

THE MINUTES OF THE REGULAR MEETING OF APRIL 25, 2019

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, April 25, 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, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney-absent, Mr. Jamie Sharp – Assistant County Attorney - Ms. Janelle Cornwell – Director of Planning & Zoning, Mr. Jamie Whitehouse – Planning & Zoning Manager-Absent, and Ms. Lauren DeVore – Planner III.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Agenda as submitted. Motion carried 5-0.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Minutes of the March 28, 2019 Planning and Zoning Commission meeting as submitted. Motion carried 5-0.

OLD BUSINESS

2018-33 Overbrook Meadows West – Overbrook Acres, LLC

An ESDDOZ/cluster subdivision to divide 43.50 acres +/- into 82 single family lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the northeast side of Coastal Highway (Route 1) opposite of Cave Neck Road. Tax Parcel: 235-23.00-1.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which has been deferred since April 11, 2019.

The Commission held a discussion regarding Subdivision 2018-33; that Ms. Stevenson recommended that a request be made to Delaware Department of Transportation (“DelDOT”) to ask them to provide an overview of upcoming large-scale CTP projects in Sussex County; that Chairman Wheatley stated that a discussion with DelDOT could be placed on a future agenda as an item for discussion; that the Commission would give enough notice and would invite DelDOT representatives to attend for that discussion; and that such a discussion would not be particular to any one application.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U 2167 Karen Ann Mueller

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for open outdoor sales (yard sale) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.073 acres, more or less. The property is lying on the southwest corner of Eagle Lane and John J. Williams Highway (Route 24),

approximately 914 feet northeast of Indian Mission Road (Route 5). 911 Address: 31977 Eagle Lane, Millsboro. Tax Parcel: 234-23.00-10.00.

The Planning Commission discussed the application which has been deferred since April 11, 2019.

Mr. Mears moved that the Commission recommend denial of Conditional Use 2167 for Karen Ann Mueller for open outdoor sales based upon the record made during the public hearing and for the following reasons:

1. This application seeks approval for open-air retail sales on a 1.073-acre property located along Route 24 between the Baywoods Golf course community and the Long Neck Road intersection.
2. The applicant has been operating this use without any permits and it has grown to the point where it has become a regular retail/flea market use that was violated because there was no permit for it.
3. There are no other retail or commercial sales along this particular section of Route 24.
4. This request to operate a weekend flea market-type use on this site on the weekends during the summer at a time when Route 24 is most heavily traveled. This is not an appropriate location or time for this type of use.
5. There was a testimony in opposition to the application that currently people park on the shoulders on both sides of Route 24 when the sales are occurring. This creates an unsafe condition for the high level of vehicle traffic on Route 24, bicyclists on Route 24, and pedestrians who park and try to cross Route 24 to get to the sales area. This dangerous condition would only increase if the use is permitted and allowed to expand on this site.
6. The use does not promote the health, safety or welfare of residents or visitors to Sussex County by creating traffic hazards in this area of Route 24.
7. The Applicant has stated that the business has grown, including the bulk purchase of overstock or similar items from large commercial/retail vendors that will be stored on site in trailers for resale at the site. While the applicant's business success should be commended, it also means that the use should be located on a site that is an appropriate location that has the correct commercial zoning.
8. For these reasons, my recommendation is for denial of this special event conditional use.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated in the motion. Motion carried 5-0.

C/Z 1875 L.W. & J.T. Mitchell Family, L.P.

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 Lewes and Rehoboth Hundred, Sussex County, containing 1.317 acres, more or less. The property is lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road. 911 Address: N/A Tax Parcel: 335-8.00-37.00 (portion of).

The Planning Commission discussed the application which has been deferred since April 11, 2019.

