

MINUTES OF THE REGULAR MEETING OF JANUARY 25, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, January 25, 2018 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 Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Robert Wheatley, with Mr. Vince Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mr. Jamie Whitehouse - Planner III and Samantha Bulkilvish - Planner I. Mrs. Kim Hoey-Stevenson was absent.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to approve the Agenda as amended. Motion carried 4-0

OLD BUSINESS

2017-15 Kindleton

This is a cluster subdivision. The cluster subdivision proposes to subdivide 49.37 acres into ninety (90) single family lots. The property is located on the east side of Robinsonville Road (Rd. 277) and on the north side of Cedar Grove Road (Rd. 283). Zoning: AR-1 (Agricultural Residential District). 911 Address: Not Available Tax Map I.D. 334-11.00-81.00.

The Planning Commission discussed the application which had been deferred since January 11, 2018.

Mr. Hopkins moved that the Commission recommend approval for Subdivision # 2017-15 for Kindleton based upon the record made during the public hearing and for the following reasons:

1. The application is located on a site where Subdivision 2007-8 was previously approved for 92 lots. That prior subdivision was never constructed and the approval expired. This application is very similar to the prior approval, although there are fewer lots in the current application.
2. The Applicant is seeking approval of a subdivision within the Environmentally Sensitive Developing Area and the AR-1 Zoning District. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
3. The proposed subdivision will have no more than 90 lots on 49.37 acres. This results in a density that is within the maximum density permitted in the AR-1 zone.
4. This subdivision will not have an adverse impact on the neighboring properties or area roadways.
5. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
6. The subdivision contains approximately 20.32 acres of open space, which is approximately 41% of the site. Part of this open space will include 13 acres of existing woodlands that will be preserved.
7. The project will be served by central water and sewer.
8. The development complies with the Sussex County Comprehensive Plan as a low

- density, single family dwelling subdivision.
9. This preliminary approval is subject to the following;
 - A. There shall be no more than 90 lots within the subdivision.
 - B. The developer shall establish a homeowner's association responsible for the maintenance of street, roads, buffers, stormwater management facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - D. A forested or landscaped buffer of at least 20 feet in depth shall be installed along the entire perimeter of the project. A 30 foot wide agricultural buffer shall be installed along any common boundary with lands used for agricultural purposes. The Final Site Plan shall contain a landscaped plan for all of these areas.
 - E. The subdivision shall be served by a central sewer system.
 - F. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
 - G. Street design shall meet or exceed Sussex County standards.
 - H. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - I. Deliveries of dirt, fill or other similar materials shall only be made to or from the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
 - J. There shall be vehicles interconnectivity available between this subdivision and the property to the east, in the event it is ever developed. This can be limited to emergency use only. There shall also be an entrance area set aside for vehicle access along Cedar Grove Road for emergency use or the event that the entrance along Robinsonville Road is inaccessible. These areas shall be shown on the Final Site Plan.
 - K. The developer shall complete all amenities within 2 years of the issuance of the first residential building permit.
 - L. The Final Site Plan shall indicate all forested areas that will be preserved.
 - M. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Wheatley and carried unanimously to the Preliminary Subdivision (2017-15) Kindleon based on the above reasons and conditions. Motion carried 3-0. Mr. Ross recused himself.

C/U #2110 Gaw Venture Group, LLC c/o John Gaw

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a house construction and sales business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.709 acres, more or less. The property is located on the northwest side of John J. Williams Hwy. (Rt. 24), approximately 1,824 ft. west of Mulberry Knoll Rd. 911 Address: 20028 John J. Williams Hwy., Lewes. Tax Map I.D. 334-12.00-24.00

The Planning Commission discussed the application which had been deferred since January 11, 2018.

