

MINUTES OF THE REGULAR MEETING OF August 24, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, August 24, 2017 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Robert Wheatley, Ms. Kimberly Hoey-Stevenson, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mrs. Jennifer Walls - Planning Manager and Mr. Jamie Whitehouse, Planner.

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

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes for July 27, 2017 as revised. Motion carried 5-0.

OLD BUSINESS

C/U #2089 Massey's Landing Properties, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an amendment to Ordinance No. 2378 for Conditional Use No. 1963 for a campground to amend condition of approval No. 9 relating to parking of "Park Model RV'S" and campground food trailer(s) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 54.33 acres, more or less. The property is located on both sides of the eastern end of Long Neck Rd. 911 Address: 36625 Long Neck Rd. and 20628 Long Beach Dr., Millsboro. Tax Map I.D. 234-25.00-31.02, 234-25.00-31.05, 234-25.00-31.04, 234-25.00-31.00

The Commission discussed this application which has been deferred since July 27, 2017.

Mr. Hopkins stated that he would move that the Commission recommend denial of CU #2089 for Massey's Landing Properties, LLC to amend Condition Number 9 of Ordinance No. 2378 for Conditional Use #1963 relating to "Park Model RVs" and campground food trailers based on the record made during the public hearing and for the following reasons:

1. The Applicant is requesting a modification of Condition #9 of the Conditional Use approval for The Resort at Massey's Landing to allow "Park Model RVs" and campground food trailers to either be stored on paved areas outside of the floodplain or to be tied down like a manufactured home according to Section 115-141.5B(3) of the Zoning Code.
2. The applicants are basically asking to convert "Park Model RVs" into permanently located manufactured homes on campsites.
3. Section 115-141.5B(3) states that a manufactured home in this location must be elevated on a permanent, reinforced foundation with anchors and tie-downs. They become

permanent structures.

4. Section 115-172.H(9) states that no permanent structures for human occupation or manufactured homes other than one used by the park manager are permitted in a campground. This section prohibits the conversion of these RVs into permanently anchored structures like a manufactured home.
5. Council made the determination that these units must be completely removed from the property when they approved the Campground Ordinance because a large area of the campground is in a flood zone and the entire site is known by everyone to be historically prone to flooding. There is nothing in the record that has convinced me that these conditions of approval should be revised.
6. My motion is for a recommendation of denial for the requested changes to the conditions of Conditional Use #1963

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 5-0.

2017-7 The Villas – First State Development, LLC

This a Major Subdivision for the creation of a standard subdivision. The plan purposes to subdivide 31.28 acres +/- into 28 single family lots. The property is located on the southeast of Benson Rd., approximately 800 ft. south of Jefferson Rd. (Rt. 38) Ellendale. Tax ID: 230-21.00-14.00. Zoning: AR-1 (Agricultural Residential District).

Ms. Stevenson stated that the Planning Commission grant preliminary approval of Subdivision 2017-7 for First State Development, LLC, based upon the record and for the following reasons:

1. This Subdivision was originally approved in 2003 as Subdivision 2003-9.
2. The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.
3. With 28 lots, the proposed subdivision density is less than the density permitted by the existing AR-1 zoning.
4. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
6. DNREC has indicated that the site is suitable for individual on-site septic systems.
7. The applicant has requested a waiver from the 20 foot wide landscaped buffer around the entire perimeter of the subdivision that is required by the County Subdivision Code. The applicant has requested this waiver because the same property was approved for a subdivision in 2003 without a perimeter buffer, which is a Code requirement that was adopted in 2008. That prior approval lapsed, and this subdivision, like all new subdivisions, must comply with the current Code requirement for buffers.
8. This approval is subject to the following conditions:
 - A. There shall be no more than 28 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the

- perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
- C. As required in the prior approval of this subdivision, no drainage or runoff from the land that is the subject of this application shall flow onto adjacent properties.
 - D. 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.
 - E. All entrances and roadway improvements shall comply with all of DelDOT's requirements.
 - F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - G. 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.
 - H. A 20 foot Landscaped Buffer shall be shown along the perimeter of the property. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
 - I. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
 - J. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to grant preliminary subdivision approval for the reasons stated. Motion carried 5-0.