Ms. Stevenson moved that the Commission recommend approval of Change in Zone 1875 for L.W. & J.T. Mitchell Family, L.P., for a change in zone from AR-1 to C-3 (Heavy Commercial) based upon the record made during 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 at the rear of a property fronting Kings Highway that is currently used for a restaurant and a church. This location is appropriate for this type of zoning.
3. This location is currently vacant. The Applicant has stated that this will be used for centralization and expansion of its restaurant and brewery.
4. As stated by the Applicant, there will be interconnectivity between this site and the existing brewpub restaurant that is next to it.
5. The site will be served by central water and sewer.
6. The site is in the Environmentally Sensitive Developing Area (now identified as the Coastal Area) according to the prior and current Sussex County Land Use Plan. This type of commercial use is appropriate in these areas according to the Plan.
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. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate 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 conditions stated in the motion. Motion carried 5-0.

Ms. Stevenson asked that the record reflect her request that, when a Site Plan does come forward for this development, it includes interconnectivity to the parcels behind it.

PUBLIC HEARINGS

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

2019-3 Lands of Betty Staats

A standard subdivision to divide 6.52 acres +/- into 2 single family lots to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County. The property is lying on the southwest side of Godwin School Road, approximately 375 feet northwest of Country Living Road. Tax Parcel: 133-16.00-77.01. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were comments from the Sussex Conservation District, approval letter from DelDOT with no objection, approved Soil Feasibility Study, Site Plan, comments from the Sussex County Engineering Department of Utility Planning Division, and a request for a waiver from the forested landscape buffer requirement.

The Commission found that Ms. Betty Staats was present on behalf of her application; that Ms. Staats stated she is applying to subdivide two lots off of one larger lot; that this would not have any impact on the roads or local schools; that there are no wetlands located on the property; and that if the two lots are approved, they would share one driveway.

Mr. Sharp asked whether the access to the lots would, if approved, be subject to a maintenance agreement, to which Ms. Staats stated that it would.

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

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

Mr. Hopkins moved that the Commission grant Preliminary approval of Subdivision 2019-3 for Betty Staats, based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is Zoned AR-1 which permits low-density single-family residential development. The proposed subdivision density of 2 lots on 6.52-acres of land is significantly less than the allowable density.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings, and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. A waiver from the buffer requirements is appropriate given the small size of the area.
7. This Preliminary approval is subject to the following conditions:
 - A. There shall be no more than 2 lots within the subdivision.
 - B. The stormwater management system shall meet or exceed the requirements of the State and County.
 - C. All entrances shall comply with all of DelDOT's requirements.
 - D. There shall be a maintenance agreement for the shared driveway.
 - E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to grant Preliminary approval for the reasons and with the conditions stated in the motion. Motion carried 5-0.

2019-4 Sloan Family Properties

A standard subdivision to divide 7.92 acres into 11 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 northeast side of Pinewater Drive, approximately 663 feet northwest of Multiflora Drive. Tax Parcels: 234-17.12-5.00, 5.01, and 5.02. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Preliminary Subdivision Plan, conceptual Subdivision Plan, comments from the Sussex

Conservation District, and Sussex County Engineering Department of Utility Planning Division. Ms. Cornwell stated the parcels had previously been presented to the Board of Adjustment for variances for the lot size, and lot width because the properties are located in the Conservation Zone; that the properties did not have water and did not meet the minimal requirements; and that the variances were granted by the Board of Adjustment for the proposed 11 lots.