Mr. Hopkins moved that the Commission recommend approval of Conditional Use # 2110 for GAW Venture Group, LLC, c/o John Gaw for a house construction and sales business based upon the record made during the public hearing and for the following reasons:

1. The site was previously approved with a Conditional Use for a lamp store as Conditional Use # 1659. That conditional use occurred within the existing structure on the site, which was formerly a residential dwelling.
2. The applicant intends to use the same residential-style structure for an office for its home construction business.
3. The applicant has stated that it builds homes within existing subdivisions, and that this site will only be for sales and office uses and not for storage of construction materials or equipment.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature within the existing residential-style structure and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to the application.
7. As permitted as part of CU # 1659, parking is permitted within the front yard setback. However, sufficient space shall be set aside for parking elsewhere on the property in the event that Route 24 is widened at some point.
8. This recommendation is subject to the following conditions;
 - A. The use shall be limited to an office for home construction and sales within the existing structure.
 - B. No outside storage of construction materials or equipment shall be permitted on the site.
 - C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - D. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - E. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property in the event that Route 24 is widened at some point.
 - F. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.
 - G. The Final Site Plan shall be subject to the review and approve of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 3-0. Mr. Ross recused himself.

C/U #2111 Michael Moutzalias

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a RV/park model/trailer repair and refurbishment business with outdoor

storage and sales to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.0 acre, more or less, of a 32.16-acre parcel of land.

The property is located on the south side of Whites Neck Rd., approximately 754 ft. east of Holts Landing Rd. 911 Address: 30190 Whites Neck Rd., Dagsboro. Tax Map I.D. 134-8.00-5.00 (portion of)

The Planning Commission discussed the application which had been deferred since January 11, 2018.

Motion by Mr. Hudson, seconded by Mr. Wheatley and carried unanimously to defer action for further consideration. Motion carried 4-0.

C/U #2112 Mitchell Limited Partnership

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a medical office and ancillary medical uses to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.30 acres, more or less. The property is located on the southeast corner of Kings Hwy. and Gills Neck Rd. 911 Address: Not Available. Tax Map I.D. 335-8.00-37.01 and 335-8.00-37.00 (portion of)

The Planning Commission discussed the application which had been deferred since January 11, 2018.

Motion by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously to defer action for further consideration. Motion carried 4-0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

C/Z #1843 Shailesh Patel

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County containing 2.181 acres, more or less. The property is located at the end of Circle Dr., approximately 124 ft. southwest of Concord Rd. and on the southeast side of Chevrolet Ave. (a private rd.). 911 Address: 11342 Circle Rd., Seaford. Tax Map I.D. 132-2.00-325.01 (portion of)

Ms. Cornwell advised the Commission that submitted into the record were a survey, staff analysis, and comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division.

The Commission found that Dhru Patel and Shailesh Patel were present on behalf of the application; that Mr. Patel stated that the front portion of the parcel is zoned commercial (C-1), the middle section is zoned agriculture (AR-1), and the back is zoned residential (GR); that there is an existing building that is over 20 years old on the property; that they would like to redevelop

the land into a commercial use; that is not enough land in the commercial zoning district to accommodate the 60 foot front yard setback that is required, a septic, stormwater management and parking requirements; that there are other commercial uses in the area and owned by his father; that he only owns the liquor store; and that the commercial use will help the community; and that they do not have an intended use at this time.

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

The Commission found that Nancy Short, Julia Faya and Woody Short spoke in opposition to the application; that Ms. Short stated she has concern with creation of more traffic; that there is already commercial use in the area; that there are accidents at Concord Pond Road; that the adjacent liquor store has a narrow entrance and exit; that people use the exit for an entrance; that the entrance is a blind entrance; that Ms. Short provided an exhibit for the record; that Ms. Faya stated that she has concerns with the traffic; that there is an issue with getting out of the road; that she has concerns with delivery trucks; that she has concerns with the speed of traffic in the area; that she has concerns with the quality of life; that Ms. Faya provided photos as an exhibit; Mr. Short stated that the area is nice and quiet; that he wants to know what is going there; and that there is an issue with traffic.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0.

