

## **THE MINUTES OF THE REGULAR MEETING OF JULY 11, 2019**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, July 11, 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, 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 Ms. Stevenson and carried unanimously to approve the Agenda as submitted. Motion carried 5-0.

### **ADDITIONAL BUSINESS**

Annual Administration of Oaths – Mr. Robertson administered Oaths to the Planning and Zoning Commission Members.

### **REORGANIZATION**

Mr. Wheatley announced that Ms. Cornwell, Planning & Zoning Chair would act as Chair for the purpose of electing a Chair and Vice Chair, and electing Officers.

Ms. Cornwell opened nominations for the Chairperson.

Ms. Stevenson nominated Mr. Wheatley as Chairman. There was no other nomination for Chairman.

Motion by Ms. Stevenson, seconded by Mr. Mears, that the nominations for Chairman be closed. Motion carried 5-0.

Vote to close nominations by roll call: Ms. Stevenson-yea, Mr. Hopkins-yea, Ms. Wingate-yea, Mr. Mears-yea, Mr. Wheatley-yea.

Motion by Ms. Stevenson to elect Mr. Wheatley as Chairman, seconded by Ms. Wingate. Motion carried 5-0.

Vote for Mr. Wheatley, as Chairman by roll call: Ms. Stevenson-yea, Mr. Hopkins-yea, Ms. Wingate-yea, Mr. Mears-yea, Mr. Wheatley-yea.

Ms. Cornwell opened nominations for Vice-Chair.

Ms. Wingate nominated Ms. Stevenson as Vice-Chair. There were no other nominations for Vice-Chair.

Motion by Mr. Wheatley, seconded by Ms. Wingate, that the nominations for Vice-Chair be closed. Motion carried 5-0.

Vote to close nominations by roll call: Mr. Mears-yea, Ms. Wingate-yea, Mr. Wheatley-yea, Mr. Hopkins-yea, Ms. Stevenson-yea.

Motion by Mr. Wheatley, seconded by Ms. Wingate to elect Ms. Stevenson as Vice-Chair. Motion carried 5-0.

Vote Ms. Stevenson as Vice-Chair by roll call: Mr. Mears-yea, Ms. Wingate-yea, Mr. Wheatley-yea, Mr. Hopkins-yea, Ms. Stevenson-yea.

Ms. Cornwell turned the meeting over to Mr. Wheatley as the now elected Chairman of the Planning & Zoning Commission.

Motion by Mr. Wheatley to authorize the Planning and Zoning Director and his or her designees to sign Record Plans on behalf of the Commission.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to approve the authorized the Plan signers as stated in the motion. Motion carried 5-0.

#### OLD BUSINESS

##### **2019-9 – Christopher G. & Melissa A. Johnson**

A standard subdivision to divide 6.454 acres +/- into 2 single-family lots to be located on a certain parcel of land lying and being in Little Creek, Sussex County. The property is located on the south side of Blackbird Road, approximately 1050 feet west of Saint George Road. Tax Parcel: 532-13.00-3.10. Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which has been deferred since June 13, 2019. Since the Public Hearing on this application, a request has been received to withdraw the application.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to accept the request to withdraw the application. Motion carried 5-0.

#### PUBLIC HEARINGS

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

##### **2019-5 Chase Oaks**

A cluster/Coastal Area subdivision to divide 145.3 acres +/- into 253 single-family lots to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The property is located on the north and south sides of Robinsonville Road, approximately 320 feet northeast of the intersection of Robinsonville Road and Webbs Landing Road. Tax Parcels: 234-

6.00-96.00, 97.00, and 98.00. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were comments from the Technical Advisory Committee (“TAC”), including comments from the Delaware Electric Coop, DNREC, the Division of Groundwater Discharge, comments from the Sussex Conservation District, the Public Health Department, the Office of State Fire Marshal, the Sussex County Engineering Department of Utility Planning Division, that the Applicant is working with DelDOT on their Traffic Impact Study (“TIS”), comments from the State of Delaware Preliminary Land Use Service (“PLUS”) and the response to the PLUS comments, Environmental Assessment and Public Facility report, an exhibit booklet, and a Preliminary Subdivision Plan.

The Commission found that Mr. Jim Fuqua, an Attorney with Fuqua, Willard, Stephens, and Schab, and Mr. Jack Hayes on behalf of the Applicant, Mr. Jason Palkewicz with Solutions IPEM, Ms. Betty Tustin with the Traffic Group, and Dr. Ed Launey with Environmental Resources Inc. were present on behalf of the application; that Mr. Fuqua stated there was an exhibit booklet submitted into the record containing a summary of the proposed subdivision and supporting documents including the State of Delaware Preliminary Land Use Service (“Plus”) response, Chapter 99-9C Subdivision Report, the Environmental Assessment, and the Public Facility Evaluation; that this is an application for a AR-1 (“Agricultural Residential District”) cluster subdivision located in the Coastal Area; that the proposed subdivision would be comprised of 253 single-family lots and recreational amenities; that the property contains 145.34-acres and it contains three separate parcels; that the proposed name of the subdivision is Chase Oaks; that the majority of the site is located on the east side of Robinsonville Road and on the north and south side of Webb Landing Road; that they will contain 231 of the 253 lots proposed; that there is a small section on the west side of Robinsonville Road that would contain 22 lots; that part of parcel 98 is land locked; that the west part of the area does contain non-tidal wetlands but there is adequate and buildable land for 22 lots; that the applicant did consider developing the west parcel as a separate subdivision but decided, by including it as part of the Chase Oaks subdivision, the owners in that section would have the benefit of using the recreational amenities and would be part of the Chase Oaks subdivision; that there is a mixture of farm uses and single-family residential developments in the area; that the area is developing as a single-family residential area along Robinsonville Road; that the north side of property borders the Tidewater Landing development (213 single-family lots) that is currently under construction; that across the street is Tanager Wood subdivision which was approved for 168 single-family lots; that the site is approximately  $\frac{3}{4}$  mile from the Peddlers Village shopping center; that the parcel is located in the State Spending Strategies Level 2 and partially within Level 3; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the Coastal Area which is a growth area; that the property can be developed since it would be served by central water and sewer utilizing the cluster option; that the minimum lot size would be 7,500 square feet; that the property contains 145.34-acres with the permitted density of 2.17 lots per acre and would permit approximately 315 lots; that the proposed application is proposing 253 single-family lots with a density of approximately 1.74 lots per acre and is less than maximum density allowed; that the proposed development would be served by central water provided by Tidewater Utilities; that the proposed development would have central sewer provided by Sussex County and would be annexed as part of the County District; that the

