

MINUTES OF THE SPECIAL MEETING OF AUGUST 21, 2003

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 21, 2003 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, and Mr. Abbott – Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the agenda as amended by the removal of Item #2, Bay Crossing MR/RPC, from the agenda.

OTHER BUSINESS

Paynter's Mill MR/RPC

- a. Master Landscaping Plan
- b. Mill Pond Commons
- c. Mill Spring Run
- d. Miller's Landing

Mr. Abbott advised the Commission that the master plan for this 300-unit residential planned community was approved by the Planning and Zoning Commission on September 26, 2002; that one of the stipulations of approval was that a landscape plan be submitted and approved by the Commission including a street tree planting program; that the street tree program shall not be less than three trees per unit; that there are 931 trees proposed that include red maple, cherry, oak and linden and that the mature spread of these trees range from 20 to 40 feet; that at the entrance to the development there are 66 trees proposed that include hollies, crape myrtle, rose and zelkova; that the buffer between the development and Heronwood/Pondview subdivisions propose 61 trees that include hollies, crape myrtle, and oak and that the mature spread of these trees range from 15 to 40 feet; that the Mill Pond Commons area includes 129 fee simple lots; that the proposed setbacks are 10-foot front yard, 20-foot rear yard and 12-foot between units; that the Mill Spring Run section includes 75 detached single family clustered dwellings; that the setbacks for this section are 15-foot front yard, 20-foot separation between units and a 10-foot separation between garages; that additional tree plantings are proposed between these units and the existing homes along Best Lane; that the Miller's Landing section includes 96 multi-family units; that there are 16 buildings with 6 units each; that 18 parking spaces per building are required and that 28 spaces are provided; that the setbacks for these units are 10-foot front yard and 20-foot side yards; that the record plans are the same as the approved master plan; that all agency approvals have been obtained; and that the record plans are suitable for final approval.

Preston Schell, developer, and Jeff Clark of Land Tech LLC were present and advised the Commission that a few units have been deleted in the Mill Spring Run section; that additional trees will be planted between these units and the existing homes along Best Lane; that Mr. Schell has met with the residents and has agreed to erect a fence along the property line of the development and the existing homes along Best Lane; and that the trees are fast growing trees that grow about 3 to 4 feet per year; that the fence cannot go inside of the buffer area since the area will be sold as common areas to the future homeowners.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the Master Landscaping Plan, Mill Pond Commons, Mill Spring Run, and Miller's Landing as a final.

Motion carried 5 – 0.

Bay Crossing MR/RPC
Phases 1 through 4 – Final Record Plan – Route One

Mr. Abbott announced at the beginning of the meeting that this item was removed from the agenda on August 20, 2003.

Bayview Landing HR/RPC
Preliminary Record Plan – Route 54

Mr. Abbott advised the Commission that the preliminary record plan is for 220 residential units; that 96 multi-family units and 124 single family lots are proposed and permitted by the approved ordinance; that the recreation area includes a swimming pool and clubhouse; that sidewalks are required and provided by the approved ordinance; that the record plan was reviewed by the Technical Advisory Committee on May 14, 2003 as required by the approved ordinance; that the preliminary plan incorporates the comments that were made by the Technical Advisory Committee; that there is no disturbance to the wetlands; that the site is in an AE6 and X flood zone; that central sewer to the site will be provided by Sussex County; that central water is proposed; that the site plan is suitable for preliminary approval and that final approval shall be subject to the review and approval by the Planning and Zoning Commission upon receipt of all agency approvals since the project is a residential planned community.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary.

Motion carried 5 – 0.

Beach Plaza
Preliminary Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 17,364 square foot one-story retail building; that the site is zoned C-1 General Commercial; that the staff has received a letter of no objection from DelDOT in reference to the entrance location; that the ingress/egress is off of Road 270A and not Route One; that the required 20-foot landscape buffer is proposed along Route One; that 79 parking spaces are required and proposed; that 39 spaces are located within the 60-foot front yard setback and need a waiver from the Commission; that central sewer will be provided by Sussex County; that central water will be provided by Tidewater Utilities; that there are not any wetlands on the site and the site is not located in a flood zone; that the setbacks meet the requirements of the zoning code; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all required agency approvals.

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

Motion carried 5 – 0.

Savannah Medical Complex
C/U #1491 Site Plan – Savannah Road

Mr. Abbott advised the Commission that this is a site plan for a 6,000 square foot one-story medical office; that the setbacks meet the requirements of the zoning code; that 30 parking spaces are required and 54 spaces are provided; that 2 spaces are located within the 40-foot front yard setback and need a waiver from the Commission; that on site sewer and water is proposed; that the site plan also complies with the 5 conditions of approval; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all required agency approvals.

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

Motion carried 5 – 0.

Magnolia Towers and Restaurant
Preliminary Commercial Site Plan – Road 357

Mr. Abbott advised the Commission that this is a preliminary site plan for a 2-story 5,000 square foot restaurant and a 3-story 35 unit multi-family condominium building; that the multi-family building is 141-feet by 163-feet; that 36 units are permitted by the zoning code and that 35 units are proposed; that 172 parking spaces are required and 180 spaces are provided; that there are 48 spaces located within the front yard setback and need a waiver from the Commission; that central sewer will be provided by Sussex County and central water will be provided by Sussex Shores Water Company; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all required agency approvals.

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

Motion carried 5 – 0.

