

THE MINUTES OF THE REGULAR MEETING OF MARCH 14, 2019

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, March 14, 2019, in the County Council Chamber, Sussex County Administration Office Building, 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, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate - Absent, Mr. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director of Planning & Zoning, Mr. Jamie Whitehouse – Planning & Zoning Manager - Absent, and Ms. Samantha Bulkilvish – Planner I.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Agenda as submitted. Motion carried 4-0.

Motion by Ms. Stevenson, seconded by Mr. Mears, and carried unanimously to approve the Minutes of the February 14, 2019 Planning and Zoning Commission meeting as submitted. Motion carried 4-0.

OLD BUSINESS

2018-28 Ocean Meadows – Estates at Cedar Grove, LLC

A cluster subdivision to divide 70.23 acres +/- into 136 single family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the northwest side of Beaver Dam Road, approximately 477 feet south of Kendale Road. Tax Parcels: 234-2.00-2.00 and 234-2.00-2.02. Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which has been deferred since February 28, 2019.

Ms. Stevenson moved that the Commission grant Preliminary Approval for Subdivision 2018-28 for Ocean Meadows – Stonemark Ventures, LLC upon the record made during the public hearing and for the following reasons:

1. This is the site of a 100-lot subdivision that received Preliminary Site Plan Approval in 2016 as the Estates at Cedar Grove.
2. The applicant is seeking to amend that prior approval to allow 136 lots within the subdivision, which is within the permitted density and with a design that is allowed by the cluster subdivision provisions of the County Zoning Code.
3. The subdivision will continue to have clustered lots with a minimum area of 7,500 square feet. The average lot size is 9,489 square feet.
4. The revised subdivision continues to meet the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
5. This revised subdivision, with the conditions imposed upon it, remains a superior design under the cluster Subdivision Ordinance. It continues to provide for the preservation of

undisturbed forested areas, open space, and it will have active and passive recreational uses including a multi-modal path, walking areas, a pool, and a clubhouse. There remains approximately 39% of the site as open space.

6. The project will be served by central water and sewer.
7. The development complies with the Sussex County Comprehensive Plan as a low-density, single-family dwelling subdivision.
8. During the hearing on Subdivision 2016-2, there were concerns expressed about preserving the forested areas in the northern portion of this site. Preservation of the forested areas was included as a condition of approval and it was reflected in the approved site plan. This approval will take that into account as part of the conditions of approval.
9. This Preliminary Approval is subject to the following conditions, which are similar to those imposed as part of Subdivision 2016-2:
 - A. There shall be no more than 136 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - D. All entrances and roadway improvements shall comply with all of DelDOT's requirements.
 - E. The forested areas adjacent to The Ridings at Rehoboth Subdivision shall be preserved and shall not be disturbed. The street identified as "Waterworth Avenue" shall be eliminated from the Plan, along with lots 68 through 71, to preserve the forested area near the adjacent properties in The Ridings at Rehoboth. Throughout the remainder of the site, the Applicant shall also maintain as many wooded areas as possible. All of these undisturbed forested areas shall be clearly shown on the Final Site Plan.
 - F. A forested or landscaped buffer of at least 20-feet in depth shall be installed along the entire perimeter of the project. The Final Site Plan shall contain a landscaped plan for these areas.
 - G. No wetlands shall be included within any lots.
 - H. A system of sidewalks shall be installed on both sides of all streets in the subdivision.
 - I. The subdivision shall be served by a central sewer system.
 - J. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
 - K. Street designs shall meet or exceed Sussex County standards.
 - L. If required by the school district, a school bus stop shall be provided. The developer shall coordinate and cooperate with the local school district's transportation coordinator to establish the school bus stop area. The location of the bus stop area shall be shown on the Final Site Plan.
 - M. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.

- N. There shall be emergency access provided between the Addie Avenue cul-de-sac and the property to the northeast. This access shall be clearly shown on the Final Site Plan and noted on the site itself, and it shall be installed as part of the phase for that area of the subdivision. Such access shall be made available for emergency use if and when the adjacent property to the northeast is ever developed.
- O. Deliveries to or from the site shall only occur between 8:00 am and 5:00 pm, Monday through Friday. Other construction activities shall only occur between 8:00 am and 7:00 pm, Monday through Friday, and between 8:00 am and 2:00 pm on Saturdays. No construction shall occur on Sundays.
- P. The swimming pool and clubhouse shall be completed prior to the issuance of the 70th residential building permit.
- Q. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- R. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to grant Preliminary Approval for the reasons and with conditions stated in the motion. Motion carried 4-0.

