



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF NOVEMBER 17, 2005

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 17, 2005 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Acting Chairman Wheatley presiding. The following members of the Commission were present: Mr. Gordy, Mr. Johnson, Mr. Smith, and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director and Mr. Kautz – Land Use Planner.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Agenda as circulated.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of November 3, 2005 as circulated.

OLD BUSINESS

Subdivision #20004-33 – application of **CINDY L. AND HARRY L. BLADES, JR.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 5.00 acres into 3 lots, located east of Road 346, 1,050 feet north of Road 347.

Mr. Lank advised the Commission that this application for a 3-lot subdivision has been deferred since June 9, 2005 pending a septic feasibility statement from DNREC and that on October 27, 2005 DNREC issued a septic feasibility statement indicating that the lots are suitable for individual on-site septic systems.

Mr. Smith stated that he had reviewed the file and moves that the Commission grant preliminary approval for Subdivision #2004-33 for Cindy L. and Harry L. Blades, Jr. based upon the record and for the following reasons:

- 1) The AR-1 Agricultural Residential District as established by the 2002 Comprehensive Plan Update encourages low density single-family.
- 2) The proposed subdivision meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
- 3) This recommendation is subject to the following conditions:
 1. All access shall be from the 50-foot wide private street, Gunner Lane. The residual lands shall have access from the existing entrance from Road 346.

If the residual lands are ever developed then access shall be from Gunner Lane with no direct access to Road 346.

2. A forested buffer on Lot 1 shall be required to be installed only if and when Lot 1 is developed per a letter received from the Department of Agriculture, dated March 21, 2005.

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Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to grant preliminary approval of this 3-lot subdivision for the reasons and with the conditions stated. Motion carried 4 – 0.

Subdivision #2004-34 – application of **DAGSBORO TRACE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 21.70 acres into 27 lots, located south of Route 26, approximately ½ mile west of Townsends Road (Road 340).

Mr. Lank advised the Commission that this application for a Cluster Development received conceptual approval from the Commission on June 23, 2005, that the stormwater management area has been relocated, and that the plan has been reduced from 27 lots to 25 lots.

Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision #2004-34 for Dagsboro Trace, L.L.C. based upon the record and for the following reasons:

- 1) The Applicant is seeking approval of a clustered subdivision within the AR-1 zone. In addition, the project is partly located within the Environmentally Sensitive Development Area. The Applicant is seeking clustered lots with a minimum area of ½ acre.
- 2) A subdivision on this site is consistent with neighboring and adjacent properties and will not have an adverse impact on the neighboring properties or community. There are other residential and commercial developments in the area, and the site is close to Dagsboro and Millsboro.
- 3) The lots will be served by individual wells and septic systems. A Statement of Feasibility has been presented for the septic systems.
- 4) Due to the existing nature of the site no significant grade changes are expected and the Applicant has stated its intentions to minimize the removal of mature trees located outside of the roadway and house areas.
- 5) The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
- 6) The items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.

- 7) The stormwater management area has been relocated in a more central location within the proposed subdivision.
- 8) The preliminary site plan, as presented, is superior to a standard subdivision as required by the AR-1 clustering ordinance, for example: a) stub streets are provided; b) the number of lots have been reduced to 25; c) the total site is 21.7 acres with a total lot area of 12.83 acres; d) the open space is 5.69 acres or 26.2% of the total site; e) the conceptual site plan had 3.08 acres of open space or 17.5% of the total site; f) the percentage of open space has been increased by 49%; g)

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community amenities include a volleyball court, shuffleboard court, horseshoe pits, a tot lot with playground equipment and benches, a picnic area with a gazebo and picnic tables, a community garden area, and a 39,664 square foot or 0.9 acre wooded lot to be used as the residents decide as either a walking area or canine exercise area.