The Commission found that Lawton Myrick, with George, Miles, and Buhr, Sam Sloan and Linda Sloan, the applicants, Steve Marsh and Chris Fifer with George, Miles, and Buhr, and Dr. Ed Launey, with Environmental Resources were present on behalf of the application; that Mr. Myrick stated the project is located in the Environmentally Sensitive Developing District Overlay Zone (ESDDOZ) and the Conservation Zone; that an exhibit booklet was submitted and includes the consent of over 51% of property owners in the Pinewater Farm Subdivision; that the exhibit booklet also includes the Pinewater Farm Restrictive Covenants; that a presentation was made to the Board of Adjustment on December 10, 2018, for a variance from the lot size requirements of the Conservation Zone; that the variance was approved unanimously; that the proposed 11 lots meet the minimum lot size requirements of a standard AR-1 subdivision; that Mr. Sloan outlined the history of the parcel and the background to the current proposed development; that he intends to deed two individual lots to each family member; that the sell of the remaining lots would provide a capital to enable them to build the access road; that public sewer has been approved for this area following discussions with County Engineering; that Pinewater Farm and Heron Creek Estates are both now served by wells and septic systems; that sewer easements were negotiated across the properties and recorded to allow the sewer to be placed on the 7.9 acre property; that there would also be a pump station in the area; that the development would have approximately ½ acre lots would be consistent with the neighborhood; that the lot size are similar in size to others in the area; that they have received 42 consent letters from Pinewater Farm property owners as required by Sussex County for this project; that this is more than the 51% majority that is required by Sussex County; that Mr. Myrick stated the proposed subdivision would be an extension of an existing subdivision; that two lots are existing and would require a lot line adjustments; that an additional nine lots are proposed; that the total proposed project is 11 single-family lots; that the proposed home types would be consistent with the existing homes in Pinewater Farm; that there are no wetlands on the site and there is no current Agricultural use on the site; that the site is above the floodplain and elevation; that 1.5 acres of woods would remain and 1.7 acres would be open space; that the buffer would be planted where no woods currently exist; that approximately 1.34 acres of the 7.75 acres would remain as open space; that there would be minimal soil removed from the site; that the old borrow area would become the stormwater management area; that the proposed homes would be on individual wells; that the project would be served the County Sewer District; that the owners of the property had worked with the County to get sewer to the site; that stormwater management would meet or exceed the Sussex Conservation District regulations; that the street layout is a continuation of the existing Pinewater Farm street network; that the new road would be turned over to DelDOT to be consistent with the remainder of the community; that there would be no impact to traffic; that the project is located in a low-density area and no would have no negative impact on property values; that there would be no impact on schools; that the proposed project is Zoned AR-1, within the ESDDOZ, and consistent with the Comprehensive Plan.

Ms. Wingate asked about the cul-de-sac design and pump station. Mr. Hopkins asked about the ability to run public water to the site. Mr. Marsh stated the sewer design is still being worked out; that the cost prohibited Tidewater from running water to the subdivision; that there are no sidewalks in Pinewater Farm and the Applicant is negotiating with DeLDOT about what their requirement would be regarding sidewalks; and that the Applicant is requesting a partial waiver from the forested landscape buffer in the area of the easement.

The Commission found that Ms. Barbara Schimek spoke in favor of the application; that Ms. Schimek stated she trusts Sam Sloan to make a good project.

The Commission found that Ms. Diane Ramsey spoke in neither favor of or in opposition to the application; that Ms. Ramsey stated she has questions with the depth of the wells, potential for brackish water, and overall water quality; that the property looks very tight with 11 homes proposed on the site; that the properties are larger and the Applicant may have underestimated how large the lots area, and that she has concerns with what testing been undertaken for the wells.

Mr. Steve Marsh stated there has not yet been any investigation into the wells; that there are no concerns with the 11 individual wells proposed; that the proposed average lot size is a ½ acre; and that the smallest lot size would 20,000 square feet and the largest would be 24,000 square feet.

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

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/Z 1881 Norman Stephen Price Revocable Trust (Lakelynn)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a GR (General Residential District) to a GR-RPC (General Residential District – Residential Planned Community) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 71.754 acres, more or less. The property is lying on the northeast corner of Peppers Corner Road and Lizard Hill Road, and also being on the north side of Lizard Hill Road, approximately 823 feet southeast of Peppers Corner Road. 911 Address: 34703 Cider Lane, Frankford. Tax Parcels: 134-19.00-13.03 and 134-18.00-38.00.