2017-8 Tingle Estates – MBGI, LLC c/o Marvin Steen

This a Major Subdivision for the creation of a standard subdivision. The plan purposes to subdivide 7.49 acres +/- into 3 single family lot off an extended 50-ft. easement. The property is located on the west side of Piney Neck Rd. (Rt. 336), approximately 4,995 ft. south of Adams Rd. (Rt. 335A) Dagsboro. Tax ID: 233-6.00-119.01. Zoning: AR-1 (Agricultural Residential District).

Mr. Hudson stated that the Planning Commission grant preliminary approval of Subdivision 2008-29 for MBGI, LLC, based upon the record and for the following reasons:

1. This application is for a 3 lot subdivision off of a 50 foot wide right of way.
2. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
3. The land is zoned AR-1 which permits low density single family residential development. The proposed subdivision density of 3 lots on 7.49 acres of land is significantly less than the allowable density.

4. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
5. The proposed subdivision will not adversely impact traffic, roadways, schools, or public buildings and community facilities.
6. Because this is a small subdivision of only 3 lots, a waiver from the buffer requirements and street design requirements is appropriate in this case.
7. This preliminary approval is subject to the following conditions:
 - A. There shall be no more than 3 lots within the subdivision.
 - B. All lots shall have access via the 50 foot wide right of way shown on the Site Plan. The Site Plan shall contain a note that all lots shall share in the maintenance of the right of way.
 - C. All entrances shall comply with all DelDOT requirements.
 - D. The Final Site Plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to grant preliminary subdivision approval for the reasons stated. Motion carried 5-0.

C/U #2091 William Hall

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a contracting office with storage of vehicles to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 4.13 acres, more or less. The property is located at the southeast corner of Hudson Ln. and Raccoon Ditch Rd. 911 Address: 17865 Hudson Ln., Georgetown. Tax Map I.D. 231-11.00-17.00

The Planning Commission discussed the application which has been deferred since August 10, 2017.

Mr. Wheatley stated that he would move that the Commission recommend approval of C/U #2091 for William Hall for a contracting office with storage of vehicles based upon the record made during the public hearing and for the following reasons:

1. The use is situated on a 4.13 acre parcel of land. It is situated among other larger parcels of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties.
2. Small family businesses such as this one are appropriate in the Low Density Area according to the Sussex County Land Use Plan. This small painting contractor is consistent with the County's Plan.
3. The use is small, and will not have an adverse impact on the traffic or area roadways.
4. The applicant has stated that most of the work is offsite, so there is not a lot of activity that occurs on this site during the day.
5. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a contracting office with storage of vehicles for the applicant's contracting, road striping and snow plow business.
 - B. During the Applicant's presentation, he stated that he only needed approximately half of the property- the area between Raccoon Ditch Road and

- a ditch that crosses the property. As a result, the area of the Conditional Use shall be limited to the first 500 feet of the property from Raccoon Ditch Road. The Final Site Plan shall note this boundary line of the Conditional Use.
- C. There shall not be any outside storage of paint or other materials associated with the use.
 - D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. Any dumpsters on the site are to be located near the interior of the property and they screened from the view of neighboring properties and roadways.
 - F. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - G. The hours of operation shall be Monday through Saturday from 7:00 a.m. until 5:00 p.m., except during snow events. No deliveries to or from the site shall occur before 7:00 am. No vehicles or equipment shall be operated on the site before 7:00 am, except during snow events.
 - H. No signage shall be permitted on the site.
 - I. All vehicle parking and large equipment storage areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. All vehicles, including the applicant's vehicles and employees' vehicles, must only be parked within the designated areas.
 - J. No outside burning of any materials shall occur on the site.
 - K. The applicant shall install a solid screening fence along the gravel driveway known as "Hudson Lane". The height and type of fence shall be shown on the Final Site Plan.
 - L. There shall be no more than 10 vehicles on the site at any one time. Also, no junked, in-operable or untitled vehicles shall be located on the site.
 - M. This Conditional Use shall be reviewed in 3 years by the Commission.
 - N. Failure to comply with any of these conditions shall be grounds for the termination of the Conditional Use approval.
 - O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

C/U #2092 Timothy Robinson

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a produce stand to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 5.9 acres, more or less. The property is located on the east side of Gordy Rd., on the west side of Sussex Hwy. (U.S. Route 13) at the intersection. 911 Address: 32129 Gordy Rd., Laurel. Tax Map I.D. 332-1.00-67.01

Ms. Cornwell advised the Commission the submitted into the record as part of the application were the staff analysis, comments from the Sussex County Utility Planning Division, and a site plan.