C/U 2161 Howard Weston Development Company, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a professional office for accounting, tax preparation, and bookkeeping services to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.9468 acre, more or less. The property is lying on the north side Lewes-Georgetown Highway (Route 9), approximately 0.38 mile west of Sweetbriar Road. 911 Address: 29065 Lewes-Georgetown Highway (Route 9), Lewes. Tax Parcel: 334-4.00-80.00.

The Planning Commission discussed the application which has been deferred since February 28, 2019.

Mr. Mears moved that the Commission recommend approval of C/U 2161 for Howard Weston Development Company, LLC for a professional office based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use is consistent with other uses in this area of Route 9. There are many businesses uses, commercial zones and conditional uses in the area.
2. The use as a professional office in this location will benefit the health, safety, and welfare of present and future residents of Sussex County residents by providing such a use in a convenient location.
3. The applicant intends to utilize the existing structure on the property as an office. This is consistent with other small business uses along Route 9.
4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
5. No parties appeared in opposition to this application, and there were two letters in support of the application from neighboring property owners.

6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to professional office use only.
 - B. As stated by the Applicant, the use shall occur within the existing structure that will be renovated by the Applicant, while maintaining its residential appearance.
 - C. The hours of operation shall be between 7:00 am and 9:00 pm, Monday through Friday, and 7:00 am until 5:00 pm on Saturdays. There shall not be any Sunday hours.
 - D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.
 - E. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
 - F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
 - H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side. The sign may be an Electronic Message Display, but it shall only be operational during the business hours of this use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with stipulations stated in the motion. Motion 4-0.

C/Z 1872 T.S. Smith & Sons, Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 25.6694 acres, more or less. The property is lying on the west side of Sussex Highway (Route 13), south side of Fawn Road, east side of Main Street, and north side of Redden Road. 911 Address: 8899 Redden Road, Bridgeville. Tax Parcel: 131-10.00-89.00.

The Planning Commission discussed the application which has been deferred since February 28, 2019.

Mr. Hopkins moved that Commission recommend approval of Change in Zone 1872 for T.S. Smith & Sons, Inc. for a change in zone from AR-1 to C-3 (Heavy Commercial Zoning District) based upon the record made at the public hearing and for the following reasons:

1. C-3 (Heavy Commercial Zoning) is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted uses include retail uses, restaurants, offices, and vehicle service stations.

2. The site is surrounded on 3 sides by C-1 (General Commercial Zoning). It also has more than 1,200 feet of road frontage on Route 13. This location is appropriate for this type of zoning.
3. Besides the frontage along Route 13, the site also has extensive frontage along Redden Road, North Main Street, and Fawn Road. Any permitted development of this site will have multiple points of access, which will mitigate, any traffic generated by future uses of the site.
4. This location is adjacent to the town limits of Bridgeville, which is an appropriate location for C-3 Zoning.
5. The site is in the Town Center area according to the current Sussex County Land Use Plan. This type of commercial use is appropriate in this area according to the Plan.
6. This rezoning will not adversely impact neighboring properties, area roadways or nearby public facilities.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.
8. No parties appeared in opposition to the application.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and conditions stated in the motion. Motion carried 4-0.

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

2018-31 Stagg Run – J & J Rocketship, LLC

A cluster subdivision to divide 26.00 acres +/- into 26 single family lots to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County. The property is lying on the south side of Wilson Road, approximately 450 feet southwest of Savannah Road. Tax Parcel: 135-10.00-5.00. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were a Subdivision Plan exhibit booklet, Technical Advisory Committee (“TAC”), comments from the Sussex County Department of Engineering Utility Planning Division, Sussex County Mapping and Addressing Department, Sussex Conservation District, Office of the State Fire Marshal, Office of Public Health, Office of Drinking Water, and DNREC Groundwater Discharge.