Sussex County Engineering Department comments stated that the proposed project is within the system design for sewer service and sewer capacity is available for the development; that electrical service would be provided by Delaware Electric Coop; that stormwater management facilities would be designed and constructed in accordance with DNREC and Sussex Conservation District's current sediment and stormwater regulations; that the soils and groundwater testing would be done during and after construction; that Geo Technology Associates Inc. performed a soil and groundwater evaluation of the property to assist in determining the most appropriate locations for the stormwater facilities; that a wetland delineation was performed by Environmental Resources Inc.; that the report determined that there were 18.83-acres of non-tidal wetlands located on the site; that the wetlands are located in two main areas; that first is adjacent to a stream along the northern boundary of a portion of the site; that the second one is a larger portion of land located on the west side of Robinsonville Road; that there is a drainage ditch or swale that runs across the property from Robinsonville Road to the stream that is located in the rear of the property; that a portion of the site that is adjacent to the Tidewater Landing Development is located in a wellhead protection area as regulated by Section 89-6 of the Sussex County Code and that area would have less than 35% of impervious cover and by Code is not subject to any limitations under that Ordinance; that the applicant has provided a Site Plan to Tidewater Utilities to review; that Tidewater Utilities has stated that it has no objection to the design and a copy of the letter was submitted in the Exhibit Book; that a small portion of the property is located in flood zone A which is a portion of the stream area; that the remainder of the site is all outside of the flood plain in Zone X and all of the development would occur in that Zone X area; that the applicant has undertaken a Phase 1 Environmental Site Assessment prepared by Brightfields Inc., Environmental Services and the study concluded that there is no physical or historical evidence of any recognized conditions of the site; that US Fish and Wildlife Service have confirmed that there are no threatened or endangered species on the site or other critical habitats; that the site is located in the Cape Henlopen School District; that fire protection would be provided by the Lewes Fire Department or the joint Rehoboth Beach Fire Department on Route 24.

Mr. Fuqua confirmed that DelDOT did require a Traffic Impact Study ("TIS") to determine off-site improvements; that the applicant did retain the Traffic Group to undertake the TIS and it was completed in May 2019; that DelDOT is requiring the normal road improvements for a new subdivision which include dedicating additional Right-of-Way along the site frontage on Robinsonville Road and Webbs Landing Road in order to create a 30-foot Right-of-Way from the centerline of both roads; that there would also be a 15-foot permanent easement adjacent to the new Right-of-Way line along the frontage of both roads; that there would be a shared use path in the easement area along both roads; that DelDOT did determine that the applicant would be responsible to provide improvements to Robinsonville Road and Webbs Landing Road along the site frontage to provide 11-foot travel lanes with 5-foot shoulders and provide an overlay to the existing travel lanes on those roads; that the applicant would be required to enter into a traffic signal agreement with DelDOT for design and construction of future signals at two intersections; that one of the intersections is at Robinsonville Road and Kendale Road; that the second one is at Beaver Dam Road and Kendale Road; that the timing for provision of these would be determined by DelDOT; that the applicant would also be required to enter into an agreement with DelDOT to construct a west bound right-turn lane at the intersection of Robinsonville Road and Harts Lane;

that the applicant would construct the site entrances in accordance with DelDOT requirements and specifications; that the Webbs Landing Road entrances are on both sides of that road and opposite of one another which creates a four-way intersection; that the main improvement would be to provide a left-turn lane, a through-lane, and a right-turn lane; that the applicant would also be responsible for a shared contribution towards a proposed DelDOT project to re-align Pinewater Road and Sloan Road with the intersection of Route 24 and Hollymount Road; that the amount of contribution would be determined by DelDOT; that the applicant would be responsible for an equitable share contribution for the existing DelDOT projects at the intersection of Route 24 and Camp Arrowhead Road, Fairfield Road, and at the intersection of Robinsonville Road and Angola Road; that DelDOT noted in its review letter that the Sussex County and DelDOT have been discussing and planning the possible creation of the Henlopen Transportation Improvement District (“TID”); that a TID is a concept that seeks to proactively align transportation spending and improvements with actual land use projections and development; that this TID is not yet created; that the proposed TID might result in the applicant making a contribution to the TID in lieu of some of the other projects listed above.

Mr. Fuqua outlined the Applicant’s appreciation to DelDOT for completing the TIS review in time to enable the Commission to consider this as part of the current hearing.

Mr. Fuqua outlined that there is an old private cemetery located on parcel 96.00 in the wooded area; that Mr. Ed Otter did undertake an archaeological survey and was able to determine the physical boundaries of the Vessel family cemetery; that Mr. Otter did identify 17 known graves which are all located within the ¼ acre wooded area; that the trees would remain so that all the graves would not be disturbed by any tree removal; that the cemetery would be cleaned and cleared of dead or dying vegetation; that the headstones that can be reset or would be properly laid flat on the ground; that the cemetery would be erected with a fence around the entire perimeter of the cemetery; that the cemetery itself would be surrounded by community open space; that a sign would be placed at the entrance gate to the cemetery explaining the history of the cemetery and there would be public access to the cemetery for family members or public wishing to visit the site; that the cemetery would be made subject to a permanent preservation easement; that the declaration of restrictions for the development would provide that the Homeowners Association would be responsible for the perpetual maintenance and up-keep of the cemetery; that the Sussex County staff review letter dated April 2, 2019, noted that parcel 98.00 is appearing in the Sussex County mapping system as the Nanticoke Indian Tribe State Designated Tribal Statistical Area (“SDTSA”) is a large State-designated area of land running from the Indian River around Riverview and Oak Orchard and runs north up through the Love Creek area, all the way to Five Points; that the purpose of the SDTSA designation was for the Census Bureau to gather information from State-recognized Indian Tribes that did not have a State or Federally recognized land base or reservation; that the designation is purely for statistical purposes; that the two main entrances for the subdivision would be off of Webbs Landing Road for the 253 single-family lots; that the entrance to the 22 single-family lot section would be off of Robinsonville Road; that the school bus stops would be located near the entrances and their final location would be coordinated with the relevant School District; that there would be central mailbox facilities in each section of the subdivision; that the 253 lots would vary in size from 7,500 square feet which is the smallest and