The Commission found that Mr. Timothy Robinson was present on behalf of the application; that this is his retirement; that he is planning on having handicap accessible greenhouses on site and a pick your own section; that there is currently 1 greenhouse on the site along with a stand; that he will be bringing in other produce to the site; that he is looking to be open during the summer from after Easter to Labor Day with possible fall functions and events; that his hours will be from sun up to sun down with the exception of the fall events; that he currently has a sign on the site he would like to keep; that he has done some fundraising events on Saturday's; that there is potential interconnection with the parcel to the north; and that there is commercial zoning and uses in the area.

The Commission found that there was no one in support of or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2093 John Huss

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a landscaping business with equipment storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.740 acres, more or less. The property is located on the northwest corner of Lewes Georgetown Hwy. (Rt. 9) and Prettyman Rd. 911 Address: None Available, Georgetown. Tax Map I.D. 235-30.00-6.20

Ms. Cornwell advised the Commission the submitted into the record as part of the application were the staff analysis, comments from the Sussex County Utility Planning Division, results from the Service Level Evaluation from DelDOT, that stated that a TIS is not required, a site plan and Ms. Cornwell read into the record 1 letter of concern from Mr. John F. Lingo, III.

The Commission found that Mr. Glen Mandalas an attorney with Baird Mandalas Brockstedt, LLC and Mr. John Huss were present on behalf of the application; that they are proposing a 3200 SF building for equipment storage, that vehicles will be stored in the back of the property; that 3 vehicles will not be located within the building and will be stored behind the building; he has 13 employees; that he would like to keep hours of operation of 7am-5pm; that employees show up on site and pick up a work vehicle and leave so there is not a lot of traffic during the day; that there is no storage of chemicals on the site; that there are no major deliveries to the site; that they typically load and unload lawn mowers on trucks the morning that may create some noise; that to the east of the site is the Delaware Turkish Educational Foundation which they plan to plant an evergreen buffer; that the Deerwood subdivision with approximately 65 homes is across the street with some buffer; that to the west of the site is a 48 ac. wooded area; that the applicant is

willing to move the gravel driveway that crosses the property line onto his property; however, they do not see the need to provide an additional buffer to the site that is already pretty wooded; that the use is consistent with uses and zoning along Rt. 9; that there will be no manufacturing or drying of mulch on site; that they will screen the dumpsters; that the gravel road has been on the site prior to purchase of the property and are willing to remove it; that the applicant is typically on site around 6:30am to do paperwork and employees show up on site at 7am, leave by 7:30am and come back no later than 5:30pm; that work on equipment is done elsewhere and not on the site; that they have no mechanic on staff; that they would like a sign on the building; that they will provide low voltage lighting for night; that the Rt. 9 entrance will be the only access to the site; that he has 8 trucks and most are stored within the building; that no materials are stored on site; that he purchases the material from Stockley Materials and dump at the end of the day there; that he keeps a clean site; that they recognize the potential for interconnectivity with the adjacent properties; and that there are no deed restrictions regarding the operation of a business on the site.

The Commission found that no one was in support of the application.

The Commission found that Floyd Bucchi, Mike Gill spoke in opposition to the application and had concerns about access off of Prettyman Rd. and that the site is not located off of Prettyman Rd., that their deed prohibits the operation of a business and has concern with the use of the business; that he has concern about the lack of maintenance about Old Wood Ln.; that he had concern with additional traffic along Old Wood Ln. and is ok with closing off the gravel road off of Rt. 9 to eliminate traffic to their houses along the private road (Old Wood Ln.).

The Commission found that Julia Bucchi, submitted a letter in opposition from another neighbor.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2094 Robert Downs

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a cemetery to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 0.7774 acre, more or less. The property is located on the south side of Round Pole Bridge Rd., approximately 1.23 miles northeast of Cave Neck Rd. 911 Address: 15584 Walkabout Ln., Milton. Tax Map I.D. 235-21.00-163.01 (portion of)

Ms. Cornwell advised the Commission that submitted into the record as part of the application were a staff analysis, Sussex County Utility Planning Division, results from the Service Level Evaluation from DelDOT, that stated that a TIS is not required, and a survey.