- 9) This preliminary approval is subject to the following conditions:
 1. There shall be no more than 25 lots within the subdivision.
 2. The Applicant shall cause to be formed a homeowners association to be responsible for the maintenance of streets, roads, any buffers, stormwater management facilities and other common areas.
 3. The stormwater management system shall meet or exceed the requirements of the State and County.
 4. All entrances shall comply with all of DelDOT requirements.
 5. The Applicant shall maintain as many existing trees as possible.
 6. Road naming and addressing shall be subject to the approval of the County Mapping and Addressing Department.
 7. Provisions for a school bus shelter shall be provided within the area of open space designated as parcel "B".
 8. Final site plan shall be subject to approval by the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve this 25 lot subdivision as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 0.

Subdivision #2004-46 – application of **CALDERA PROPERTIES – LONG NECK I, L.L.C.** to consider the Subdivision of land in a GR General Residential District in Indian River Hundred, Sussex County, by dividing 59.71 acres into 196 lots, (Environmentally Sensitive Development District Overlay Zone), located north of Route 5, 1,780 feet southeast of Road 311.

Mr. Johnson stated that he would not be voting on this application since he was not in attendance for the public hearing.

Mr. Lank advised the Commission that this 196 lot subdivision, within the Environmentally Sensitive Developing Area, has been deferred since August 25, 2005 for additional information on the proposed buffers and landscaping between this site and lands of Charles Clark.

Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision #2004-46 for Caldera Properties-Long Neck I, L.L.C. based upon the record made at the public hearing and for the following reasons:

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- 1) The project is located in the Environmentally Sensitive Developing Area according to the 2002 Comprehensive Plan Update.
- 2) The project is on land zoned GR General Residential which provides for medium density residential use.
- 3) The Applicant has proposed 196 lots within the project, which is less than the allowable density for a GR Subdivision on this land.
- 4) The project will be a restricted residential development and is consistent with existing neighboring and adjacent properties in the Oak Orchard area and will not have an adverse impact on the neighboring properties or community.
- 5) The project will be served by the County's Oak Orchard Sanitary Sewer District. Central water will be provided by Tidewater Utilities, Inc.
- 6) The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it promotes the orderly growth of the County. The project is also in compliance with Section 99-9C of the Subdivision Ordinance.
- 7) Open space is being preserved, which buffers and protects Emily's Gut and adjoining wetlands.
- 8) This approval is subject to the following conditions:
 1. There shall be no more than 196 lots within the Subdivision.
 2. The Applicant shall cause to be formed a homeowners association to be responsible for the maintenance of streets, roads, any buffers, stormwater management facilities, and other common areas.
 3. The stormwater management system and erosion and sedimentation control measures shall meet or exceed the requirements of the State and County, and shall maximize groundwater recharge.
 4. All entrances shall comply with all of DelDOT's requirements.
 5. A system of street lighting shall be provided by the Applicant, and the location of the street lights shall be shown on the final site plan.
 6. Sidewalks shall be provided on both sides of all streets.
 7. No wetlands shall be included within any lot lines.
 8. The development shall be served as part of the Oak Orchard Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
 9. The development shall be served by central water.

10. Recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first Certificate of Occupancy. The recreational facilities shall include walking or jogging paths, tot lots, park areas, a swimming pool, a tennis court and a basketball court with a paved surface, and a community building.
11. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.

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12. Road naming and addressing shall be subject to the approval of the County Mapping and Addressing Department.
13. An area to be used as a school bus shelter shall be set aside near the entrance in the event such is needed for the protection and safety of the children.
14. No piers, boat docks or launching of kayaks or canoes shall be permitted from the site.
15. The Final Site Plan shall be revised to reflect the Agreement reached between the developer and neighboring property owners concerning landscaping along the border of the project.
16. The Final Site Plan shall be subject to approval by the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried with 3 votes to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 3 – 0. Mr. Johnson did not participate in the vote.

Subdivision #2005-2 – application of **CARRIAGE SPRINGS RUN, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 77.55 acres into 155 lots, (Cluster Development), located north of Road 252, approximately 0.75 mile west of Route 30.

Mr. Lank advised the Commission that this 155 lot cluster development subdivision has been deferred since November 3, 2005 and that DNREC has indicated that the site is suitable for a community wastewater treatment disposal system.