Ms. Cornwell advised the Commission that submitted into the record were comments from the State of Delaware Preliminary Land Use Service (PLUS), staff analysis, comments from the Technical Advisory Committee (TAC), comments from a number of reviewing Agencies, Sussex Conservation District, the results from DeLDOT Service Level Evaluation request, Site Plan, and an exhibit booklet.

The Commission found that Mr. Gene Bayard, Attorney with Morris, James, Wilson, Halbrook, and Bayard, LLP, Mr. Zac Crouch, with Davis, Bowen, and Friedel, Mr. Ed Launey, with Environmental Resources, and Mr. Steve Norman, the applicant were present on behalf of the application; that Mr. Bayard stated the property was subject to a Change in Zone application in

2007; that the application was to change the property from AR-1 to GR-RPC; that the Change of Zone (Application No. 1602) was approved by County Council in December 2007; that the base line density with the RPC of 111 single-family lots and 154 duplex/townhome units with a density of 3.75 units per acre; that the project was not built due to the economic decline at the time; that the RPC had expired; that the application is not just for a Change in Zone but also for a new RPC overlay with a new Site Plan; that the GR Zoning Classification does permit 4 units per acre with public water and sewer exist or where it would be provided to the site; that the proposed project is for 41 single-family lots and 138 townhouses with a density of 2.5 units per acre; that this is 33% less than the previous 2007 approval; that Mr. Crouch stated the previous application went from 265 units to the 179 units now proposed; that it would be named Milos Haven; that the parcel is located in State Spending Strategies Level 3 and Level 4 areas; that there would be 41-acres of open space which does include the wetlands, open space, stormwater management, 25-foot buffer from non-tidal wetlands and a 50-foot buffer from perennial wetlands; that this is 51% open space of the total project; that there is 20-foot buffer that is around the perimeter of the project; that there is a proposed clubhouse which is an existing house and add a pool and tot lot; that a wetland delineation has been undertaken and it was approved as part of a jurisdictional determination from the Army Corp of Engineers; that there is none known historical on the site; that roads would be built to Sussex County standards; that drinking water and fire protection would be provided by Artesian Water; that Sussex County would provide public sewer; that the project would have to be annexed into the sewer district and there is adequate capacity to serve the parcel; that stormwater management would consist of five stormwater management ponds and that the one in the middle is an existing pond; that a TIS was performed and the results are included in the exhibit booklet; that electric would be provided by Delaware Electric Coop; that there are none known rare or endangered species on the site; that the response to Chapter 99-9C is included in the exhibit booklet; that Mr. Bayard stated there is an Preliminary Site Plan that is improved from what County Council approved in 2007; that there is significant tree preservation and the wetlands on the site would be preserved; that the Level of Service on Lizard Hill Road and Pepper Corner Road would stay the same or be improved with better road quality; that with 41-acres of open space including 16-acres of undisturbed non-tidal wetlands; that is consistent with the character in the area; that this project is consistent with the Land Use Plan; that it is consistent with the RPC Ordinance; that this would project would have no adverse impact on property values; Mr. Crouch stated that the closet structure is 40-feet from the Right-of-Way to the structure in one area and 45-feet from the other end; that Geo Tech would take soil bores to ensure the construction could move forward; that they did incorporate a stub road to the adjacent property; that Mr. Launey stated he did a soil investigation for the proposed development; and that all of the proposed development is located in uplands and none of the project is located in poorly drained areas.

Ms. Cornwell, Director of Planning and Zoning stated that there were two letters of opposition submitted into the record; that there were concerns with over development and change of zone.

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

The Commission found that Mr. Ron Massey spoke in opposition to the application; that Mr. Massey stated he had concerns with flooding and impacts on wetlands; that he had concerns with

impacts on roads and pointed out some of the existing issues with nearby roads; that there have been many accidents at the intersection; and that this would have an impact to the intersection.