to the largest of 16,900 square feet with the average lot size being 8,866 square feet; that almost all the lots border some form of community open space; that the subdivision streets would be private and would be built to Sussex County design standards with curbs and gutters; that there would be sidewalks located on both side of the streets and streetlights; that the streets would have a tree-line type of landscape; that the recreational amenities would include an outdoor pool, deck area, multi-use court, playground, and a clubhouse with a minimum floor area of 2,000 square feet; that there would be a large parking area provided with extensive landscaping; that there would also be some small gathering areas with benches or gazebos at various locations throughout the community; that the applicant is requesting that the recreational area, being the pool, multi-use court, playground, and clubhouse be required to be completed prior to the issuance of the 120<sup>th</sup> Building Permit; that the development would provide a 20-foot landscaped or forested buffer along the perimeter of the entire property; that there would be a 50-foot buffer provided between any lot lines and any land that is in agricultural use; that the 20-foot landscape buffer in those areas would be within the 50-foot buffer; that there would be a minimum 50-foot buffer from the stream located on the north side of the site; that a small portion of the drainage swale that runs next to Robinsonville Road would be relocated and there there would be a minimum 10-foot buffer between the drainage ditch any lot lines; that the two main wetland areas would have a buffer between the wetlands and any lot lines; that there would be a minimum of 35-feet to 60-foot from the wetlands; that the total open space of the development is 77.31 acres or 53% of the site; that the community would have a Homeowner Association comprised of all lot owners; that the development is estimated to be constructed in six phases; and that the proposed findings and conditions were submitted into the record.

Ms. Stevenson asked Mr. Fuqua about the bus stops and what would the bus stop look like; which Mr. Fuqua stated it would be a school bus shelter and be coordinated with the School District; that Ms. Stevenson asked why there is no inter-connectivity to future development; which Mr. Fuqua stated the streets are private and there would be concerns with maintenance and liability of the streets if they became public streets; that Ms. Stevenson asked about emergency access; which Mr. Fuqua stated he could look into an emergency access; that the one subdivision on the west side of Robinsonville Road is in wetlands; that the ones that border off of Webbs Landing Road could provide an emergency entrance; that Mr. Palkewicz stated the cul-de-sac could be connected to the multi-modal path with one on each side and make the connects wide enough for emergency access; that Ms. Stevenson asked if there are any amenities on the 22 lots subdivision; which Mr. Palkewicz stated there is a gathering area on the west side; that Ms. Stevenson stated the Planning and Zoning Commission is trying to get away from people having to cross the street to use the amenities, which Mr. Fuqua stated it is difficult to move the 22 lots to another side of the street; that Ms. Stevenson asked if there were a place to put the 22 lots on the other side and the west side undeveloped; which Mr. Fuqua stated it could not be done with the design features that have been proposed; and that there is open space, setbacks, and buffers would all have to be adjusted.

Mr. Hopkins asked Mr. Palkewicz to show alternate way for an emergency vehicles to enter the site; which Mr. Palkewicz stated the cul-de-sac is connected to the multi-modal path for pedestrians to use; that Mr. Fuqua stated they would make one of the areas wide enough for emergency vehicles; that Mr. Hopkins asked about the 10-foot setback from the centerline of the

ditch; which Mr. Palkewicz stated the 10-foot would start from the top of the bank to the nearest property line along the ditch; that Mr. Hopkins asked whether the school buses would be stopping on Webbs Landing Road; which Mr. Palkewicz stated there would be a bus stop located at each entrance of the subdivision and they would be placed per the School District; that Mr. Hopkins asked if there would a turn lane on each side for the cars to park; which Mr. Palkewicz stated there would be parking at each entrance for the bus stops and the mailboxes; that Mr. Hopkins asked if there is a place for the parents to park and wait for the bus; and which Mr. Fuqua stated there is a lot of open space at all of the entrances.

Ms. Wingate asked about the ditch that is being relocated and if the water does stay on the site or does it tie into a neighboring property; which Mr. Palkewicz stated the ditch drains the wetlands to the wetlands on the site; that Ms. Wingate asked about the recommended soil studies for any possible contamination; which Mr. Fuqua stated they had Brightfield's undertake a search and found no environmental conditions on the site; that Ms. Wingate asked if parking would be provided for the cemetery; and which Mr. Fuqua stated there would be a couple of spaces where they can pull over for parking at the cemetery.

Mr. Mears asked Mr. Fuqua if there would be a walkway along the road on the southeast side of the road; and which Mr. Fuqua stated that there would a shared-use path along the road frontage.

That the Commission found that Mr. Bill Brockenbrough with DeIDOT was present to answer any questions from the Planning and Zoning Commission in reference to the application; that Chairman Wheatley asked if everything the applicant placed in the record was true and correct to the best of Mr. Brockenbrough's knowledge that related to transportation matters; which Mr. Brockenbrough clarified that the letter referred to by the applicant from DeIDOT was an unsigned draft and that a signed final copy was being prepared; that he believes that the applicant had correctly conveyed the general direction of the review and there may be some additions or some deletions to the draft; that it gives the general direction of where they are headed; that he recommended to hold the record open until the Planning and Zoning Commission had received the letter from DeIDOT; that Ms. Stevenson asked if DeIDOT was trying to leave enough space widen the road eventually; which Mr. Brockenbrough stated they are requiring 30-feet from the center line; that is a standard dedication; that Ms. Stevenson asked about the 15-foot easement; which Mr. Brockenbrough stated they have to 15-feet wide from an easement to include the shared use path and utilities; that Ms. Wingate asked when transportation studies are performed whether they included projects that have already been approved but not building, and if so, whether those numbers taken into consideration; which Mr. Brockenbrough stated that the approved projects are taken into consideration; that it has been some months since DeIDOT had given them a scope of work and if developments had been approved after the scope of work was issued, then these are not included; that in this case, there were 19 projects to be considered in the scope of the study.