Mr. Johnson stated that he would move that the Commission approve Subdivision #2005-2, the application of Carriage Springs Run, L.L.C., based upon the record and for the following reasons:

- 1) The project is located within an AR-1 Agricultural Residential District.
- 2) The project has been redesigned incorporating many of the PLUS and Planning and Zoning Commission comments. The Subdivision is designed in accordance with the Cluster Development Ordinance. The proposed cluster design is

innovative and superior to a standard subdivision with approximately 30 acres (which is equivalent to 39%) of open space, not including the area set aside for the private sewer system, protecting the vast majority of the existing forest. Active/passive open space is proposed throughout the development. The open space delineated between most of the lots is innovative in nature and provides for a superior layout of lots in the development allowing for a greater sense of openness and aesthetic buffering.

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- 3) All of the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed. For example, the majority of the upland forest is being preserved rather than being destroyed. Open space is being preserved throughout the development rather than being concentrated in any one area. The development is compatible with other land uses in the area and should have a positive effect on adjoining property values.
- 4) The Applicant has proposed 155 lots within the project, which is the allowable density for an AR-1 subdivision on this land.
- 5) The project will be a restricted residential development and will not have an adverse impact on the neighboring properties or community.
- 6) The subdivision will include amenities such as the following: Hilton Head style pathways with rain gardens providing walking paths, and bike paths, playgrounds, swimming pool, picnic areas, 2 ponds for fishing and other water activities, and mulched walking trails throughout the forested area of the project.
- 7) Central water and sewer will be provided to the project by Tidewater Utilities, Inc.
- 8) The wetland areas will remain undisturbed. The site's design has a minimal impact on wetlands and no wetlands are included within any lots.
- 9) The proposed subdivision is designed to address the purpose and standards of Section 99-9C of the Subdivision Ordinance and the requirements of the AR-1 Clustering Ordinance. It provides for a total environment and design which preserves the natural environment.
- 10) This recommendation is subject to the following conditions:
 1. There shall be no more than 155 lots within the subdivision.
 2. The Applicant shall cause to be formed a homeowners association to be responsible for the maintenance of streets, roads, any buffers, stormwater management facilities, and other common areas.
 3. The stormwater management system shall meet or exceed the requirements of the State and County.
 4. The use of a central community sewer system and stormwater management system shall maximize ground water recharge and erosion and sediment control measures shall comply with all State and County

requirements. The wastewater treatment system will be designed to be able to tie into a County system should one become available.

5. All entrances shall comply with all of DelDOT's requirements.
6. Street lighting shall be provided, and the location of the street lights shall be shown on the final site plan.
7. Hilton Head style paved multi-modal pathways shall be provided on both sides of all streets.

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8. Recreational facilities and amenities shall be constructed and open to use by residents of the development within 2-years of the issuance of the first Certificate of Occupancy. These recreational facilities shall include walking and jogging paths, bike paths, picnic areas, swimming pool, playgrounds, a tennis court, and clubhouse.
9. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
10. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
11. Provisions for an area to be used as a school bus shelter shall be set aside near the entrance in the event such as is needed for the protection and safety of the children.
12. The deed restrictions shall be revised to include a restriction on tree removal, to include a 15 foot no clear zone from the rear of the lots.
13. 30 foot wide buffers shall be provided around the entire perimeter.
14. A fence shall be erected along the Huff property as agreed to at the public hearing.
15. Stub road access to adjacent property to the northeast and west shall be provided as requested by DelDOT.
16. Multiple access points to the proposed mulched walking paths/trails throughout the development shall be provided.
17. The final site plan shall be subject to approval by the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 0.

Subdivision #2005-3 – application of **DOUGLAS D. AND JUDITH K. BREEDING** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar

Creek Hundred, Sussex County, by dividing 37.13 acres into 46 lots, (Cluster Development), located north of Road 224, approximately 1 mile east of Road 213.

Mr. Lank advised the Commission that this 46-lot cluster development subdivision has been deferred since November 3, 2005 and that DNREC has indicated that the site is suitable for individual on-site septic systems on 21,780 square foot lots.

