Subdivision **2020-10** for **THE CROSSINGS (FKA THE CROSSINGS AT TRAP POND)** based on the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision within the AR-1 Zoning District.
2. The subdivision will have no more than 39 lots on 39.02 acres. This density is well below the maximum density that is permitted in the AR-1 zone.
3. All lots will be at least 21,780 square feet in size.
4. Based upon the record and with the conditions of approval this subdivision will not have an adverse impact on the neighboring properties or area roadways.
5. 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.
6. The subdivision has a design that is superior to a standard subdivision. It includes larger lots that are consistent with other homes in the area. The design also satisfies the open space requirements, with approximately 12 acres of open space that will preserve existing trees and create buffers with adjacent properties. It will also have walking trails throughout.
7. The lots will have individual wells and septic systems.
8. The development complies with the Sussex County Comprehensive Plan as a low density, single family dwelling subdivision.
9. This preliminary approval is subject to the following:
 - a. There shall be no more than 39 lots within the subdivision.
 - b. The developer shall establish a Homeowners Association responsible for the maintenance of streets, buffers, stormwater management facilities and other common areas.
 - c. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - d. There shall be a 20-foot buffer installed along the perimeter of this subdivision with the exception of the boundary along existing lots A through H which were all originally part of this tract but approved as strip lots along Adams Road. This buffer shall utilize existing forest or similar vegetation as much as possible with limited disturbance. 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. The vegetation within the buffer shall be included within a landscape plan submitted as part of the Final Site Plan.
 - e. The development shall comply with all DelDOT entrance and roadway improvement requirements.

- f. Street design shall meet or exceed Sussex County standards.
- g. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- h. Construction, site work and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Saturday. A 24 inch by 36 inch “NOTICE” sign confirming these hours shall be prominently displayed at all entrances to the site during construction.
- i. The Applicant shall coordinate with the local school district regarding the location of a school bus stop. If a bus stop is required by the school district, then the location and details of this area shall be shown on the Final Site Plan.
- j. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- k. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to approve Subdivision 2020-10 for The Crossings (FKA The Crossings at Trap Pond), for the reasons and conditions stated in the motion. Motion carried 4 – 0.

C/U 2252 Delaware Electric Co-Op

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for a substation to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.1 acres, more or less. The Property is lying on the southwest corner of Plantations Rd. and Cedar Grove Road (S.C.R. 283). 911 Address: 34139 Cedar Grove Road, Lewes. Tax Parcel: 334-12.00-2.00

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant’s conceptual site plan, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and there were no letters in support or opposition and zero mail returns.

Mr. Robertson stated that he would not participate in this hearing.

The Commission found that Mr. Mark Nielson, Senior Vice-President with Delaware Electric Co-op was present on behalf of the Application. Mr. Nielson stated that the subject property was chosen for a proposed substation because of its proximity to transmission lines and also proximity to the load that it will serve; that the load growth has increased in Eastern Sussex County but particularly in the area of Lewes and Rehoboth Beach; that this substation would serve all of the area along Gill’s Neck Road, east of Route 1, and also Plantations Road and west of Plantations Road; that Bay Health Hospital will also be served by this substation; and that he introduced Mr. Alex Schmidt, Project Manager with Century Engineering.

Mr. Schmidt stated that this project will have no impact on traffic; that during construction there will be approximately 20 vehicles traveling to the site and following construction there will be one vehicle per month for maintenance of the site; that stormwater management will be an infiltration system at the rear of the site; that the soil testing has been completed for the infiltration system; that sewer, water or gas will not be needed for this project; that the site will be screened by Arborvitae trees; and that there will not be any clearing of trees on the site.

Ms. Stevenson asked if there is any proposal for the use of the remainder of the site.

Mr. Schmidt stated that there was some talk of subdividing the property.

Mr. Nielson stated that there are no plans at this time for the remainder of the property and it will be a grass area.

Ms. Wingate asked about the proposed fence.

Mr. Schmidt stated that the fence will be around the perimeter of the substation and not the entire property.

Mr. Mears if there would be noise associated with the use that may be offensive to the neighbors.

Mr. Nielson stated there will be a slight hum but no loud sounds from the substation.