The Commission found Mr. Mark Davidson with Pennoni Associates, James Grant, Managing Member with J & J Rocketship, LLC, and Alan Decktor with Pennoni Associates were present on behalf of the application; that Mr. Davidson stated the application is for a proposed cluster subdivision; that they are proposing to subdivide 26 acres into 26 lots; that the site is located on the south side of Wilson Road and on the west side of Savannah Road; that the property was

formerly wooded; that there are some wetlands on the property; that the property is located approximately 1 mile north of the Town of Georgetown; that the property is located in the Delaware Opportunity Zone; that the Land Use Classification per the 2008 Comprehensive Plan the land is “Low-Density Area”; that the parcel is located in the State Spending Strategies Level 4; that the proposed subdivision would comply with the Subdivision and Zoning Code; that the project is consistent with the permitted density; that the access to the property would be located off of Wilson Road; that there is an existing dwelling on the property and lot 1 is a larger sized lot to accommodate the dwelling if it may remain; that the project would provide for active and passive recreation; that there would be 9.6 acres of open space which is approximately 39% of the site; that the project is consistent with the trend of single-family residential dwellings in the area; that the project is in character with the nature of the area that it provides one lot per acre and natural open space; that the project would comply with the agricultural use regulations including buffers, setbacks, and agricultural use with restrictions; that the project would provide a 20-foot forested buffer around the entire property with the exceptions of the wetlands area; that there would be no disturbance of the wetlands and the trees would remain on the site; that this project provides easy access to Georgetown and Milton; that each lot would have its own individual wells and septic; that in the Exhibit Book is a copy of the approved soil feasibility study; that the open space would include approximately 2.93 acres of planted trees and a buffer; that the project would adhere to Chapter 99-5, (A) through (J) with the plantings that are required within the buffer zone; that a school bus stop would be provided if it is required by the school district; that project would have a homeowners association for the maintenance, common areas, open space, amenities, streets, and buffers; that the project would comply with Chapter 99-9.C requirements; that the project would comply with Chapter 115-25.E for the design requirements for the cluster development; that the site is located in the zone X floodplain; that there are no natural or historical features on the site; that the site was cleared sometime after 2012; that there would be two stormwater management ponds and they will continue to work with the Sussex Conservation District; that this use would compliment the neighborhood; that an entrance plan has been submitted to DelDOT; that DelDOT would require that they improve the frontage of site; that submitted into the record were proposed conditions of approval; that a well driller would have to the required permit from DNREC and all new wells have to drilled into a confined aquifer; that they left an area of open space to Savannah Road for emergency access; and that the between the forested landscape buffer and the wetlands would be planted and if it is not already planted.

That the Commission found that no one spoke in favor to the application.

That the Commission found that Mr. James Hudson, Jr. spoke in opposition to the application; that Mr. Hudson stated he had questions as to whether the lots would be for sale with houses already built and sold as part of the lot; whether the project would include blacktop driveways; whether the homes would be stick-built, modular, or manufactured homes; that he wanted to know what the minimum square footage requirement is for the lots; and whether the remaining dwellings require variances to bring the dwelling into compliance with setbacks.

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

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

At the request of the applicant, the Commission agreed to consolidate the next two items C/Z #1874 and C/U #2164 into one public hearing. Chairman Wheatley explained that, although the two applications will be heard together that there would ultimately be two votes, one for each application, when any action is taken by the Commission.

C/Z 1874 Leanna and Hung Nguyen

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an MR Medium-Density Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.2 acres, more or less. The property is lying on the northeast corner of Old Landing Road and Marina Drive. 911 Address: N/A Tax Parcel: 334-19.00-1.06.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis comments from the Sussex County Engineering Department of Utility Planning Division, Sussex Conservation District, and results from the DelDOT Service Level Evaluation response indicating that a Traffic Impact Study (“TIS”) was not required. Nineteen letters received in opposition of the application were read by Ms. Cornwell into the record.

C/U 2164 Leanna and Hung Nguyen

An Ordinance to grant a Conditional Use of land in an MR Medium-Density Residential District for multi-family to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.2 acres, more or less. The property is lying on the northeast corner of Old Landing Road and Marina Drive. 911 Address: N/A Tax Parcel: 334-19.00-1.06.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit comments from the Sussex County Engineering Department of Utility Planning Division, Sussex Conservation District, and results from the DelDOT Service Level Evaluation response indicating that a Traffic Impact Study (“TIS”) was not required. Nineteen letters received in opposition of the application were read by Ms. Cornwell into the record.

