

MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 23, 2003

A special meeting of the Sussex County Planning and Zoning Commission was held Tuesday evening, September 23, 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. Lynch, and carried unanimously to approve the agenda as circulated.

OTHER BUSINESS

Americana Bayside MR/RPC

- a. Condition No. 20 Amendment
- b. Condition No. 21 Amendment
- c. Master Record Plan
- d. Golf Course Site Plan
- e. Phase I Site Plan
- f. Phase II Site Plan

Jim Fuqua, Attorney, Steve Smith of Carl M. Freeman Communities, Ken Tobin of the Evans Group and Tom Haberstat of Carl M. Freeman Communities was present on behalf of this site plan and stated in their presentations and in response to questions raised by the Commission that they are requesting that the Commission consider 6 requests in the design of the residential planned community and preliminary approval of the master record plan, golf course site plan and Phases I and II; that the first request is to amend Condition of Approval Number 20 which relates to site work; that the developers would like the condition amended to the Schrader Amendment which relates to site work being commenced once the Sussex Conservation District has issued their approval and the developer submits a bond in the amount of 125% of the cost associated with the District's permit and plans have been submitted to the Sussex County Engineering Office and DelDOT; that the developers have received approval from the DNREC for the wetlands permit and the approval from the United States Army Corps of Engineers is pending and should be issued any time; and that the golf course plan has been submitted to the Sussex Conservation District for approval.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried 4 votes to 1, with Mr. Allen opposed, to approve the amendment to Condition No. 20 to read as follows: "No site preparation, site disturbance, site excavation, or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except such site work

for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan."

Motion carried 4 – 1.

Mr. Fuqua requested that the Commission give an opinion on Condition No. 21 which states that no state roads may be vacated; that the developers are proposing to realign County Road 394 and 394A; that these roads will remain open to the public; that traffic calming devices will be incorporated into the design; that the relocation of the roads does not constitute the vacation of or abandonment of a road; and that the approval will still be subject to DelDOT's approval through a public hearing process.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to approve the realignment of Roads 394 and 394A as a concept subject to DelDOT's approval.

Motion carried 5 – 0.

Mr. Fuqua requested that the Commission grant a request to allow for a 35-foot aggregate setback for all townhouses within the project rather than the 40-foot aggregate, that the request complies with the Environmentally Sensitive Developing ordinance in that it creates more open space; and that the minimum front yard setback will be 15-feet for these units.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the requested 35-foot aggregate yard for the townhouse units.

Motion carried 5 – 0.

Mr. Fuqua requested that the Commission grant their request to reduce the minimum lot frontage on State numbered roads in certain limited circumstances to 60-feet to 75-feet as permitted in the zoning code; that Road 394 is not a through road; that most of the traffic on this road will be from the residents in the development; that there are 25 lots that would be 60 to 75 feet in width; that the proposed smaller lots are proposed for the smaller dwellings in the project; that the heights of the dwellings on the smaller lots will not exceed the 42-foot maximum height requirements; that the smaller lots will permit

scenic views of the Bay; that there are 17 lots proposed that will have the 60-foot lot width; and that the posted speed limit along this area will be 10 to 15 miles per hour.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to deny the requested 60-foot lots and to approve 75-foot lots along Roads 394 and 394A.

Motion carried 5 – 0.

Mr. Fuqua requested that the Commission consider the heights of the structures in the commercial areas, townhouses, multi-family units and the mixed uses be permitted to be 52-feet in height as permitted in the high density residential districts; that there will be parking located underneath these structures which will result in more open space being created; that in the mixed used structures, owners want larger first floor ceilings; and that all single family residences will not exceed the maximum allowed 42-foot height limit.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried 4 votes to 1, with Mr. Allen opposed, to approve this request with the following stipulations:

1. There shall be no living space above 42-feet.
2. The maximum height of the roof peak shall not exceed 52-feet.
3. Ornamental improvements, such as cupolas, widow's watches, crow's nest or similar, shall not exceed 8-feet above the peak of the roof.

Motion carried 4- 1.

Mr. Fuqua requested that the parking spaces located below the multi-family structures be permitted to be 9-feet by 18-feet in size; that these spaces will fit within the building footprints of the multi-family units; that this request will also allow for more open space; that there will be a shuttle service for the community; that all other parking spaces will comply with the requirements of the zoning code; and that the entire project will require 5,339 parking spaces which will be provided.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to permit the parking spaces to be 9-feet by 18-feet underneath the multi-family buildings only.

The Commission reviewed the master record plan, golf course site plan, and Phases I and II site plans which are located at the entrance and include townhouses, the commercial area, mixed use area, and residential areas.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the master record plan, the golf course site plan, and the site plans for phases I and II as preliminaries with the stipulations previously stated.

Motion carried 5 – 0.

Southampton MR/RPC
Final Site Plan – Road 361

Mr. Abbott advised the Commission that the final record/site plan is for 21 multi-family units and 5 single family lots; that the revised residential planned community was approved by the County Council on October 29, 2002; that 2 multi-family buildings have 8 units each and the other building has 5 units; that the proposed setbacks for the single family lots are 10-feet from all property lines which is the same as the existing sections; that the site plan meets the requirements of the subdivision and zoning codes; and that all agency approvals have been obtained.

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

Motion carried 5 – 0.

Maureen Coleman
Parcel on 50' Easement – Road 590

Mr. Abbott advised the Commission that this is a request to create a 2-acre lot with access off of an existing 50-foot easement; and that this would be the second lot with access from the right of way.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the request.

Motion carried 5 – 0.

State of Delaware, Division of Motor Vehicles
C/U #1457 Time Extension – Road 431

Mr. Abbott advised the Commission that the staff has received a request for a one-year time extension; that the conditional use application was approved by the County Council on September 24, 2002; and that this is the first request for an extension.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve a one-year time extension.

Motion carried 5 – 0.

Subdivision #2002 – 28 - - Virginia Stamper
Revised Preliminary – Route 9

Mr. Abbott advised the Commission that this application granted preliminary approval on April 24, 2003 for 3 lots and a residual parcel; that the revised plan proposes lot 1 to be 1.21 acres, lot 2 to be 3.03 acres, lot 3 to be 1.48 acres, and the residual parcel to 5.91 acres; that the same number of lots exist; and that the only change is to the lot sizes.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the revised preliminary plan.

Motion carried 5 – 0.

Meeting adjourned at 9:00 P.M.