The Commission found that Mr. Zac Crouch stated that, as part of the TIS that was performed, and a review letter was provided by DelDOT; that there would be improvements on Lizard Hill Road; that this would be to expand the existing pavement to 11-foot lanes and 5-foot shoulders; and that there would be restriping up to the intersection.

The Commission found that Ms. Lisa Massey spoke in opposition to the application; that Ms. Massey stated she had concerns with the speed limit and traffic; and that concerns with the over development.

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

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U 2171 Lisa St. Clair

An Ordinance to grant a Conditional Use of land in a GR (General Residential District) for a dog bakery with storage and warehouse to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 5.3981 acres, more or less. The property is lying on the northwest side of Hollyville Road, approximately 91 feet northwest of Harmony Cemetery Road. 911 Address: 24500 Hollyville Road, Millsboro. Tax Parcel: 234-21.00-213.00.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, Site Plan, comments from Sussex Conservation District, and the results from a DelDOT Service Level Evaluation request.

Mr. Sharp clarified that the proposed use is for a dog food bakery.

The Commission found that Mr. David Weidman, Attorney and Ms. Lisa St. Clair, the applicant were present on behalf of the application; that Mr. Weidman stated that the Land Use Classification per the 2018 Comprehensive Plan the land is in a Mixed Residential Area and the Future Land Use map shows that the site is in the Coastal Area; that the proposed dog treat bakery and storage warehouse is consistent with the land use plan; that DelDOT has determined that a TIS is not required; that the current site is located in an AR-1 Zone; that the proposed application for a dog treat bakery and storage facility is less intense use then the other permitted uses; that Ms. St. Clair stated she operates Tail Bangers bakery; that the business is a wholesale dog bakery; that there are no direct public sales; that she lives at the site; that the site is 5.5-acres; that the site currently contains a house; that her brother also has a tiny-house, and there is a building used for storage; that there is a landscape company located to the south of this site and to the north of the site is a HVAC business and landscaping business; that there are no homes across the street; that there are trees on both sides of the property and out front; that the proposed Conditional Use is sought because she is out of room for storage at her current location; that there would be no additional

improvements to the site and she would be using the existing building; that there are two septic systems and wells on the site; that yogurt, flour, and boxes would be storage at the site; that they are currently designing and constructing machines to coat the treats and this equipment would be enclosed within the building; that the hours of operation would be 7:00 am to 5:00 pm, Monday through Friday; that once a month there would be deliveries to the site; that there would be no noise generated from the site but there would smell of cinnamon; that there would be no dust from the proposed use; that there would be no adverse impact on the neighboring properties; that there would be at most of five employees at the site; that she has a company van and the van would transport supplies to Tail Bangers; that she would not like a sign except for maybe deliveries and the site would not be open to the public; that there is room for the delivery trucks to turn around; that the yogurt is delivered by a tractor trailer; that there is an existing security light on the building and she would not be adding additional lighting; that all the ingredients would be stored in the existing building and no additional buildings would be built; that the yogurt has to be stored within a temperature-controlled room and she has a freezer at the site; that the product is shipped out to other locations; and that she has a grease trap attached to the septic system.

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

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

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Ord. 19-5

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I, SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND TABLE 1 BY AMENDING SECTION 115-22, 115-25, 115-182, 115-183 AND 115-194.3 TO REPLACE ALL REFERENCES TO THE “ENVIRONMENTAL SENSITIVE DEVELOPMENT DISTRICT,” “ENVIRONMENTAL SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE,” “ESDDOZ” AND “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA,” WITH “COASTAL AREA.”

Ms. Cornwell, Director of Planning and Zoning explained the background to the amendment to the Ordinance; that due to the Comprehensive Plan; that anything that references Environmentally Sensitive Development District (ESDD) technically no longer exists because the Comprehensive Plan no longer recognizes the ESDD; that now there is a Coastal Area; that the Ordinance would change the name and would not change how the Code would function; and that this is just replacing the name with anything Environmentally Sensitive Developing Area and Environmentally Sensitive Developing District Overlay Zone (ESDA and ESDDOZ) with the new Land Use Classification of Coastal Area.