Mr. Hopkins asked if there were any plans for road improvements on Robinsonville Road; which Mr. Brockenbrough stated that the applicant would have to improve within the limits of their frontage and sometimes a little beyond and sometimes a little less; that there is not a project to improve completely from end-to-end; Ms. Stevenson asked if a shoulder could be put on

Robinsonville Road; which Mr. Brockenbrough stated the standard improvement local roads are for 11-foot lanes and 5-foot shoulders; that DelDOT does require that with every development that gets a TIS; that Mr. Mears stated he likes the thought of the walkways on both side of the road but he also does not like the potential for residents having to cross the road to use the amenities, especially if motorists drive above the posted speed limit; that Mr. Mears asked if DelDOT gets into any safety precautions such a walkway across a public road connecting a development; and which Mr. Brockenbrough stated DelDOT's approach is generally to discourage requiring mid-block crossings unless there is a signal present to actually stop traffic to ensure that residents can cross safely.

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

The Commission found that Mr. Roland Hill spoke in opposition to the application; that Mr. Hill stated he owns an adjoining farm land to the northeast of the site; that he had questions about the buffer and whether there are they vegetated buffers; that Mr. Robertson stated the Code actually states that vegetation needs to be provided/planted; that if the Planning and Zoning Commission approves the application, they would require a Final Site Plan and a Landscaping Plan that the plans would show the plantings; that the Planning and Zoning Department would make sure it was efficient; that the Code states that there should be so many plantings per 100-feet and the types of trees to be planted; that he wanted to make everyone aware of the farming use, noise, odor, and farm equipment traffic; that Mr. Robertson stated there is an agricultural use protection notice that is required to be written into the deed restrictions; that the Planning and Zoning Commission would normally make sure the notice is stated on the Final Site Plan too; that they could modify it to apply to poultry operations also; that the purpose is to make subdivision occupiers aware of the adjacent farm use; that Mr. Hill asked if there were provisions attached the deed or the purchase of the land; which Mr. Robertson stated yes there were provisions attached the deeds at the time of purchase; that the Planning and Zoning Commission often goes beyond the minimum requirement, by having this requirement show up in a couple of different places and not just in the deed; that Chairman Wheatley outlined that he wished that the Commission had the power to recommend that such a requirement be placed in a Developer's marketing brochure but that the Planning and Commission does not have the power to require this; that Mr. Hill stated he thinks they have missed an existing drainage/agricultural ditch and it is crucial to drainage of the adjacent property on the other side of Robinsonville Road; that Chairman Wheatley stated he believes the engineers are aware of the ditch; that Mr. Robertson asked if there was an additional ditch beside the one that was shown in the presentation; which Mr. Hill stated yes there is an additional ditch; that he stated the parcel with the proposed 22 lots is a swamp; that Chairman Wheatley asked if Mr. Fuqua and Mr. Palkewicz were aware of all the ditches in the area; which Mr. Palkewicz stated yes he is aware of all the ditches in the area; that the nearest house would be 300-feet away the chicken house; that one of the ditches crosses to the stream; that there is a culvert that is damaged, undersized, and clogged; that part of the stormwater management is to replace the culvert and relocate the ditch so that water conveys better, or at least no worse than it currently does; that Mr. Robertson stated it might not be a ditch anymore and it would drain into the subdivision's stormwater management. Mr. Palkewicz stated that it would no longer be a ditch and it would be



part of the stormwater management; and that Mr. Palkewicz stated the Preliminary Plot does not show the 50-foot buffer and nearest lot is over 50-feet away.

The Commission found that Ms. Linda Dennis spoke that she is not in favor or in opposition to the application; that Ms. Dennis stated she is representing some residents from the adjoining Fox Hollow development; that she wanted to know the impact on the stream that separates the two developments and whether any of the wetlands are going to be disturbed; that Mr. Palkewicz stated that the nearest proposed home is 50-feet away from the property line; that there would be no impact to the stream; that Chairman Wheatley asked about the wooded area and if it would remain undisturbed; which Mr. Palkewicz stated that the intent is not to disturb the 20-foot buffer and they would have to provide rear yard drainage towards the woods; and that the wooded area shown on the Preliminary Subdivision Plan is proposed to remain.

The Commission found that Mr. John Donahue spoke in opposition to the application; that Mr. Donahue had concerns that during construction whether there would be prevention of the run-off or pollution to Love Creek; that there is a sloped area and he has concerns with the prevention of the run-off into Mr. Hill's property; that Chairman Wheatley stated they generally cannot drain their water onto adjacent properties; that they have to contain it or dispose of it off of their property; that Mr. Donahue stated that Webbs Landing Road is well-trafficked and this proposed subdivision would change the character of the area; that he would like some signage stating it is a dead-end street; that he has concerns with the speed limit on Robinsonville Road. Mr. Danahue asked about the County's approach to land preservation; that Chairman Wheatley stated it is a good thought and the Planning and Zoning Commission does address this in the Comprehensive Land Use Plan; that the Comprehensive Land Use Plan is available on-line at the Sussex County website; that the process of Transfer of Development Rights ("TDR") is not something the Planning and Zoning Commission directly controls; Mr. Robertson stated that Sussex County does have a provision for increased density in exchange for funds that go into a fund that is manage by the Sussex County Land Trust to buy open space within the County; that Sussex County Council has a program and a current budget whereby the Council contributes money to the Agricultural Land Preservation program that it administered through the state to create easements to ensure the preservation of agricultural land.

Mr. Palkewicz stated that the drainage would be contained within the site and that the overall design approach to the subdivision was that stormwater run-off flows to the rear of the lots, and is conveyed on-site where it then infiltrates entirely within the site. Therefore stormwater is proposed to be contained within the site.

Mr. Brockenbrough stated the way DelDOT does undertake speed limit studies, based on the 85% percentile of speed captured by radar; that they do take into consideration the area and the activities in the area; that anyone can request a speed study; that there are standards for the provision of no-outlet signage in the development; and that Chairman Wheatley asked how one would go about asking for a no-outlet sign; and which Mr. Brockenbrough stated they need to contact the traffic safety section of DelDOT.