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Mr. Gordy stated that he would move that the Commission approve Subdivision #2005-3 for Douglas and Judith Breeding based upon the record and for the following reasons:

- 1) The development is designed in accordance with the Cluster Development Ordinance. The proposed cluster design is superior to a standard subdivision and preserves the wooded areas of the project as open space. All lots will exceed 21,780 square feet in size and will be served by on-site septic systems.
- 2) The items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.
- 3) The Applicant has proposed 46 lots within the project, which is within the allowable density for an AR-1 subdivision on this land.
- 4) The project will not have an adverse impact on the neighboring properties or community.
- 5) The subdivision will include walking paths and streetlights.
- 6) The proposed subdivision meets the purpose and standards of the Subdivision Ordinance, and promotes the orderly growth of the County.
- 7) This recommendation is subject to the following conditions:
 1. There shall be no more than 46 lots within the Subdivision.
 2. The Applicant shall cause to be formed a homeowners association to be responsible for the maintenance of streets, roads, any buffers, stormwater management facilities, and other common areas.
 3. The stormwater management system shall meet or exceed the requirements of the State and County. Landscaping and berms shall be installed around the stormwater management ponds.
 4. All entrances shall comply with all of DelDOT's requirements.
 5. Street lighting shall be provided, and the location of the street lights shall be shown on the final site plan.
 6. A walking path shall be installed throughout the subdivision, as stated by the Applicant.
 7. An area set aside for a future school bus shelter shall be depicted on the Final Site Plan.

8. The "Wetlands Disclosure" shall be included in the restrictive covenants governing the community. In addition, no lots shall include any wetlands, and there shall be a 100-foot wide buffer from all wetland areas.
9. As presented by the Applicant, Lot 3 shall be relocated outside of the wooded area, and the Applicant shall submit a revised Preliminary Plan to reflect this change.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 0.

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Woods Cove HR/RPC
C/Z #1454 Final Record Plan – Road 275

Mr. Lank provided the Commission with copies of the Final Record Plan for this 185 unit project.

Mr. Lank advised the Commission that this is the Final Record Plan for the 185 unit residential planned community; that the Commission granted preliminary site plan approval on December 19, 2002; that a revised preliminary site plan approval on June 24, 2004; that the Final Record Plan is the same as the revised preliminary approval; and that all agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously that the Final Record Plan be approved as submitted. Motion carried 4 – 0.

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE VIII RELATING TO APPEALS.

Mr. Lank advised the Commission that this Ordinance Amendment has been deferred since November 3, 2005.

Mr. Robertson advised the Commission that he, Mr. Kautz and Mr. Lank have discussed proposed amendments to the wording; that wording changes suggested deletes appeals on final plot approvals and creates an appeal to the County Council for review of the record of the decision by the Commission; that a standard form can be established for appeals; and that the amendment provides for appeals by anyone aggrieved by the decision as allowed by State laws.

Mr. Johnson asked Mr. Robertson if he would read Mr. Johnson motion.

Mr. Robertson read that Mr. Johnson moves that the Commission recommend approval of the ordinance to amend Chapter 99 of the Code of Sussex County by amending Article VII relating to appeals, subject to the following revisions:

- 1) Section "A" should be amended to only allow appeals of a preliminary plat by deleting the reference to "final" plats.
- 2) Section "A.2." through "A.4." should be deleted, eliminating appeals to the Planning and Zoning Commission. All appeals should be to County Council.
- 3) In Section "B", the proposed amendment should be revised to establish a form that should be used for all notices of appeal.
- 4) In Section "D", and "E", references to appeals to the Planning and Zoning Commission should be deleted.

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- 5) Original Section "F", referring to the fees for appeals to the Commission, should be deleted. Re-lettered Section "F" referring to fees for appeals to County Council should remain.
- 6) Re-lettered Section "G" should be revised to reflect that the amended appeal procedure shall apply to any preliminary plat approved after the adoption of the amendment.
- 7) New Section "H" should be added to allow written requests to the Commission for reconsideration of conditions imposed by the Commission.