C/Z #1845 LMHT, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a B-1 (Neighborhood Business District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 6.0576 acres, more or less. The property is located on the west side of Plantations Rd. approximately 841 ft. north of John J. Williams Hwy. (Rt. 24). 911 Address: Not Available. Tax Map I.D. 334-12.00-57.01

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, DelDOT Service Level Evaluation, Environmental Assessment, Public Facilities Report, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division and one letter.

The Commission found that Gene Bayard, Attorney with Morris James, LLP, Nick Hammonds, Principal of LMHT, LLC and Ring Lardner, P.E., with Davis, Bowen, and Friedel, Inc., were present of behalf of the application; that Mr. Bayard stated that the six acres which are the subject of the application are not agriculturally viable due to significant development activity in the area; that Mr. Lardner stated the site is not wooded; that it is not located in a floodplain; that there are no known historical sites on the property; that a TIS was not required for rezoning and would be determined upon submittal of a site plan; that a concept plan was submitted which includes alignment the entrance with Summer Crest and provides interconnectivity; that there are three possible buildings being considered; that the parcel to the rear of the applicant has an Agriculture Easement; that Mr. Hammonds stated the Plantation Road and Cedar Grove Road

intersection is upgraded; that to the west on Plantation Road, a 4.5 acre parcel was recently rezoned to B-1 (Neighborhood Business District); that the Board of Adjustment recently approved a Special Use Exception for an assisted senior living facility for the ten acre parcel; that there is a medical/professional office complex (Plantation Park) and the Metropolitan Community Church of Rehoboth to the west; that adjacent to the site is the Sussex County Paramedic station; that on the east side of Plantation Rd is mainly residential uses; that the Beebe Medical campus is on the south side of Route 24; that Herola, LLC property was rezoned in 2013; that on the north side of Route 24 are several C-1 (General Commercial District) zoned properties which are currently undeveloped and other commercial uses on Route 24; that there is considerable commercial development growth in the area; that they have received interest from many different users; that this parcel is near a signalized intersection; that this makes good sense to residents without having to go onto Route 1; that Mr. Bayard stated the site is appropriate for B-1 (Neighborhood Business District) as it is in character of the area; that it is compliant with the Comprehensive Plan and the draft Comprehensive Plan; and that the rezoning will not have an adverse impact on local property values.

The Commission found that there were no parties in favor of this application.

The Commission found Peter Schott spoke in opposition to the application; that Mr. Schott stated he has concerns with what is being planned for the site; that he did not see any sign on the site; that he has concerns with increase with traffic; that there are snow geese in the area; and that the more trees that come down, the more agricultural lands we lose, the more we pave over where grass once was and we increase the chance of flooding.

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

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

C/U #2113 CleanBay Renewables, LLC Sussex I

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an electrical generation and nutrient recovery facility to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 16.71 acres, more or less. The property is located at the southwest corner of DuPont Blvd. (Rt. 113) and Breasure Rd. 911 Address: Not Available. Tax Map I.D. 133-6.00-123.00 (portion of)

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, results from DelDOT Service Level Evaluation stating a TIS was not required, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division, and one letter in support was read into the record.

The Commission found Dennis Schrader, Attorney with Morris James, LLP, Thomas Spangler, Principal of CleanBay Renewables, LLC, and Dr. Kristi Shaw were present on behalf of the application; that Mr. Schrader stated the site is adjacent to a borrow pit and former airport; that the site is 16.71 acres and proposes a public utility generation plant; that per the Comprehensive Plan the site is low density; that it is in the Level 4 State Strategies; that they are not encouraging state spending; that this process has been through State PLUS review; that a letters from