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

Mr. Mears stated he had concerns with people crossing the street to get to the amenities; that Ms. Stevenson stated she had concerns with the 22 lots across the road, especially given the number of motorists on the road. Ms. Wingate stated that she had noted DelDOT's comments about mid-block crossings and their general safety concerns in relation to these types of crossing without a signal. Ms. Stevenson agreed, stating that she understood DelDOT's concerns about pedestrian safety, and especially the potential behavior of children at such crossings.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration and to leave the record open to allow submission of the final TIS response letter from DelDOT and for review and written comments from the public within a period of 10 days following receipt. Motion carried 5-0.

**C/U 2179 Joseph H. Jr. and Patricia Prettyman**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for multi-family (2 dwellings), lawn mower repair business, outdoor storage, leased storage units, and storage building to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.71 acres.** The property is lying on the southeast side of Robinsonville Road, approximately 211 feet northwest of Jimtown Road. 911 Address: 18583 Robinsonville Road, Lewes. Tax Parcel: 334-11.00-47.00.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Site Plan, comments from the Sussex Conservation District, the results from DelDOT Service Level Evaluation request confirming a Traffic Impact Study ("TIS") was not required, and Sussex County Engineering Department of Utility Planning Division. Two letters in support of the application, with multiple signatures, was read by Ms. Cornwell into the record.

The Commission found that Mr. Mark Davidson with Pennoni Associates, Mr. Joseph Prettyman, and Mrs. Patricia Prettyman, the applicants, Mr. Francis Welsh with Welsh Mechanical were present on behalf of the application; that Mr. Davidson submitted two letters of support into the record; that the proposed application is for a Conditional Use for multi-family with two dwellings; that there is an existing main dwelling unit and an accessory dwelling unit; that all of the dwellings and uses are already existing on the site; that there is a lawnmower and small engine repair business, outdoor storage, self-storage units, and public stables for boarding and riding lessons located on the site; that the property does consist of an existing main dwelling; that there is an existing 1890 historical milk house, which formed part of the original farm, and it is currently being used for a tenant's house and the tenant does help the applicants with maintenance and upkeep of the property; that there are 16 leased self-storage units within two buildings; and that there is one storage warehouse and there are horse stables for 4 horses and barns located on the site.

Ms. Cornwell, Director of Planning and Zoning stated that the applicants would be required to apply for a Special Use Exception for the horse-riding lessons and stables, which as Mr. Davidson stated he understands that he has to apply to the Board of Adjustment for a Special Use Exception

for the horse-riding lessons and stables; that Chairman Wheatley stated that the Planning and Zoning Commission understands that the horse-riding lessons and stables are not for their consideration and it would have to go before the Board of Adjustment.

Mr. Hopkins asked if some of the uses, such as the horseriding, would be grandfathered, for an example if they have been riding horses at the site; that Ms. Cornwell stated they would need documentation showing that the activity existed prior to the Zoning Code; that if it had existed prior to Zoning, it would be considered non-conforming.

Mr. Davidson stated he did provide some historical maps of the property; that Mr. Prettyman's father had purchased the property in 1954; that there were pastures through the entire farm when Mr. Prettyman had purchased the property from his father; that part of the land had been sold and became Bridle Ridge Subdivision; that there is nothing being proposed and no new buildings that are being proposed; that a building chart was provided to provide an example of the uses for each building; that there is some outdoor storage; that the applicants do allow storage for boats, campers and trailers on the site; that there is nothing visible from the road; that when the Prettyman's farming operation started to decrease, they started to use the property as it is currently being used for now; that Welsh Mechanics has been on that site for five years; that the mechanic use has been on the site since the 1970s; that Mr. Prettyman owns farming equipment and it is stored on the site; that the Prettyman's own, occupy and manages the property themselves; that the Prettyman's had received a letter from the Planning and Zoning office stating they needed to apply for a Conditional Use for the activities being carried out on site; that Mr. and Mrs. Prettyman contacted Pennoni Associates; that Pennoni Associates had submitted a Service Level Elevation request to DelDOT; that DelDOT had responded stating that there was very negligible impact of the traffic for these types of uses and no Traffic Impact Study ("TIS") was warranted for the application; that an application for a Conditional Use and a Site Plan were filed; that the Land Use Classification per the 2019 Comprehensive Plan is in the "Coastal Area"; that there are no environmental concerns on the site; that the property did decrease from the larger farm; that all the buildings have been on the property since the 1980s that the parcel is located in the State Spending Strategies Level 3; that there is no sign located on the property and they do not advertise the uses on the property; that eight of the adjacent neighbors are in support of the use on the site; that the proposed Conditional Use would not increase any traffic issues; that there is an existing well on-site and they would tie into central water, once it becomes available; that there is an existing on-site septic system; that the property is located in the Sussex County Tier 2 planning area; that once sanitary sewer becomes available, they would like to connect into the sanitary sewer system; that the hours of operation for Mr. Welsh's shop would be from 8:30 am to 5:00 pm, Monday through Friday; that Mr. Welsh does not have any Saturday or Sunday hours; that the operation of the public stables for boarding horses are seven days week; that the hours of operation for the riding lessons is six to ten hours per week, it is daylight hours only, and that is seven days a week; that the hours of operation for the storage facility is seven days a week from dawn to dusk; and that the proposed Conditional Use meets the general purpose of the County Zoning Code and the Comprehensive Plan.

Ms. Stevenson asked Ms. Cornwell and Mr. Robertson, in the event that the Planning and Zoning Commission recommended approval the Conditional Use, whether they could put in the conditions

referencing the horse stables; which Mr. Robertson stated that since the horse stables are a separate process, the Planning and Zoning Commission would not have to add any conditions regarding the horse stables; that conditions for the horse stables would be handled by the Board of Adjustment; that Ms. Cornwell stated if the horse stables were approved by the Board of Adjustment, the Planning and Zoning Commission would approve the Site Plan; that the Planning & Zoning department would work with the applicant to verify it is a non-conforming use; and that Mr. Robertson stated the Planning and Zoning Commission should use caution when they get into boarding the horses, riding lessons and the agricultural uses, should anyone wish to put hours of operation in place as part of any recommended approval.

Mr. Hopkins asked if hours of operation could be placed on the storage buildings; which Chairman Wheatley stated the Planning and Zoning Commission could recommend hours of operation for the storage buildings, and that Mr. Hopkins stated this seems to be an existing use and the applicants are trying to formalize the conditions.