The Commission found that Harold Dukes, attorney with Tunnell and Raysor and Mr. Robert Downs were present on behalf of the application; that it was the request of Mr. Downs father to create the family cemetery; that the cemetery would be located near the house; that there is

already a fence around the area for the cemetery; that it would be for family only; that there are no plans to develop the area; that his family would like to be buried on the site; that they will not sell any plots; and that they have talked to the Cemetery Board about setting up a maintenance account.

The Commission found no persons in support of or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Ms. Stevenson stated that she would move that the Commission recommend approval of C/U #2094 for Robert Downs for a cemetery based upon the record made during the public hearing and for the following reasons:

1. The applicant is seeking to establish a family cemetery within a larger tract of land owned by the applicant. It will not be operated as a business and no cemetery plots will be sold.
2. This request is consistent with family cemeteries that have been in existence for centuries all over Sussex County.
3. This application will not adversely affect neighboring properties or roadways in any way.
4. The applicant will need to comply with all requirement of other state agencies when establishing and maintaining the cemetery. The applicant shall establish a method for permanently maintaining the cemetery grounds.
5. No parties appeared in opposition to the request.
6. The final site plan shall be subject to the approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

C/U #2096 Capitol Buildings Shed Outlet

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a gazebo and shed business with outdoor storage to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.040 acres, more or less. The property is located on the south side of Lewes Georgetown Hwy. (Rt. 9), approximately 972 ft. east of Josephs Rd. 911 Address: 28922 Lewes Georgetown Hwy., Lewes. Tax Map I.D. 334-4.00-55.00

Ms. Cornwell advised the Commission that submitted into the record as part of the application were the staff analysis, comments from the Sussex County Utility Planning Division, results from the Service Level Evaluation from DelDOT, an exhibit book, and a site plan and 1 letters in opposition.

The Commission found that Mr. Tim Willard an attorney with Fuqua, Willard, Stevens & Schab, PA, Mr. Steven Fender and Jennifer Sharp were present on behalf of the application; that the

family has been in shed business since 1970's; that they operated a site on Cave Neck Rd. and Rt. 1; that they are looking to located to a permanent site for their business and live in the house on the site; that the property is zoned AR-1; and the use and site is desirable and convenient for the community; that the site is identified as Low Density in the Comprehensive Plan; that there is a circular driveway on site with a path to the rear going to 6 parking spaces; that 2 sheds and gazebo will be displayed in the front yard; that there will be another are in the rear yard for display area; that the sheds and gazebos are for show; that no sheds or gazebos are manufactured on site; that they are ordered through them and manufactured at a different location in Pennsylvania; that deliveries go from the manufacture in Pennsylvania to the customer so there are no deliveries to the site; that the site is for show and sales only; that they may sell a shed or gazebo from site when they get new models; that the number of models on the site may fluctuate depending on the models; that they take orders for the sheds and gazebos only; that they do a lot of custom orders of shed to comply with homeowner association regulations; that there is a hedge row in the rear of the property; that there is no access off of Fisher Rd.; that their access is off of Rt. 9; that there is limited truck deliveries and that only occurs when new models are dropped off about every 6 months; that the applicant has a small truck for small deliveries; that this will be their primary site; that they sell up to 9 a month; that they will put a fence up with an evergreen screen to maintain the natural feel of the area for the neighbors; that they have 25 letters in support of their application; that they want to maintain some open space in the rear yard for their personal area as they will live on the site; that they have updated the conceptual site plan to show parking in the front to address some concerns from the neighbors; that they proffered a condition that the owners have to live on the site; that they have limited lighting on the shed and turned off of at 9:30pm along with other conditions in the exhibit book; that the applicants property is not part of the subdivision with access off of Fisher Ln.; that there is a 50 ft. right-of-way behind the applicants property which he has no access to; and that there are commercial uses and zoning within the area.

The Commission found that Steve Glass appeared in support of the application; that he has known the family for 30 years and the business supplies the families in the community.