And that Mr. Lank will be provided with a marked-up copy of the proposed amendment including these changes for his office and to supply to County Council.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as revised and amended. Motion carried 4 – 0.

PUBLIC HEARINGS

C/U #1640 – application of **CAIN CONSTRUCTION – ROBERT T. CAIN, II** to consider the Conditional Use of land in an AR-1 Agricultural Residential District and an UR Urban Residential District for a small construction company office and storage to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 11,448 square feet, more or less, lying northwest of Road 232 (Ponder Road), 1,000 feet north of Route 16 and located at the northeast corner of the Town of Ellendale.

This application had been withdrawn on October 27, 2005.

C/Z #1592 – application of **J & Y PARKER FAMILY, L.P.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1

General Commercial District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, land lying southwest of Road 334 (a.k.a. Route 20), 450 feet southeast of Road 333, and being more particularly described as Lots 76, 77, and 78 of the Houston Acres Subdivision, to be located on 3.52 acres, more or less.

Mr. Lank provided the Commission with copies of the survey/site plan for this application.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "D" of Dagsboro Road will not change as a result of this application.

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The Commission found, based on comments received from the County Engineering Department's Planning and Permits Division, that the site is not in a County operated and maintained sanitary sewer and/or water district; that the proposed project is within the boundaries of the Dagsboro/Frankford Planning Area; that the County is currently conducting a study of the sewer needs for this area; that the study is scheduled to be completed by July 2007; and that there is currently no schedule to provide service to this parcel.

The Commission found that John H. Parker, Sr. was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he has owned the property along U.S. Route 113 for approximately 35 years and this property for approximately 20 years; that the business uses on the existing site and the proposed business uses on this site create a good tax base; that there are presently 15 business uses, including service uses, in the park; that a beauty school also exists in the park; that he has septic capacity for the intended warehouse uses; that the capacity is available for an additional 10 employees; that he has received approval from the Office of the State Fire Marshal; that the stormwater management facility is sized and designed to serve the entire parcel, existing uses and proposed uses; and that the stormwater management facilities run along the adjacent Dorman property.

The Commission found that Mr. Parker provided the Commission with a copy of a DNREC authorization form to use an existing septic system for this parcel for two offices and a warehouse.

The Commission found that Delores Dorman, an adjacent landowner, was present in opposition to this application and stated that the Applicant applied for rezoning of this parcel nine (9) years ago and was approved for 2 of the 5 lots; that security lighting on the existing buildings illuminate her home; that the area is predominantly residential, except for the Parker complex, with homes on both sides of Dagsboro Road and on both sides of the site; and that the use is not appropriate near a residential area.

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

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY WHICH DELETES THE EXISTING LANGUAGE AND INSERTS NEW LANGUAGE TO PERMIT THE SHARING OF REQUIRED PARKING SERVING MULTIPLE USES WITHIN THE SAME PROJECT AND UNDER THE SAME OWNERSHIP.

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Mr. Lank summarized this Ordinance Amendment.

Mr. Kautz advised the Commission that Page 2 Item 3 should reference “County” Attorney, not “City” Attorney.

The Commission found, based on comments received from the Office of State Planning Coordination, that because the Ordinance Amendments did not undergo a formal PLUS review by State agencies, their comments reflect only the review of the Office of State Planning Coordination staff; that the Office has no objections to the proposed changes in parking requirements; and that the proposed changes will decrease the amount of impervious cover required for parking by reducing the number of spaces required for multi-family units, reducing the required size of off-street parking spaces, providing for smaller spaces for compact cars, and laying out clear standards for shared parking arrangements.

The Commission found, based on comments received from the Sussex Conservation District, that the District supports the County Councils endeavor to reduce the current sizing while promoting more green space on developed lots; that the sizing of stormwater ponds is predicated on many factors, but the reduction of impervious surface would reduce the size of stormwater ponds; that by promoting more green space on developed parcels the County would also be supporting the Districts goals of improving Delaware’s water quality; and that the District feels that the County adopting this new policy would streamline the Districts goals of improving development projects while still protecting natural resources.