The Commission found that Mr. Mark Davidson with Pennoni Associates, Leanna Nguyen and Hung Nguyen, the Applicants and Alan Decktor with Pennoni Associates were present on behalf of the application; that Mr. Davidson stated this is an application for a Change in Zone from AR-1 (Agricultural Residential District) to MR (Medium Density Residential); that the land is located in the Environmentally Sensitive Developing District Overlay Zone; that the proposed Conditional Use is for a multi-family structure; that the project is located on 1.3 acres; that the property is located almost at the end of Old Landing Road; that the property is adjacent to the north and east of Mr. Warrington’s property which was approved to rezone the property to MR with a Conditional Use for 22 multi-family units; that to the south of the site is a mobile home park which is non-conforming; that the property is currently vacant; that the project is in character with the neighborhood; that they are proposing five units within the dwelling; that there are no wetlands on

the property; that there is approximately 60% to 70% of open space and the density is 3.85 units per acre; that Mr. Warrington's property had a density of 3.93 units per acre; that the Sawgrass Subdivision is in the area and has a density of 3.68 units per acre; that the mobile home park has a density of 3.2 units per acre and Port Delmarva has a density of 9.87 units per acre; that the proposed style of home is Vietnamese style single-family attached building that provides for five dwelling units within one building for the family; that the first level would be two dwelling units; that the building would be 3 ½ stories tall; that the second floor would be two dwelling units; that the third floor would only have one dwelling unit for the Nguyen's and their children at this time; that as the children grow older, the children would move out and live in one of the other units; that this is their cultural practice and as the children age, each one would acquire a unit on the lower level; that the Nguyen's own a business on Route 1 and would like to be closer to their business; that on the top of the house would have a 518 square foot room (Zen room); that each one of the floors would consist of 4,100 square feet; that the home would be a total of 12,100 square feet; that each unit would be designed to almost at grade so each unit would be accessible; that there would be a few steps to be able to enter each one of the units; that they are proposing one building with five units; that the project is within the growth area and is characterized as the Environmentally Sensitive Developing Area; that there is MR Zoning in the area; that the parcel is located in the State Spending Strategies Level 5; that a portion of the project is located in the AE flood zone with a base flood level of five and six and the majority of the parcel is located in the X floodplain; that there are no wetlands on the site; that the project would utilize stormwater filtration throughout; that the Applicant would manage the stormwater management on the site; that the Applicant would obtain approval from the Sussex Conservation District to maintain all stormwater on the property; that they would provide landscape buffer around the site; that there are none known historical or cultural features on the property; that the sewer would be provided by the Sussex County Engineering Department; that Tidewater Utilities would provide both domestic and fire protection; that DelDOT did not require a TIS; that the project would generate approximately 19 vehicles per day; that there were some limited conditions of approval submitted into the record; that the Nguyen's have done a lot of research on the project; that they are still working on the stormwater management and the different designs to be able to handle the water within the site; that there are no plans to rent the units; that the other units would be unfinished and open space until the children are grown and of age; and that the density is consistent with the neighborhood.

That the Commission found that no one spoke in favor to the application.

That the Commission found that Ms. Mary Beth McDonough spoke in opposition to the application; that Ms. McDonough stated she has concerns as to whether the Applicant could possibly rent the units.

At the conclusion of the public hearing, the Commission discussed this application.

In reference to Change of Zone 1874, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

The Commission held a discussion regarding Conditional Use 2164; that there were concerns with density and the design; that if the design goes through the process and would the stormwater design have an impact towards the density.

In reference to Conditional Use 2164, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

C/U 2165 Vanderwende Acres, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an event venue to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 8.99 acres, more or less. The property is lying on the southwest corner of Briarhook Road and Atlanta Road also being the northwest corner of Atlanta Road and Owls Nest Road. 911 Address: 22304 Atlanta Road, Seaford. Tax Parcel: 531-6.00-72.00 (portion of).