The Commission found that William Hamet spoke in opposition of the application; that he has concern with sharing the private road in the rear of the property; that he pays taxes on the private road and has concern with maintenance; that he has concern with privacy concerns, traffic, safety and aesthetics of the area.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2104 Grace-N-Mercy Ministries, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a cemetery on a half-acre of the 9.8 acres to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 9.98 acres, more or less. The property is located at the southeast corner of Woodyard Rd. and Sussex Hwy. (Rt. 13). 911 Address: None Available, Greenwood. Tax Map I.D. 530-5.00-40.05

Ms. Cornwell advised the Commission that submitted into the record as part of the application were the staff analysis, comments from the Sussex County Utility Planning Division, results from the Service Level Evaluation from DelDOT, and a survey.

The Commission found that Mr. Brian Tinley was present on behalf of the application; that the area will be fenced; that the Pastor was unable to attend the meeting and she had additional information regarding the proposed cemetery; that it is intended for members of the church; that the plots would be for sale to the members of the church; that the pastor knew of the exact size and location of the proposed cemetery and that he was not certain of the details; and that the area would be approximately 0.5 ac. on the site.

The Commission found that no one spoke in favor of the application.

The Commission found that Jim Slushuar, John Orsinger, Leslie Omstader and Donald Guidly spoke in opposition to the application and had concerns about a decrease in property value, potential groundwater contamination, maintenance of the cemetery; that where would the cemetery be located on the site; that they have concern that there is no church on the site; the size being larger than 0.5 ac.; concerns with traffic along Woodyard Rd.; concern with flooding in the area; and they would like it as far away from their property lines as possible.

At the conclusion of the public hearings, the Commission discussed this application, and stated concerns about the lack of detail in the record.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/Z #1826 JKJ Properties, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) and C-1 (General Commercial District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County containing 4.62 acres, more or less, of a 15.94-acre parcel.

The property is located on the west side of North Main St. (U.S. Rt. 13B) and Sussex Hwy. (U.S. Rt. 13), approximately 513 ft. south of East Newtown Rd. 911 Address: None Available, Bridgeville. Tax Map I.D. 131-6.00-11.00 (portion of)

Ms. Cornwell advised the Commission that submitted into the record as part of the application were the staff analysis, comments from the Sussex County Utility Planning Division, results from the Service Level Evaluation from DelDOT, an exhibit book and a site plan.

The Commission found that Mark Davidson with Pennoni and Jim Weller, owner of the property were present on behalf of the application; that the property is partially zoned C-1; hat they are looking to rezone 4.62 ac. from AR-1 to CR-1; that there has been a business on the site for approximately 20 years; that they assemble and sale of trailers; that a TIS is not required; that there are commercial uses and commercial zoning in the area; that there is some industrial uses in the area; that the land use classification is Town Center; that it is in level 2 in the State

Strategies; that it will have on site well and septic; that they are only looing to rezone a portion of the site; that the original C-1 zoning went 600 ft. from the property line and split zoned the site.

The Commission found that there were no persons in favor or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Wheatley stated that he would move that the Commission recommend approval of CZ 1826 for JKJ Properties, LLC for a change of zone from AR-1 and C-1 to CR-1 for a portion of the property based upon the record made during the public hearing and for the following reasons:

1. This application represents the expansion of the existing C-1 zone. It will make the commercially zoned area conform to the property's boundaries.
2. This property is in a Town Center area according to the Sussex County Comprehensive Plan. CR-1 zoning is appropriate in this area according to the County Plan.
3. There are other commercially zoned properties in the area including the frontage of this property. CR-1 zoning is appropriate for this location.
4. This location is in close proximity to the Town of Bridgeville and is located along US Rt. 13 approximately 500 ft. from Rt. 404. This is an appropriate location for CR-1 zoning.
5. No parties appeared in opposition to this application.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

OTHER BUSINESS

Americana Bayside, Village C The Point (RPC)

Final Amenities Plan

Mrs. Walls advised the Commission that this is a Final Site Plan to construct recreational amenities for Americana Bayside – Village C The Point. Amenities to be constructed include a pool, pool building with kitchen and restrooms, mechanical building, pool bar, decking and accessory parking. The Planning Commission approved the preliminary amenities site plan on December 22, 2016. The site plan is in compliance with the Zoning Code and staff is in receipt of all agency approvals. The property is zoned MR-RPC and the tax parcel is 533-19.00-304.00.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve the final amenities site plan. Motion carried 5-0.