Mr. Mears asked what was inside building E, other than the lawnmower repair business; which Mr. Davidson stated it is where the small engine repair shop is located along with rented storage spaces.

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

The Commission found that Mr. Arthur Ridler spoke in opposition to the application; that Mr. Ridler stated he had written a letter to the Planning and Zoning Commission; that Chairman Wheatley asked if the letter of opposition was on file; which as Ms. Cornwell stated she had on letters of support on file; that Mr. Ridler submitted a copy of his letter into the record; that the engine repair company was put into place five years ago; that he has concerns with the waste disposal; that the homes in the area typically have a well and septic system; that he has concerns with the groundwater supply; that a subdivision has been approved in the area and the proposed Conditional Use would change the character of that development; that he suggests the character of neighborhood should be maintained and he had concerns with the hours of operations for each of the proposed elements of the Conditional Use; that he thinks there should be a restriction on the hours of operation for the storage buildings; and that he thinks that the owner should be required to maintain a performance bond for over a 10-year period for potential environmental remediation, should it become necessary, and he also believes that Conditional Use should sunset if there are ever any new owners of the property, and that any approval should not run with the land.

Chairman Wheatley asked Mr. Davidson how the waste fluids are being disposed of; which Mr. Davidson stated that Mr. Welsh does follow the ASTM standards and the State of Delaware standards for disposing of the oils properly within proper storage containers are adhered too; that Chairman Wheatley asked if they were in above-ground containers; which Mr. Davidson stated the oils are stored in above-ground containers; Chairman Wheatley asked if the oils were transported from the site by a licensed hauler; which Mr. Davidson stated the oils are transported from the site by a licensed hauler. Chairman Wheatley commented that, if the Planning and Zoning

Commission does recommend approval of the application, that such matters could be dealt with as a restriction/condition; which Mr. Davidson stated that it would not be an issue.

The Commission found that Mr. Jeff Steimel spoke in opposition to the application; that Mr. Steimel stated he has concerns with the outside storage and that this is already being undertaken on site; that he has concerns if the proposed Conditional Use is approved, the outdoor storage would grow and there would be boats and wrecked cars on the site; that he asked if there could be a limitation on the number of boats, vehicles, etc. stored on the property; that Chairman stated the Planning and Zoning Commission can require and limit the number of vehicles and could require a solid fence around the perimeter so the adjacent properties do not have to look at the outside storage; that Mr. Steimel stated that towards the back of the property there is a large building and there is enough room for storage of cars, boats, etc.; that if a privacy was placed around the perimeter, it would help with the adjacent neighbors viewing the outside storage; that Chairman Wheatley explained the Planning and Zoning Commission has the ability to restrict and prohibit the storage of non-titled wrecked or non-functioning vehicles on-site; that Chairman Wheatley asked Mr. Steimel if the proposed Conditional Use is approved and one of the conditions is for a solid fence to be around the entire, would that be okay; which Mr. Steimel stated that would be okay; that Chairman Wheatley asked Mr. Davidson if any thought had been given to the storage of vehicles, whether or not if there would be non-functioning vehicles, non-titled vehicles stored on the site; which Mr. Davidson stated that there would be no storage of non-functioning vehicles and non-titled vehicles stored on-site; that the outside storage is located between the two larger buildings; that are currently a few boats and trailers stored on-site; that Chairman Wheatley asked if the Planning and Zoning Commission recommended approval the proposed application, a restriction be required that the outside storage occur in between the two larger buildings. Mr. Davidson stated it would be okay to restrict the outside storage between the two larger buildings; that Chairman Wheatley asked if any work of the vehicles outside of the building at any certain time; which Mr. Davidson stated that some of the smaller items are placed outside during day and placed back inside at the end of the day; and that all of the repairs take place inside the building.

At the conclusion of the public hearing, 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.

**C/U 2180 Robert J. Palmer and Laura M. Hudson**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a professional office to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 18.11 acres.** The property is lying on the west side of Cedar Lane, approximately 0.53 mile north of Governor Stockley Road. 911 Address: 23318 Cedar Lane, Georgetown. Tax Parcels: 133-3.00-1.00 and 1.10.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Site Plan, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, and results from the DelDOT Service Level

Evaluation request confirming a Traffic Impact Study (“TIS”) was not required. One letter in opposition to the application, with 20 signatures was read by Ms. Cornwell into the record.

The Commission found that Mr. Robert Palmer with Beacon Engineering was present on behalf of the application; that Mr. Palmer stated he is requesting a Conditional Use to add employees to his home occupation; that he opened his business seven years ago; that now he needs help with drafting and would like to add additional employees; that he was able to purchase land and would like to be able to keep his home office and grow his business; that the contractors are currently at the office more than they use to be; that he submitted a Service Level Evaluation Request to DelDOT; that a TIS was not warranted for 10 employees; that there are other Conditional Uses in the area; that some of the Conditional Uses are a borrow pit and an approval for the land application/spraying of bio-solids; that the nearby subdivision is called the Woods at Walls Creek which is zoned MR (“Medium Density Residential District”) located behind this site; that the Georgetown reclamation site is located across the street; that the property has vegetation on three sides; that some of the vegetation is owned by the applicant and some is owned by the Woods at Walls Creek; that the Woods at Walls Creek has a 30-foot forested buffer and the applicant has 20-foot of woods that have remained untouched; that there is a 20 ft. forested landscape buffer along Carey Lane in the Woods at Walls Creek subdivision; that the house is not visible from the road; that there is a buffer that separates his property from the lots out front; that the Conditional Use that is being requested is for a Home Occupation with employees and an office above the garage; that they do not generate any noise or dust; that with the vegetation around the property it is impossible to see the garage until you are close too it; that the closest neighbor is 600-feet away and there are two other neighbors that are 1000-feet away from the property; that he was granted a variance in 2017 for the existing stables; that the parcel is located in the State Spending Strategies Level 3; that he does not plan to build any new structures on the property and intends to keep the existing home and would live there; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the Developing Area; that the Comprehensive Plan reads that a variety of office uses would be appropriate in many areas, in doing so, a careful mixture of homes with light commercial and institutional uses can be appropriate to provide for convenience services and to allow people to work close to home; that there is little traffic coming and going from the site; that he does go out to meetings; that there could be a client that might come to the site twice a month and it is generally easier to go to the clients; that he would like a sign but he hasn’t put a 6 square foot sign for the Home Occupation yet; that his immediate plan is to have up to five employees which two of the employees include himself and his wife; that there would be three to four employees added and potentially having up to 10 employees in the longer term; that if he has more than 10 employees, it would lose the personal touch and home comes first; and that the hours of operation would be 8:00 am to 5:00 pm, Monday through Friday.