Mr. Kautz stated that he contacted Lenexa, Kansas for information on their Code and found that Lenexa has been enforcing this Code since 1992 and that it provides flexibility when reviewing development plans.

Mr. Robertson stated that the Ordinance does away with specific uses and provides more flexibility; that decisions on site plans will be made by the Planning and Zoning Commission on shared parking; and that the Applicants will be required to justify the use of shared parking.

The Commission found that Wendy Baker was present in support of the proposed amendments and stated that she believes that the parking ordinances offer a positive impact on the environment; that her experience with parking relates to community association management and development; that parking for residents and visitors is expensive to build and maintain and can require more space in a multi-family project than the land needed for the housing; that excessive parking wastes land, results in stormwater runoff into streams, limits flexibility in site design, and deters pedestrian and transit uses; that parking ordinances vary; that the present County Code requires three (3)

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parking spaces per unit, even if the unit only contains one bedroom; that parking areas should be a general community element with one assigned parking space per unit and one space available to the unit owner and their guests, and that all other spaces be available first-come/first-serve; that the County needs to look at the Ordinances by considering ways to bring about a positive change; that accommodating future growth without a serious loss of environmental quality requires viewing environmentally sensitive projects as a solution, not as an exception; that environmental protection and land development are not necessarily incompatible objectives; that by developing the land with care, natural resources can be enhanced; that compact development usually harms the environment less than does a comparable amount of scattered, lower-density development; that by using less land, by concentrating development in less sensitive areas and by minimizing impervious surfaces, compact development compared with low-density development infringes less on wetlands and forests, prevents the fragmentation of wildlife habitat, reduces stormwater runoff, and saves pristine open space; that the amount of roads and parking necessary to support compact development is less, which means that less impervious cover is needed; that less impervious cover means less urban runoff; that compact development can achieve a 30% reduction in runoff compared with conventional suburban development; that the ordinances for shared parking, reducing the drive aisles and reducing the prescribed size of parking spots all provide a benefit of decreasing the amount of asphalt required, thus decreasing runoff; that the same parking lot could be used for a daytime use and a nighttime use or a weekday use and a weekend use; that one of the most controversial ordinances is reducing the number of parking spaces from 3 to 2; that the majority of the problem appears in the resort areas; that more recently people carpool or use less vehicles when visiting the resorts which effectively eliminates one car from clogging the roads, diminishes the impact on the environment through car emissions, the increase in demand and the skyrocketing price of gas, and police assistance in traffic control; that since developers hire consultants to provide stormwater management work, engineering work, architectural work, they should also hire parking consultants who will perform the necessary applications to adhere to the proposed

ordinances and to provide verification sheets for Planning Office staff to review to verify parking provisions, not perform calculations; and that she requested that her comments be a part of the record for all four of the parking related ordinances.

The Commission found that Pret Dyer was present in support of the proposed Ordinance Amendments and congratulated whoever drafted the Ordinances and added that some consideration should be given to existing projects; that site plans should be allowed to be modified to comply with the proposed Ordinances; that 1.5 to 2 parking spaces could be allowed for condominiums and apartments; that smaller spaces will be a benefit; that parking should be allowed in frontyard setbacks; that DelDOT does impact some projects by the taking of additional rights-of-way; that the proposed ordinances will improve site plans; that he supports all of the proposed Ordinance Amendments; and that he requested that his comments be a part of the record for all four of the parking related ordinances.

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

Mr. Robertson noted that Section 115-165 (2) b. should be revised to reference “occupants”, not “tenants”, and that Section 115-165 (3) should be revised to reference “County” attorney, not “City” attorney.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to forward a recommendation to the Sussex County Council that the “Shared Parking” Ordinance be approved with the revisions referenced by Mr. Robertson. Motion carried 4 – 0.

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO REDUCE THE SIZE OF AN OFF-STREET PARKING SPACE AND TO ALLOW A REDUCTION OF SIZE FOR COMPACT CARS UNDER CERTAIN CIRCUMSTANCES.

Mr. Lank summarized the Ordinance Amendment relating to reduction of parking space sizes.