The Commission found that Mr. Robert Horsey spoke in regard to the proposed amendment to the Ordinance; that Mr. Horsey stated this would negatively affect farmer property rights and land values; he asked whether the County were trying to end prosperity in Sussex County; that there are people living on the west side of the County that are living at the poverty level and they have

to stand up for their rights to try to keep prosperity and keep jobs in the County; that would GR Zoning still be able to achieve 4 units to the acre; that when development takes place in or around these developing areas such as town centers, are they capped at 2 units to the acre; that if you want to add access to the 2 units per acre, you would have to pay the County for the other units; and that he feels that site are capped at 2 units to the acre and if you want to utilize the 4 units per acre permitted, you would have to pay the County a fee for each unit in excess of the 2 units per acre.

Ms. Cornwell, Director of Planning and Zoning explained that the amendment to the Ordinance is changing Environmentally Sensitive Developing Area (ESDA), the Land Use Classification to Coastal Area; that all the amended Ordinance would do is replace anything that references the old Land Use Classification with the new Land Use Classification; and that it is just a name change. Ms. Cornwell pointed out that the comments raised in relation to density, appeared to be in relation to Ordinance 19-6, which is a different Ordinance.

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

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this Ordinance to the Sussex County Council with a recommendation that the Ordinance be approved. Motion carried 5-0.

OTHER BUSINESS

2018-25 Kalel Properties

Final Subdivision Plan

Ms. DeVore advised the Commission that this is a Final Subdivision Plan for the creation of two lots leaving a residual parcel of 10.97 acres +/- located off Delmar Road. Preliminary approval was given by Planning Commission at its meeting of December 20, 2018. The Final Subdivision Plan is in compliance with the Sussex County Zoning and Subdivision Codes and all conditions of approval. Tax Parcel: 532-18.00-28.00. Zoning: GR (General Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to approve the Final Subdivision Plan. Motion carried 5-0.

S-17-36 Oyster House Village (CU 1642)

Final Site Plan

Ms. DeVore advised the Commission that this is a Final Site Plan for 30 condominium units with site improvements to be located off Oyster House Road. Conditional Use 1642 was approved by County Council at its meeting of March 21, 2006. The Preliminary Site Plan was approved by the Planning and Zoning Commission on October 12, 2017. The Final Site Plan is in compliance with the Sussex County Zoning Code and all conditions of approval. Tax Parcels: 334-19.08-42.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to approve the Final Site Plan. Motion carried 5-0.

S-19-12 Fred Hudson Properties (CU 2130)

Preliminary Site Plan

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for 16 duplex units, parking, and a pool with a pool house to be located at the northeast corner of Cedar Neck Road and Fred Hudson Road. Conditional Use 2130 was approved by County Council on October 20, 2018. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcels: 134-13.00-72.00 & 72.01. Zoning: MR (Medium Density Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

S-19-17 RE-MAX John Ford (CU 2137)

Preliminary Site Plan

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for the establishment of a real estate office consisting of 1,800 square feet of gross floor area, 9 parking spaces and other site improvements located off Savannah Road (Route 9B). Conditional Use 2137 was approved by the Planning and Zoning Commission on July 26, 2018, for the use of the existing residence as a REMAX realty office. Additionally, Ordinance #2592 was adopted by County Council on July 31, 2018. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code and all conditions of approval. Tax Parcel: 335-12.06-50.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

S-19-10 Bellisa, LLC (CU 2153)

Preliminary Site Plan

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for an existing dwelling to be used as a 1,560-square feet office with parking improvements located off Airport Road. There are two parking spaces in the front yard setback, one of which is a handicapped space with the remainder of the parking behind the office. Conditional Use 2153 was approved by County Council at its meeting of February 5, 2019. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 334-13.00-181.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approvals. Motion carried 4-1.

Meeting adjourned at 7:41 p.m.