



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF FEBRUARY 23, 2012

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 23, 2012, in the County Council Chambers, County Administrative Office Building in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. I.G. Burton, III, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Shane Abbott – Assistant Director.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Minutes of February 9, 2012 as amended. Motion carried 4 - 0.

OLD BUSINESS

C/U #1923 – application of **DONNA MASSEY** to consider Conditional Use of land in AR-1 Agricultural Residential District for a multi-family dwelling structure (2 Units) to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 35,000 square feet, more or less, lying at the west of Road 552 (Shufelt Road) ½ mile north of Route 20 (Stein Highway).

The Commission discussed this application, which has been deferred since February 9, 2012.

Mr. Robertson stated that the Commission had asked for review of the Deed Restrictions by Legal Counsel and suggested that the Commission defer action since he has not yet received the title search.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to defer action on C/U #1923. Motion carried 4 – 0.

PUBLIC HEARING

Mr. Robertson described the public hearing process.

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO PERMIT GARAGE/STUDIO APARTMENTS WITH PARKING AS SPECIAL USE EXCEPTIONS IN GR GENERAL RESIDENTIAL DISTRICTS.

Mr. Lank summarized the Ordinance Amendment and referenced that the proposed amendment will allow for a Special Use Exception for garage/studio apartments in the GR General Residential District to be consistent with the same type of Special Use Exception within AR-1, AR-2, and MR residential districts.

Mr. Johnson stated that he feels that this amendment will bring GR General Residential Districts in line with the other residential districts.

Mr. Burton, Mr. Ross, and Mr. Wheatley agreed.

The Commission found that there were no parties present in support of or in opposition to the proposed Ordinance Amendment.

At the conclusion of the public hearing, the Commission discussed this Ordinance Amendment.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved since it makes the GR General Residential District consistent with the Special Use Exceptions listing in the other residential districts. Motion carried 4 – 0.

OTHER BUSINESS

Woodbridge School District
CU #1627 Site Plan – Road 585 (Woodbridge Road)

Mr. Abbott advised the Commission that this is a site plan for a partial 2-story, 157,000 square foot high school, a 2,312 square foot greenhouse, a 4,660 square foot concession building and 3, 1,200 square foot ROTC buildings located on 128.14 acres; that this conditional use for a school and athletic fields was approved on June 14, 2005; that the Commission approved the site plan for the athletic fields and agricultural buildings on August 25, 2005; that the athletic fields and agricultural building have been constructed and are in use; that 5 tennis courts are also proposed; that the setbacks meet the requirements of the zoning code; that water for the site will be from an on-site well and sewer will be provided by the Towns of Bridgeville and Greenwood; that 466 parking spaces are required and 507 are proposed; that there are 18 parking spaces for school buses; that there are 2 existing entrances off of Road 585 and another one is proposed; that the new entrance will be for buses only; that no disturbance to the wetlands is proposed; that a portion of the site is located in a Flood Zone A and that an elevation will need to be determined on the final site plan; that if preliminary approval is granted, final site plan approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Johnson, seconded by Mr. Ross and carried unanimously to approve the site plan as a preliminary with the stipulations that final site plan approval shall be subject to the staff receiving all agency approvals and that the final record plan shall indicate a Base Flood Elevation for the designated "A" flood zone. Motion carried 4 – 0.

Jusst Sooup
Preliminary Site Plan – Road 290 (Cool Spring Road)

Mr. Abbott advised the Commission that this is a preliminary site plan for a church located on 6.05 acres; that the site is zoned AR-1, Agricultural Residential and churches are a permitted use in all zoning districts; that there is an existing 2-story dwelling, an existing 2-story cottage, a covered pavilion, a shed and a soup kitchen on the site; that the site plan notes that the soup kitchen will also be used as a church with seating for 70 people; that 18 parking spaces are required and proposed for the church and there are 2 parking spaces for the existing dwelling; that ingress/egress to the site is off of Road 290; that no wetlands on the site are being disturbed; that the existing improvements are not located in a flood zone; that the final site plan needs to include the required wetlands note and appropriate signature; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Mr. Robertson advised the Commission that a church is a permitted use in all zoning districts; that this is not a public hearing but is a site plan review; that the site plan is for a church; that this site plan cannot be held to more scrutiny than other church site plans; and that if the staff finds that the proposed church is operating differently, it would be necessary for the owners to take appropriate action to remedy the situation.