Ms. Cornwell advised the Commission that submitted into the record is a staff analysis, an exhibit booklet, Site Plan, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required, comments from the Sussex County Engineering Department of Utility Planning Division, and the Sussex Conservation District.

The Commission found that Mr. D. J. Hughes with Davis, Bowen, and Friedel and Mr. Zac Crouch with Davis, Bowen, and Friedel were present on behalf of the application; that Mr. Hughes stated the proposed conditional use area is 8.99 acres; that the proposed conditional use is for a special event venue; that there are 40 parking spaces in the area and there is ample room for overflow parking; that there is a long drive that goes back to the property and there would be no issues of vehicles stacking out on the main road; that there are no homes within a ¼ mile of the site; that there are no known wetlands on the site; that DelDOT did not require a TIS; that they have received approval from the Office of State Fire Marshal; that the Applicant owns the land on both sides of the proposed conditional use area; that the barn sits back away from the road; and that the proposed use, as per Fire Marshall requirements, is only for the first-floor of the barn and not the second floor.

The Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer consideration for further action. Motion carried 4-0.

C/U 2172 Iris Downing

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a transitional home to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.3028 acres, more or less. The property is lying on the south side of Wild Cherry Street, approximately 141 feet west of South Old State Road. 911 Address: 18366 Wild Cherry Street, Ellendale. Tax Parcel: 230-26.20-18.00.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, Site Plan, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required and comments from Sussex Conservation District.

The Commission found that Ms. Iris Downing, the Applicant and Mr. John Roach with John B. Roach Engineering; that Ms. Downing stated she is requesting a Conditional Use for a transitional home to help the homeless; that the transitional home would be a private home; that the proposed transitional home would have up to 10 rooms; that proposed transitional home would provide support for education, housing, and to be able to give support as needed; that once the home is renovated, it would include security, staff to accommodate residents’ needs, transportation, and computers to help find employment; that Mr. Roach stated the home was once used as a daycare facility with a Special Use Exception, but it is no longer being used as one now; that there are single-family residents in the area; that there is a daycare in the area; that there would be 24-hour staffing each day; that the staffing would include herself and others; that Applicant is working with a person who has a shelter and they have been working on guidelines to determine whom can stay at the shelter and whom can not stay at the shelter; that the Applicant has talked to her neighbors and have made them aware of the proposal; that there is security on the site; that there would be adequate parking; that there is a DART bus stop in the area; that Mr. Roach stated the Applicant would use the existing driveway for a parking lot; that Ms. Downing stated she would not like a sign and would try to keep the home private; that she would start out with five or six people and the maximum would eight; that she would have twelve to four staff members including herself; and that there would be someone present on-site at all times.

The Commission found that no one wished to speak in favor of or in opposition to the application.

At the conclusion of the public hearing, the Commission discussed this application

The Commission held a discussion regarding Conditional Use 2172; that there were potential concerns with how the use was to be managed, and that the overall use was a beneficial one.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer consideration for further action. Motion carried 4-0.

ORD 19-2 - AN ORDINANCE TO AMEND ORDINANCE #2620 ADOPTING THE COMPREHENSIVE PLAN FOR SUSSEX COUNTY TO ADDRESS CHANGES TO THE COMPREHENSIVE PLAN RAISED BY THE STATE OF DELAWARE EXECUTIVE DEPARTMENT, OFFICE OF STATE PLANNING COORDINATION, IN A LETTER DATED JANUARY 18, 2019.

Ms. Cornwell, Director of Planning and Zoning explained the background to the amendment of the Ordinance relating to the Comprehensive Plan (2018). Ms. Cornwell outlined that the Council County had previously adopted the Comprehensive Plan and it was then sent to the State of Delaware; that the State has a few minor corrections that needed to be addressed; that there were some requested revisions including the sewer map, that needed to added to a paragraph, and that

one of the sentences provided confusion.

That Mr. Robertson stated the changes were different than what the originally approved Comprehensive Plan contained; that there were minor changes than what was approved in the Ordinance that was adopted; that a map was added and a note was added to a map; that there were concerns about the layers on the map; Ms. Cornwell stated that the underlying data was the same but the text was changed; and that a note was added to the map directing the reader to refer to the map for additional information.

The Commission found that no one wished to speak in favor of or in opposition to the Ordinance.