Mr. Hopkins asked Mr. Palmer if any of the employees have back-up alarms on their cars; which Mr. Palmer stated that the employees do not have any back-up alarms on their cars and the only back-up alarm is from the trash truck that comes once a month; that Mr. Hopkins asked how many acres is the whole property; which Mr. Palmer stated that the property is 18.1 acres; that Mr. Hopkins asked how big of an area is the proposed Conditional Use; which Mr. Palmer stated that the business would occupy no more than 1,500 square feet but he hasn’t thought out the best

location for an outbuilding if he should grow his business or want some privacy; and that he did not specify an acreage but he wouldn't be opposed to that being a condition if the application is recommended for approval .

Ms. Wingate asked Mr. Palmer if he would like a sign or a lighted sign; which Mr. Palmer stated he would like an indirect lighted sign and would comply with the Code; that Ms. Wingate asked Mr. Palmer if he did a survey and if he had company vehicles; which Mr. Palmer stated he does not have any company vehicles at this time and would like some in the future; that Ms. Wingate asked Mr. Palmer if he was asking for 10 employees and suggesting 10 vehicles; which Mr. Palmer stated that there could be eight vehicles; that Mr. Palmer does not do his own surveying; that one of the reasons is because a third of his work comes from surveyors that do not like dealing with DelDOT and the second reason is because there is a lot of liability in surveying; that in the future he might start doing surveying; Ms. Wingate asked Mr. Palmer if most of the employees would come in during the morning, stay all day, and leave in the evening; which Mr. Palmer replied stated the employees would not be coming and going throughout the day.

Ms. Stevenson asked Mr. Palmer to explain his first condition which read the office should not exceed 1,500 square feet of floor area, additions to the building for private use of the residents on the premise or related to the farming operations may be permitted; which Mr. Palmer stated that any additions to the building would be private only; that he has three vehicles that sit outside and a small utility trailer; that one of his plans is to construct an outbuilding behind the house to be able to store the equipment so it does not deteriorate in the elements.

Ms. Cornwell asked Mr. Palmer to clarify if any of the employees come earlier or stay late because he was asking for the hours of operation to be 8:00 am to 5:00 pm; which Mr. Palmer stated he does have one employee that does prefer to come in at 7:30 am and the contractor usually stays until 6:30 pm or 7:00 pm; that the hours of operation where a client might come to the office would be from 8:00 am to 5:00 pm.

Chairman Wheatley stated the hours of operation for the Planning and Zoning Commission purposes are when someone is at the office operating and would the hours of operation be 7:00 am to 7:00 pm; which Mr. Palmer stated that he is okay with the hours of operation being 7:00 am to 7:00 pm; Chairman Wheatley also clarified that the Commission does have the ability to recommend that the Conditional Use area and that he thought that 18-acres is a lot of land to which to apply a Conditional Use of this nature; that Chairman Wheatley stated there was a letter of opposition in the record with 20 signatures and he asked if there were any reasons given by those 20 people; Ms. Cornwell stated that the letter referenced the short title of the application and they object to a zoning change for a professional office space; that Chairman Wheatley stated the letter does not say why they are in opposition; that Chairman Wheatley stated there should be a distance between a Conditional Use activity and the residential subdivision; which Mr. Palmer did agree to the separation; that Chairman Wheatley stated that the applicant could construct a building within 30-feet of the rear yard and he is concerned that it may not be the best place to construct the building; which Mr. Palmer stated a 200-feet from the rear yard and 200-feet from the front yard setbacks.

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

The Commission found that Ms. Evelyn Willey and Ms. Karen Kelly spoke in opposition to the application; that Ms. Willey stated she was the previous owner of the property and also owns the seven building lots across the front of the property; that she had concerns with the commercial use behind the seven lots that are zoned AR-1 and how would it affect the lots; that there is already a lot of traffic existing on the property because they rent out the barn to a person who gives riding lessons and shows horses; that she has concern with the 10 employees, the horse boarding facility, and there could be seven to ten families using the lane; that she has concerns with the horsiculture element of the use and hours of operation; that she has concerns with septic system and the increased stress on the system; that she has concerns with the increase of traffic coming in and out of the driveway in a residential area; that the existing trees are 20 years old and the buffer across the front is slowly dying due to age; that there is no buffer from the last 4-acre lot and only a vinyl fence; that she thinks it would be hard to sell the lots with a large commercial sign; that she would not like the property to become commercial use. Ms. Kelly stated she was the person who obtained the 20 signatures; that she has concerns with noise; that Chairman Wheatley asked what was the nature of the noise concerns; which Ms. Kelly stated the noise is from cars, music, and people talking; that the trees along Cary Lane are getting old and leaves fall off in the winter which does not make a good buffer; that she would like to keep it a residential neighborhood; that she has concerns with traffic; and that she submitted a letter into the record.

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 action on the application to allow for further consideration. Motion carried 5-0.

### **C/Z 1884 ABC STORAGE, LLC**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for certain parcels of land lying and being in Nanticoke Hundred, Sussex County, containing 2.41 acres.** The property is lying on the north side of Seashore Highway (Rt. 18/404), approximately 0.22 mile east of Wilson Hill Road. 911 Address: 13049 and 13039 Seashore Highway, Georgetown. Tax Parcels: 231-5.00-24.00 (portion of) and 231-6.00-6.00 (portion of).