Motion by Mr. Johnson, seconded by Mr. Ross and carried unanimously to approve the site plan as a preliminary since a church is a permitted use in all zoning districts with the stipulations that final site plan approval shall be subject to the staff receiving all agency approvals and the final site plan containing the appropriate wetlands note. Motion carried 4 – 0.

Lewes Fire Station No. 2 at Nassau
Revised Site Plan – Road 14B (Janice Road)

Mr. Abbott advised the Commission that this is a revised site plan for a 2-story, 19,000 square foot fire department substation located on 3.22 acres; that the site is zoned C-1, General Commercial; that the proposed first floor contains 13,250 square feet and the proposed second floor contains 5,750 square feet; that the existing metal building on the site will be removed; that an 1,800 square foot pole building is proposed; that 93 parking spaces are proposed with 15 spaces located within the front yard setback which is subject to site plan review; that no wetlands on the site are being disturbed; that central sewer will be provided by Sussex County and central water will be provided by Tidewater Utilities; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

Subdivision #2005 – 65 - - Reynolds Road, LLC
Bay Landing Subdivision – Amended Conditions

Mr. Abbott advised the Commission that this is a request to delete condition of approval #3, which states “Sidewalks will be provided on one side of all subdivision streets.” that the Commission granted final record plan approval for 41 lots on April 14, 2010; that none of the lots have been sold; that the developers are also requesting the removal of the proposed tot lot and pavilion; that although the tot lot and pavilion were not conditions of approval, they were proffered on the final record plan; and that the Commission was previously provided a copy of letters from the developers and their engineers.

Mr. Johnson advised the Commission that it seems that there is a growing list of developers wanting to delete amenities; that most of the amenities have been proffered by the applicants only to want to change them after they receive an approval; that this application was reviewed through the cluster ordinance; that he has concerns about repeated changes; and that he feels sidewalks should be required.

Mr. Burton questioned if the tot lot and pavilion were conditions of approval.

Mr. Wheatley advised the Commission that the Commission needs to establish more specific design requirements in projects.

Keith Monigle and Mark Davidson advised the Commission that the tot lot is being constructed; that mulch trails are proposed rather than sidewalks; that the tot lot is located in an open space area; that picnic tables will be provided; that the streets are constructed; that some sidewalk has been installed; and that Delaware Electric Cooperative wants an easement for electric lines.

Motion by Mr. Burton, seconded by Mr. Ross and carried 3 votes to 1, with Mr. Johnson opposed, to approve the request to delete the sidewalks and the pavilion from the final record plan. Motion carried 3 – 1.

Richard L. Bailey
2 Parcels and 50' Easement – Road 42 (Union Church Road)

Mr. Abbott advised the Commission that this is a request to subdivide a 19.92-acre parcel into 4 lots and create a 50-foot easement for access to 2 of the lots; Lot 1 will contain 5.18-acres and Lot 2 will contain 1.94-acres; that access to these 2 lots will be from a 50-foot easement that the owner proposes to create over an existing driveway; that Lot 3 and the residual lands will both have access from entrances off of Road 42; that DelDOT has issued a Letter of No Objection for the entrances and the easement; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept. Motion carried 4 – 0.

Emilio and Erin Perry
Lot on 50' Easement – Road 36 (Shawnee Road)

Mr. Abbott advised the Commission that this is a request to create a 0.75-acre lot with access from a 50-foot easement; that the owner is proposing to widen an existing 25-foot easement to 50-feet; that if approved, this would be the second lot having access from the easement; that DelDOT has issued a Letter of No Objection; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept. Motion carried 4 – 0.

Meeting adjourned at 6:53 p.m.