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

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to forward this Ordinance to the Sussex County Council with a recommendation that the Ordinance 19-2 be approved. Motion carried 4-0.

OTHER BUSINESS

2016-19 The Greens at Indian River

Final Subdivision Plan

Ms. Bulkilvish advised the Commission that this is a Final Subdivision Plan for the Greens at Indian River for the creation of a standard subdivision of 1.03 acres +/- into 2 single-family lots with a private road and open space. The property is located on the east side of Irons Lane (SCR. 348) and on the south side of Windward Way. The Preliminary Subdivision Plan was approved by the Commission at its meeting of December 8, 2016. The Final Subdivision Plan complies with the Zoning and Subdivision Code. Staff are in receipt of all agency approvals. Tax Parcel: 134-7.00-165.00. Zoning: AR-1 (Agricultural Residential Zoning District).

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to approve the Final Subdivision Plan. Motion carried 4-0.

2017-15 Kindleton

Final Subdivision Plan

Ms. Bulkilvish advised the Commission that this is a Final Subdivision Plan for a 90-lot cluster subdivision on a 49.37-acre parcel of land accessed from Robinsonville Road. Preliminary Subdivision Plan approval was granted by the Commission at its meeting of January 25, 2018. The Conditions of approval were revised by the Commission, at its meeting of December 20, 2018. The Final Subdivision Plan complies with the Zoning and Subdivision Code, and all conditions of approval. Staff are in receipt of all agency approvals. Tax Parcel: 334-11.00-81.00. Zoning: AR-1 (Agricultural Residential Zoning District).

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to approve the Final Subdivision Plan. Motion carried 4-0.

Mountaire Live Receiving Shelter

Revised Site Plan

Ms. Bulkilvish advised the Commission that this is a revised site plan for the replacement of two small buildings with a 16,144 square foot canopy shelter used to keep the birds out of the sun prior to processing at the Mountaire facility located at 29005 John J. Williams Highway in Millsboro. The shelter will have open sides and the area surrounding the shelter will be concrete with a paved asphalt portion that runs through the shelter. The Revised Site Plan Complies with the Sussex County Zoning Code. Zoning District: HI-1 (Heavy Industrial District). Tax Parcel: 234-32.00-117.00. Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Revised Site Plan. Motion carried 4-0.

CAD Properties LLC S-19-8

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for an existing dwelling to be converted to a medical office and other site improvements to be located at 1409 Savannah Road. The Conditional Use 2136 was approved by the Sussex County Council on October 23, 2018. The existing structures are non-conforming. The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning District: AR-1 (Agricultural Residential Zoning District). Tax Parcel: 335-8.18-4.00. Staff is in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to approve the Preliminary Site Plan and a Final Site Plan. Motion carried 5-0.

2018-26 Sweetbay – Gary C. and Anna. G Meiklejohn

Request to amend the condition of approval

Ms. Bulkilvish advised the Commission that this is a request to amend the conditions of approval for the Sweetbay subdivision which was approved by the Commission at its meeting of February 28, 2019, subject to conditions. It is requested that Condition ‘L’ which states, “*There shall not be any construction activities within 50-feet of any wetlands.*” is revised to require that “*a 50-foot buffer shall be provided landward from the ordinary high-water line of Baston Branch, and there shall not be any construction activities within this buffer*”. No other changes to the other conditions of approval are requested. Tax Parcels: 533-11.00-81.00 and 533-11.00-82.01. Zoning District: AR-1 (Agricultural Residential District).

The Commission held a discussion regarding the request to amend the condition of approval for the Sweetbay subdivision. The Commission discussed what was intended by the condition; that when the motion was read, the motion did state wetlands; that the Applicant confirmed with Ms. Wingate that the motion was intended to create a buffer from the high-water mark of Baston Creek which is required by Code; that there was a misunderstanding when the motion was drafted; and that there was a misunderstanding about the terms and that the condition should have been be more specific as to where the 50-foot buffer was applied from. Mr. Robertson advised that the suggested revision would address that concern and would make the condition more specific.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the request to amend Condition “L” to state a 50-foot buffer shall be provided landward from the

ordinary high-water line of Baston Branch and there shall not be any construction activities within this buffer. Motion carried 4-0.

Meeting adjourned at 7:40 p.m.