Coastal Club Land Bay 7 (RPC)

Final Site Plan

Mrs. Walls advised the Commission that this is a Final Site Plan for Coastal Club Land Bay 7 for the creation of 74 single family lots and private roads and open space within the Coastal Club

development. Planning Commission granted Preliminary Site Plan approval on August 25, 2016. The site plan is consistent with the Zoning Code and staff is in receipt of all agency approvals except wetlands permits for the road crossing. The property is zoned MR-RPC. The tax parcel number is a portion of 334-11.00-5.00. The plan is not in compliance with Condition of Approval 17(D), however application has been made to amend the Condition of Approval. The amenities for the development were approved in a separate site plan.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to approve the final site plan. Motion carried 4-0. Ms. Stevenson recused.

Newdale Acres (RPC)

Final Site Plan

Mrs. Walls advised the Commission that this is a Final Site Plan for Newdale Acres RPC for the construction of 296 dwellings including 224 single family and 72 townhouses to be located off of Sharons Rd and S. Old State Road. Planning Commission recommended approval of the RPC on March 23, 2017 and County Council approved the RPC on May 9, 2017. Planning Commission granted Preliminary Site Plan approval on August 10, 2017. The site plan is consistent with the Zoning Code and staff is in receipt of all agency approvals. The property is zoned MR-RPC and the tax parcels are 230-26.00-115.00, 115.04, 122.00; 230-31.00-33.00, and 33.01.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to approve the preliminary site plan with final site plan approval by the Planning Commission. Motion carried 4-0. Ms. Stevenson recused.

Love Creek Marina (S-17-43)

Preliminary Site Plan

Mrs. Walls advised the Commission that this is a Preliminary Site Plan for Love Creek Marina for the creation of 188 multi-family dwelling units, a 5,000 S.F. restaurant, and a 500 S.F. retail area with amenities and site improvements to be located off of John J. Williams Highway (Rt. 24). The applicant requests a waiver to allow parking in the front yard setback. In addition, the applicant has applied to the Board of Adjustment for a variance from the commercial loading space requirement. The property is zoned M (Marine) and the use is permitted within the District. The tax parcel is 234-7.00-108.00. Staff is awaiting agency approvals.

There was discussion regarding the parking within the front yard setback.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried 4-1 to approve the preliminary site plan with final site plan approval by the staff upon receipt of all agency approvals and to allow for parking within the front yard setback. Motion carried 4-1. Ms. Stevenson voted against.

Lighthouse View Phase 2B (Revised)

Preliminary Site Plan

Mrs. Walls advised the Commission that this is a Preliminary Site Plan for Lighthouse View Phase 2B to construct 8 townhome apartments with site improvements on a portion of a 2.96-acre parcel located off Lighthouse Rd. (Rt. 54). The applicant requests a waiver to allow parking in the front yard setback. The Preliminary Site Plan is in compliance with the Zoning Code.

Planning and Zoning Commission originally approved site plans on October 11, 2001 and December 28, 2004, and a revised approval was granted on September 26, 2006. Staff is awaiting agency approvals. The property is zoned C-1, General Commercial and the tax parcel is 134-23.00-3.03 (portion of).

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried 4-1 to approve the preliminary site plan with final site plan approval by the staff upon receipt of all agency approvals and to allow for parking within the front yard setback. Motion carried 4-1. Ms. Stevenson voted against.

ADDITIONAL BUSINESS

Discussion regarding of the Comprehensive Plan

Ms. Cornwell advised the Planning Commission of the upcoming Planning Commission workshop dates of Wednesday Sept. 13th, 20th and 27th.

Opportunity for public comment regarding Comprehensive Plan

None

Review of Annual Report to the State

Mr. Robertson stated that this is an annual report to the Governor stating the projects the County has undertaken over the last year; that the County has done this for the last 6 years and touch on some of the significant applications that were heard; that it includes the number of permits and applications reviewed and issued over the past year; that this year there is a large focus on the new comp plan.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the annual report to the state on the comprehensive plan. Motion carried 5-0

Meeting adjourned at 9:02 p.m.