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

Ms. Stevenson moved that the Commission recommend approval of **Conditional Use #2252** for **DELAWARE ELECTRIC COOPERATIVE** based on the record made during the public hearing and for the following reasons:

1. The Conditional Use for an electrical substation is of a public nature, and it will promote the health, safety and welfare of the residents of Sussex County.
2. The Co-op has stated that the substation is necessary to maintain and improve its electrical service to current and future residents of Sussex County.
3. The construction and use of an electrical substation on this site will not adversely affect neighboring properties or roadways.
4. No parties appeared in opposition to this application.
5. This Conditional Use is subject to the following conditions:
 - a. The perimeter of the substation shall be fenced.
 - b. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.
 - c. Any security lighting shall be shielded and downward-screened so that it does not shine on neighboring properties and County Roads.
 - d. Landscaping shall be provided to screen the facility from adjacent properties and roadways.
 - e. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2252 for Delaware Electric Cooperative, for the reasons and conditions stated in the motion. Motion carried 4 – 0.

C/U 2260 Ronald Lee Wisseman II

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for gunsmithing to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 0.96 acre, more or less. The property is lying on the northwest side of Fawn Road (S.C.R 600) approximately 0.5 mile northeast of Sugar Hill Road (S.C.R 599). Address: 10213 Fawn Road, Greenwood. Tax Parcel: 430-11.00-70.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the DeIDOT Service Level Evaluation Response, a letter and a sketch plan from the Applicant, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and there were no letters in support or opposition and two mail returns.

Chairman asked if there is a reason that the use would not fall under a Home Occupation use.

Mr. Whitehouse stated that a determination was made to treat this as a Conditional Use as customers will be coming and going to the property, material will be brought to the property as part of the gunsmithing process and is not manufactured on premises.

The Commission found that Scott Rust was present on behalf of the Applicant, Ronald Lee Wisseman, II, that also present is Ronald Wisseman. Mr. Rust stated that the conditional use is more of a hobby than a business; that the process involves disassembling the firearm, removing the coating, putting a new coating, reassembling the firearm and returning it to the owner; that a Federal Firearms License (FFL) is required for this process; that to get the FFL approval, the Applicant must also have County approval; that there may be 1 -2 customers dropping off firearms daily; that the application is not just for firearms but for other items such as tumblers; there are no employees; that all supplies will be stored indoors; there are no odors or noise associated with the process that could affect adjoining properties; that the hours of operation would be 5:00 pm – 7:00 pm Monday through Friday and 8:00 am – 5:00 pm on weekends; there will be no shooting of the firearms on the property;

Ms. Wingate asked if the process is for guns that have rusted.

Mr. Rust stated that the process is for both guns that have gotten scratched while hunting and also for gun owners who want a custom finish for their firearm.

Mr. Mears asked if gun repair would also be offered.

Mr. Rust stated that Mr. Wisseman does not repair guns and that Mr. Wisseman works with a gunsmith to complete any repairs necessary.

Mr. Robertson asked if the Applicant is requesting a sign for the business.

Mr. Wisseman stated that he had not thought about getting a sign as this is more of a hobby and his business is by word of mouth mostly.

Chairman Wheatley asked Mr. Wisseman if Mr. Rust is authorized to speak on behalf of the Application.

Mr. Wisseman affirmed that Mr. Rust is authorized to speak on his behalf.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support 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 Application C/U 2260 Ronald Lee Wisseman II. Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 4 -0.

C/U 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an events venue to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 98.60 acres, more or less. The property is lying on the south side of Fisher Rd., approximately 0.38 mile west of Hopkins Rd. 911 Address: N/A. Tax Parcel: 334-10.00-69.01

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant's conceptual site plan including some elevation drawings, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of a letter from the State Fire Marshal, and there were no letters in support or opposition and zero mail returns. Mr. Whitehouse noted an error to the Staff Analysis that there is a Conditional Use 2177 for an Events Venue approved by County Council on July 30, 2019.

The Commission found that Ingrid Hopkins and Amy Hopkins were present on behalf of their Application.

Ms. Ingrid Hopkins stated that the request is to expand the Covered Bridge Inn to a second event venue; that there is now a 911 address for this location; that the Covered Bridge Inn on agricultural preserved land has grown into a business on preserved land without developing the land; that business is growing and a second location is necessary.

Ms. Amy Hopkins stated that there is a barn on her property that can be modified to accommodate the event venue.

Ms. Stevenson asked if the conditions for this conditional use would be the same as the previous conditional use.

Ms. Ingrid Hopkins stated that there is a difference, the Covered Bridge Inn is a 3-day rental and this venue will be a one-day venue with no overnights.

Ms. Stevenson asked about hours of operation.

Ms. Ingrid Hopkins stated that a 10:00 pm end time is strictly enforced.

Ms. Stevenson asked about an adjacent property that appears to be landlocked and if the property owner needs to gain access through the subject property.

Ms. Amy Hopkins stated that the owner has access through Hermitage Lane.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support 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 Application C/U 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC). Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 4 -0.

ADDITIONAL BUSINESS

There was no additional business

Meeting adjourned at 6:50 p.m.

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