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

The Commission found that Mr. Mark Davidson with Pennoni Associates and Mr. Francis C. Warrington III, Managing Member of ABC Storage, LLC were present on behalf of the application; that Mr. Davidson stated this is an application to rezone a portion of lands that is currently zoned AR-1 (Agricultural Residential Zoning District) to C-2 (Medium Commercial Zoning District); that Mr. Warrington does own both parcels of land; that parcel 6.00 was



purchased in 2016 by Mr. Warrington: that Mr. Warrington did purchase parcel 24.00 in 2019; that parcel six is a split zone parcel; that a portion of parcel 6.00 is zoned C-1 (General Commercial Zoning District) and the approval of the Change in Zone was in 1992; that there used to be an old fruit stand and a gift shop located on the parcel; that the property is approximately 4.42 acres in total; that the Applicant is requesting to rezone the portion of the property that is currently zoned AR-1 to C-2; that when Mr. Warrington purchased the property, there were three existing self-storage buildings and a small building in front of the property for a retail grocery store and Mr. Warrington's office; that since Mr. Warrington had purchased the property, 98% of the self-storage is occupied and there is an additional need for self-storage units in the area; that the Applicant would like to grow and expand his business on the new proposed C-2 parcel; that if the proposed Change of Zone is approved, the Applicant would like to relocate the retail grocery store on the parcel; that the site would use the existing commercial entrance and no new entrance is needed; that the existing storage facility is already gated and outdoor storage is available; that there is existing stormwater management pond on the site; that there is parking available for the existing building; that there would be no more parking permitted in front of the existing retail building; that there would be parking provided along the existing retail and in the back of the site; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the "Low-Density Area"; that there are other commercial uses in the area; that the site is located on a principle arterial road and it accommodates commercial uses that do not have outdoor storage or sales; that the retail portion of the business would be located in the two small buildings located on the site; that the Zoning Ordinance states this use is allowed in the C-2 district; that the site currently has two septic systems and two wells on-site; that the property is not located in a flood zone; that the existing stormwater management is an infiltration basin and any expansion would meet the new regulations; that the parcel is located in the State Spending Strategies Level 4; that there are no wetlands on the property; that the application proposes an expansion of the existing commercial uses that are already on-site; that Mr. Warrington does own the nine acres located behind this site and it is currently land-locked; and that if this application is approved, there would be an access easement to the parcel in the rear and the access easement would be used as a buffer.

Mr. Hopkins asked if the nine acres to the rear of this site is part of the Change in Zone application, which Mr. Davidson stated that the nine acres, in the rear of this site, is not part of the application.

The Commission found that no one spoke in favor 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. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

## OTHER BUSINESS

**2017-2 Woodfield Preserve Expansion**  
Final Subdivision Plan

Ms. DeVore advised the Commission that this is a Final Subdivision Plan for the creation of a cluster subdivision to consist of 36 single-family lots with private roads and open space. The site is a 25.96-acre parcel of land that is accessed from the existing Woodfield Preserve (2007-9) subdivision by Sugar Maple Drive. The Final Subdivision Plan for the existing portion of the Woodfield Preserve subdivision was approved by the Planning and Zoning Commission at its meeting of October 13<sup>th</sup>, 2011. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcel: 235-8.00-87.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

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

### **S-19-29 Swann Cove Phase 9 (MR-RPC) (CZ # 1471/ CZ # 1850)**

#### **Final Site Plan**

Ms. Devore advised the Commission that this is a Final Site Plan for the creation of a Medium Density Residential, Residential Planned Community (MR-RPC) to consist of 20 single-family lots with private roads and open space and accessed off Old Mill Bridge Road (SCR. 381). This plan is Phase 9 of two previous Change of Zone applications (C/Z #1471 – Ordinance No. 1555 & CZ #1850 – Ordinance No. 2583) which were approved by County Council on July 23<sup>rd</sup>, 2002 and June 26<sup>th</sup>, 2018, respectively, and is for a portion of the Swann Cove Residential Planned Community (MR-RPC). The Final Site Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcel: 533-12.00-73.02. Zoning: MR-RPC (Medium Density Residential Zoning District – Residential Planned Community). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried to approve the Final Site Plan. Motion carried 4-0. Ms. Wingate abstained.

### **Cripple Creek Golf & Country Club**

#### **Revised Site Plan**

Ms. DeVore advised the Commission that this is a Revised Site Plan for the 53-parking space expansion of the parking lot serving the Golf & Country Club, and other site improvements. The Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 134-3.00-2.00. Zoning District: HR-2 (High-Density Residential Zoning District). Staff are awaiting agency approvals.

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

### **2005-42 Woodridge Amenity Plan**

#### **Preliminary Amenities Plan**

Ms. DeVore advised the Commission that this is a Preliminary Amenity Plan for the construction of a clubhouse, swimming pool, tot lot, shed, multi-purpose athletic field and other site improvements to serve Woodridge (2005-42). The Preliminary Amenities Plan complies with the Zoning and Subdivision Codes. Planning Commission approved a revised Subdivision Plan on August 13, 2015. Tax Parcel: 234-10.00-78.00. Zoning: AR-1 (Agricultural Residential Zoning

District). Staff are awaiting agency approvals.

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

### **S-19-27 DOV Horse Island**

#### **Preliminary Site Plan**

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for the construction of a 150-foot monopole cell tower with a 50-foot x 50-foot telecommunications compound located at 23182 Camp Arrowhead Road. A Special Use Exception Case No. 12226 was granted for the use on November 5, 2018. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 234-18.0-26.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by 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-19-28 Range Time**

#### **Preliminary Site Plan**

Ms. DeVore advised the Commission that this is a Preliminary Site Plan for an indoor shooting range in an existing building with parking. Some parking is proposed in the front yard setback over an existing gravel area to avoid the additional impervious area on the parcel. The indoor shooting range was approved for 5 years as a Special Use Exception by the Board of Adjustment when the Findings of Fact were approved on March 6, 2018. The Preliminary Site Plan is in compliance with the Sussex County Zoning Code. Tax Parcel: 333-15.00-20.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

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

### **Lands of Robert and Maxine Savage**

#### **Minor Subdivision off easement**

Ms. DeVore advised the Commission that this is a Preliminary Minor Subdivision for two (2) proposed lots off a 37.1-foot easement over an existing driveway. The Planning and Zoning Commission approved the conceptual subdivision plan for one (1) lot at their February 28, 2019 meeting. Lot A will measure 0.7585 acres +/-, Lot B will measure 0.7705 acres +/- with a residual lot measuring 2.2438 acres +/- located off of Morris Avenue Ext. Tax Parcel: 235-14.11-49.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Minor Subdivision off an Easement with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

Meeting adjourned at 8:47 p.m.