Mr. Lank advised the Commission that the comments received from the Office of State Planning Coordination and the Sussex Conservation District, and the comments stated by Wendy Baker and Pret Dyer are incorporated into the record for this Ordinance Amendment.

The Commission found that a letter was received from Nancy Wolfe of Chez La Mer Restaurant in opposition to reducing the number and size of required parking spaces and included references that this is a wrong move; that we need more parking spaces everywhere; that we don’t need smaller spaces; that most of the cars on the road today are behemoths that can hardly fit into the existing parking spaces; and objecting to all of the parking ordinances.

The Commission found that there were no parties present in opposition to this Ordinance Amendment.

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

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to forward this Ordinance Amendment on parking space sizes to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 4 – 0.

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Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 115 SECTION 166 OF THE CODE OF SUSSEX COUNTY TO REDUCE THE WIDTH OF PARKING LOT INTERIOR DRIVES FROM 25 FEET TO 24 FEET.

Mr. Lank summarized the Ordinance Amendment relating to reduction of the width of parking lot interior drives from 25 feet to 24 feet.

Mr. Lank advised the Commission that the comments received from the Office of State Planning Coordination and the Sussex Conservation District, and the comments stated by Wendy Baker and Pret Dyer are incorporated into the record for this Ordinance Amendment.

Mr. Lank advised the Commission that the change from 25 feet to 24 feet width is consistent with DelDOT and the Office of the State Fire Marshal regulations for interior driveway widths in parking areas.

The Commission found that Pret Dyer questioned if the Commission still has the authority to reduce the width for one-way parking drives.

Mr. Lank advised the Commission that reduction of the width for one-way parking drives is a waiver policy subject to the approval by the Commission on site specific projects.

The Commission found that there were no parties present in opposition to this Ordinance Amendment.

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to forward this Ordinance Amendment on the reduction of interior driveway widths to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 4 – 0.

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 115 SECTION 162 OF THE CODE OF SUSSEX COUNTY TO DELETE THE PHRASE “3 PER FAMILY UNIT” AND SUBSTITUTE “2 PER DWELLING UNIT”.

Mr. Lank summarized the Ordinance Amendment relating to reduction of the number of parking spaces required for multi-family units.

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Mr. Lank advised the Commission that the comments received from the Office of State Planning Coordination and the Sussex Conservation District, and the comments stated by Wendy Baker and Pret Dyer are incorporated into the record for this Ordinance Amendment.

Mr. Johnson stated that he is concerned about the proposed reduction and questioned if there is a procedure for a variance or exception to the Board of Adjustment.

Mr. Lank advised the Commission that presently there is a procedure for a variance in the number of parking spaces requiring a public hearing before the Board of Adjustment.

Mr. Robertson stated that reducing the number of spaces does not impact the density on a site since the density calculation controls the number of units.

The Commission found that Wendy Baker spoke in support of this Ordinance Amendment for the reasons stated in her original testimony, and since the reduction reduces congestion, lessens the impact on the environment, and increases green space.

The Commission found that there were no parties present in opposition to this Ordinance Amendment.

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

Mr. Gordy stated that he would move that the Commission recommend approval of this Ordinance Amendment relating to reduction of the parking spaces for multi-family uses. There was no second. The motion died for the lack of a second.

Mr. Johnson stated that he would move that the Commission recommend denial of this Ordinance Amendment relating to reduction of the parking spaces for multi-family uses. Mr. Smith seconded the Motion. The vote carried 2 – 2 with Mr. Gordy and Mr. Wheatley opposing the motion.

By roll call the Commission voted as follows:

- Mr. Smith supporting the Ordinance Amendment
- Mr. Gordy opposing the Ordinance Amendment
- Mr. Johnson supporting the Ordinance Amendment
- Mr. Wheatley opposing the Ordinance Amendment
- Vote carried 2 – 2

The Ordinance is to be forwarded to the Sussex County Council with a recommendation that the Ordinance be denied due to the lack of three (3) affirmative votes.

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Meeting adjourned at 8:15 p.m.