



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF NOVEMBER 3, 2011

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday afternoon, November 3, 2011, in the County Council Chambers, County Administrative Office Building in Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Vice Chairman Johnson presiding. The following members of the Commission were present: Mr. Michael Johnson, Mr. I.G. Burton, III, Mr. Martin Ross and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Mr. Shane Abbott – Assistant Director. Mr. Robert Wheatley, Chairman, arrived late.

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

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to approve the Minutes of October 27, 2011 as amended. Motion carried 4 – 0.

OTHER BUSINESS

Coastal Club MR/RPC
Revised Preliminary Site Plan – Phase 1 – Road 285

Mr. Abbott advised the Commission that this is a revised site plan for Phase 1 of the Coastal Club residential planned community; that the Commission originally granted final site plan approval for Phase 1 on September 20, 2006; that the Commission approved a revised master plan on March 24, 2011; that Phase 1 includes 83 single-family lots, 70 townhouse units and a 16,232 square foot clubhouse; that Phase 1 contains 139.05 acres of a 373.820 acre tract; that Phase 1 is the same as the approved revised master plan; that the proposed setbacks for the single-family lots are 20-foot front yards and 10-foot side and rear yards; that the minimum lot size is 7,500 square feet; that the proposed setbacks for the townhouse units are 20-foot front and rear yards and 10-foot side yards with a minimum 20-feet between units; that the maximum building length is 165 feet; that since this is a residential planned community, the Commission may modify the setbacks and building separations to allow for a better design of the project; that there are 211 parking spaces for the townhouse units and 110 parking spaces for the clubhouse area; that 2 tennis courts are also proposed; that central sewer and water will be provided by Tidewater Utilities; that no wetlands are being impacted; that the site plan is suitable for preliminary approval; that since the project is a residential planned community, final site plan

approval would be subject to the review and approval of the Commission upon receipt of all agency approvals; and that the Commission was previously provided a copy of the site plan.

Mr. Johnson questioned if other residential planned communities have similar setbacks.

Mr. Abbott advised that there are numerous projects with similar setbacks as what is being requested.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to approve this project as a preliminary with the stipulation that final site plan approval shall be subject to the review and approval of the Commission upon receipt of all agency approvals. Motion carried 4 – 0.

Carillon Square Preliminary Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for a 54,600 square foot shopping center located on 9.44 acres; that the site is zoned C-1 and Cr-1; that the proposed uses are a 32,341 square foot restaurant/retail building, a 3,606 square foot bank, a 3,980 square foot fast food restaurant and a 14,673 square foot pharmacy; that the setbacks meet the minimum requirements of the zoning code; that 273 parking spaces are required and that 275 spaces are proposed; that 32 spaces are located within the front yard setback and are subject to site plan review; that the previous approved plan for this site had parking within the front yard setback and there are other sites in the immediate area with parking located within the front yard setback; that ingress/egress to the site is off of Route 24; that there are no wetlands located on the site; that central water will be provided by Tidewater Utilities and central sewer will be provided by Sussex County; 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. Johnson reminded the Commission that the site plan is similar to what was submitted during the CR-1 rezoning application recently.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to approve this project 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.

Panera Bread Landscape Plan – Route One

Mr. Abbott advised the Commission that this is the landscape plan for the Panera Bread site; that this site received preliminary site plan approval on September 8, 2011 with the condition that the final site plan shall include a landscape plan along the 20-foot Highway Corridor Overlay Zone; that the buffer zone includes a sidewalk and landscaping plantings that were installed a few years ago when there was a previously approved commercial site plan for this site; that there is also a permitted sign within the landscape buffer; that the applicants are requesting that the existing

landscape buffer be approved for this site; and that the Commission was previously provided a letter from the applicant's engineer and photographs of the landscape plan.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to approve the landscape plan as submitted. Motion carried 4 – 0.

Mr. Wheatley joined the meeting and Mr. Johnson turned the meeting over to Mr. Wheatley.

CU #1896 – Timothy S. Miller
Amended Condition

Mr. Abbott advised the Commission that this is a request to amend a condition of approval for a mulch storage, processing and sales business; that this conditional use was approved on August 2, 2011 with 11 conditions; that condition of approval D states "There shall be no grinding, processing or mulch storage operations within 300 feet of any neighboring property line. The areas set aside for grinding and processing shall be shown on the Final Site Plan."; that the owner is requesting that this condition be amended to state "There shall be no grinding, processing or mulch storage operations within 300 feet of the lands now or formerly owned by Teresa W. Croll. The areas set aside for grinding and processing shall be shown on the Final Site Plan."; that the owner has advised the staff that the 300 feet from all lot lines will overlap and not leave enough room for the operation; that since this condition originated at the Commission, the Commission has the authority to amend the condition; that if the condition is amended, the Commission could grant preliminary site plan approval with the condition that final site plan approval shall be subject to the staff receiving all agency approvals as all other conditions are noted on the site plan; and that the Commission was previously provided a copy of a letter from the applicant and a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to amend the condition of approval to read; "There shall be no grinding, processing or mulch storage operations within 300 feet of the lands now or formerly owned by Teresa W. Croll. The areas set aside for grinding and processing shall be shown on the Final Site Plan." and to grant preliminary site plan approval with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