Lakes at Old Mill
C/U #1473 Revised Site Plan – Road 357

Mr. Abbott advised the Commission that this is a revised site plan for a proposed well house for Sussex Shores Water Company; that the location of the well house is on an easement across the Lakes at Old Mill multi-family project; and that the Commission approved the site plan on May 8, 2003.

Ross Harris, Engineer with ECI Corporation, advised the Commission that Sussex Shores Water Company will own the building, and all equipment and that they have a 99-year lease with the developers.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the revised site plan as a final.

Motion carried 5 – 0.

Rehoboth U-Store
Parcel on 50' Right of Way – Route One

Mr. Abbott advised the Commission that this is a concept to create a 0.37 acre lot with access off of an existing 50-foot right of way; that the proposed lot has an existing dwelling and garage located on it; that the lot size meets the requirements of the zoning code since central sewer will be provided by Sussex County; and that the remaining acreage is the subject site of a pending conditional use application.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the lot as a concept.

Motion carried 5 – 0.

J. Todd Mumford
Parcel and 50' Right of Way – Road 338

Mr. Abbott advised the Commission that this is a concept to create a 1-acre lot with access off of a 50-foot right of way; that the owner proposes to widen an existing clamshell driveway to a 50-foot right of way; that the proposed lot is part of a 40.53-acre tract that is owned by the applicant, his brother and aunt and uncle; that the 1-acre lot is need so that the applicant can have a mortgage in his and his wife's name only; that where the proposed lot is located, there is an existing double wide that will be replaced with a dwelling and that the existing septic system and well will be utilized.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the lot and right of way as a concept.

Motion carried 5 – 0.

Paul Lowe
Parcel and 50' Right of Way – Road 427

Mr. Abbott advised the Commission that this is a concept to create a 10-acre parcel with access off of an existing 50-foot right of way; that the Commission approved the right of way and a 2-acre lot on June 26, 2003; that the proposed 10-acre lot has a manufactured home located on it; and that under the old policy of three lots and a 50-foot right of way, this would be the second lot.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the 10-acre parcel as a concept.

Motion carried 5 – 0.

Erwin and Diana Bradford
Parcel and 50' Right of Way – Road 298

Mr. Abbott advised the Commission that this is a concept to create a 0.75-acre lot with access from a 50-foot right of way.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the lot and 50-foot right of way as a concept.

Motion carried 5 – 0.

M. Martin Isaacs
Parcel and 50' Right of Way – U.S. Route 113

Mr. Abbott advised the Commission that this is a concept to create a 2.22-acre lot with access from a 50-foot right of way; and that the owner proposes to widen an existing farm lane to a 50-foot right of way.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the lot and 50-foot right of way as a concept.

Motion carried 5 – 0.

Dorothy L. Quillen
3 Parcels and 50' Right of Way – Road 283

Mr. Abbott advised the Commission that this is a concept to create 3 parcels with access off of a 50-foot right of way; that one lot will be 1.1-acres and it has an existing dwelling located on it; that another lot will be 3.2-acres and it has an existing dwelling, manufactured home, and a commercial dog kennel located on it; and that the remaining lot will be 4.7-acres.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the 3 lots and 50-foot right of way as a concept.

Fowl's Delight
Parking Concept – Route One

Mr. Abbott advised the Commission that Conditional Use 1482 was approved on March 18, 2003 for 20 multi-family units; that three parking spaces per unit are required by the zoning code; that the architect has designed the dwellings with a two car garage underneath each unit; that the spaces are the required 10-feet by 20-feet; and that the third parking space will be located outside of the units.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the parking concept as submitted.

Motion carried 5 – 0.

Subdivision #2002 – 11 - - Ronald Hastings
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension to obtain final record plan approval for a 13-lot subdivision; that the Commission granted preliminary approval on July 11, 2002; that this is the first request for an extension; that the developer advised that due to the wet weather conditions, the engineers have had difficulty in the design of the project; and that if the extension is granted, it should be retroactive to the original approval date.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to grant a one-year time extension retroactive to the original approval date.

Motion carried 5 – 0.

Subdivision #2002 – 43 - - Boca East, L.L.C.
Reconsideration – Lots 156 through 177

Mr. Abbott advised the Commission that Mr. Fuqua, the applicant's attorney, has written a letter requesting that the Commission reconsider their denial of lots 156 through 177 for the Bay Front Subdivision.

Mr. Fuqua advised the Commission that they have obtained additional information for the proposed bridge that would cross the wetlands to serve as access for lots 156 through 177; that the length of the bridge will be 300 feet; that the center span will be 236 feet clear; that the width of the bridge will be 24-feet with 2 12-foot travel lanes; that the bridge will have guard rails and a 5-foot sidewalk outside of the travel lanes; that the bridge will be rated for HS20 live load with complies with all of DelDOT's requirements; that the bridge will be able to handle heavy trucks such as fire department apparatus; that the placement of the bridge will not have any negative impacts on the wetlands; and submitted a photograph of the proposed bridge; that the development will be served by a central water system and that fire department tanker trucks will not be needed for fire protection; and that the Homeowners' Association will be responsible for the maintenance of the bridge.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve lots 156 through 177 subject to the approval of the State Fire Marshal Office and the approval of the Lewes and Rehoboth Beach Fire Departments for their apparatus to be able to utilize the proposed bridge.

Motion carried 5 – 0.

Meeting adjourned at 8:20 P.M.