J.C. Wells & Sons, L.P.
Parcel and 50' Easement – Route 38

Mr. Abbott advised the Commission that this is a request to subdivide a 0.75-acre lot with access from a 50-foot easement out of a 366.04-acre tract; that the proposed lot has an existing dwelling located on it; that the owners are proposing to create the 50-foot easement over an existing hot mix driveway; that DelDOT has issued a Letter of No Objection; that the request can 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 5 – 0.

Myralon Webb
2 Lots on Existing 50' Right of Way – Road 281

Mr. Abbott advised the Commission that this is a request to subdivide a 2.99-acre parcel into 3 lots; that Lot 1 will have access from Road 281; that Lots 2 and 3 will have access from the existing Foxfield Lane; that if the request is approved as submitted, it should be stipulated that any further subdivision will require an application for a major subdivision since Lots 2 and 3 would create 3 lots having access from Foxfield Land; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Smith and carried with 4 votes, with Mr. Johnson not participating, to approve the request as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0. Mr. Johnson did not participate in the vote.

Discussion of Proposed Ordinances for Recommendation to County Council

Mr. Robertson summarized ten (10) proposed Ordinance Amendments that were a part of the Ordinance discussions by the Commission on June 15, 2011, and advised the Commission that there will be more amendments prepared.

The proposed Ordinance Amendments include: 1) AN ORDINANCE TO DELETE ATTACHMENT 1, CHAPTER 99 OF THE CODE OF SUSSEX COUNTY REGARDING “TYPICAL ROAD SECTIONS FOR SUBDIVISIONS”; 2) AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-5 AND SECTION 99-13A OF THE CODE OF SUSSEX COUNTY TO ADD A DEFINITION OF “PROPERTY OWNER”; 3) AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-9 OF THE CODE OF SUSSEX COUNTY TO CLARIFY THE TIMING OF A PUBLIC HEARING; 4) AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-16(1) OF THE CODE OF SUSSEX COUNTY TO DELETE A TYPOGRAPHICAL ERROR; 5) AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-32 OF THE CODE OF SUSSEX COUNTY TO INCLUDE AMENITIES WITHIN THE CURRENT REQUIREMENTS FOR BONDS AND GUARANTIES; 6) AN ORDINANCE TO CORRECT AND CLARIFY CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER DEVELOPMENTS; 7) AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XVI, SECTION 115-129 OF THE CODE OF SUSSEX COUNTY TO REQUIRE BONDING OR SIMILAR GUARANTIES OF COMPLETION FOR RESIDENTIAL PLANNED COMMUNITIES; 8) AN ORDINANCE TO AMEND CHAPTER 115, SECTION 115-174 OF THE CODE OF SUSSEX COUNTY TO DEFINE WHEN CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY OR ABANDONED FOR THE PURPOSE OF DETERMINING THE PERIOD OF VALIDITY FOR A CONDITIONAL USE; 9) AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.1 TO INCLUDE REFERENCE TO SETBACKS AND BUFFERS IN THE CR-1 COMMERCIAL RESIDENTIAL DISTRICT; and 10) AN ORDINANCE TO AMEND

CHAPTER 115, SECTION 218 OF THE CODE OF SUSSEX COUNTY TO CLARIFY THE VALIDITY OF AN RPC PRELIMINARY AND FINAL SITE PLAN.

The Commission and Mr. Robertson discussed the proposed amendments.

Mr. Robertson advised the Commission that the proposed Ordinance Amendments #6 and #7 referenced above may need to be revised in format and may be impacted by the action that may be taken by the County Council on the recently introduced ordinance on bonding and performance guaranties, and that he will not be forwarding those two proposed amendments until after the County Council acts on that ordinance amendment.

There was a consensus of the Commission to forward the other eight (8) proposed ordinance amendments, being referenced as titled above as ordinance amendment #1 through #5 and #8 through #10, to the Sussex County Council for consideration and introduction, if they so chose. The numbers referenced are only for reference and are not the official number of the ordinances.

The Meeting adjourned at 3:46 p.m.