Delaware Electric Cooperative was submitted; that a representative from the Department of Agriculture was planning to attend and send a letter of support; however, was unable to do so due to illness; that Mr. Spangler stated that there are residences across Breasure Road to the north; that to the west of the property is the former airport and a borrow pit; that a proposed solar farm is proposed across Route 113 to the east; that Breasure Road is used for local residences and for truck access to the Borrow Pit and Melvin Joseph construction site; that the property is currently used for agricultural purposes and contains a dwelling; that the dwelling is old and not habitable and would cost a lot of money to rehab; that the initial plan is to demolish the house; that the proposed plant would convert poultry litter and other poultry waste streams into energy; that Breasure Road would be used for trucks and employee entrance and will be used for 12 trucks a day; that they would self-imposed delivery hours six days a week from 7:00 am to 7:00 pm; that DelDOT minimized the use of Route 113 for an entrance; that the type of trucks used are tractor trailers; that there will be 12 trucks per day maximum and each truck carries 23 tons of poultry litter; that half of those trucks exit empty and the other half exit with a saleable soil amendment by-product similar to what can be found in local garden stores; that they have a contract with litter brokers to obtain material; that the quantity of litter that goes through the facility is approximately 250 tons per day; that the service areas of the litter are generally within 50 miles of litter brokers; that the trucks come in and unload into a hopper type system which goes into enclosed tanks; that the entire process is a closed loop system; that liquid goes into tanks that breaks down the products then goes to other tanks to create gas to electrical generation which connects into the Delaware Electric Cooperative Substation; that some material is piped to the nutrient recovery building and creates approximately 1 truck load of struvite pellets per day; that they have separated the phosphorous; that they are then left with a soil amendment (nitrogen, potassium and a small amount phosphorous); that it is used as soil amendment for farm use with approximately 5 truckloads going out daily; that the tanks on site are not explosive and that they would not explode if hit by an airplane, and that the adjacent airport is closed; that the Architect is designing the facility as an agricultural type campus and will incorporate screening and landscaping for the site; that the plant is a 24 hour 7 day use; that it will provide security lighting and proper signage; that Dr. Shaw stated she is a doctor of Environmental Science and a Maryland certified Nutrient Management Consultant; that the main environmental concerns are stormwater management and they are working with DNREC; that some wetlands are on-site and will stay away from it; that the facility will be in compliance with air quality regulations; that the site will be monitored by DNREC for air, water and soil and will obtain proper permits; that Delaware Electric Co-op supports this site; that the site is adjacent to Route 113 and due to the Corridor Protection status, DelDOT supports truck traffic on Breasure Road entrance; that the facility is a positive facility for the agricultural business community use in the County; that it is in compliance with the Comprehensive Plan to support Agricultural use; that they submitted finding of facts and conditions of approval and are willing to accommodate concerns of the public; that Mr. Spangler stated Breasure Road is the main truck access from Melvin Joseph borrow pit and asphalt plant; that the loads coming in are covered and don't have to be uncovered to unload; that they are willing to request them to remain covered while unloading; that it is a hooded conveyor (completely enclosed) while unloading the litter; that the generators are sound suppressed; that the generators will approximately be 300-500 feet from the nearest house; that Dr. Shaw stated the noise they would have is 60 decibels at 33 feet away from the containers, which is approximately the sound of air conditioner unit or dishwasher; that Mr. Spangler stated they have four generators that are 2.4 megawatts (2,400 kw) per generator; that it is an active sound dampening system containers for the generators which are off the shelf

products; that Dr. Shaw stated that two of the generators are sitting outside of a patient room at Salisbury Hospital; that the soil amendment by-product is pathogen free as a result of the process and will be a valuable commodity for local farmers; that the homes should not feel or hear anything; that Mr. Spangler stated they will take DAF and hatchery waste; that they have mitigated the smell while unloading by using an injector type system; that the unloading area is covered by an overhang with a carbon air filtration system approximately 300 feet away from Breasure Road; that screening around the site as well as the design of the facility will also help mitigate smells; that any odor that escapes from the unloading process will fall off by 100 feet from processing area according to odor experts; that it is a 15 minute controlled exposure going into a liquid based system and it is completely different then spreading on a farm field; that DelDOT came up with 84 trips per day based on employees and truck usage; that there will be three shifts; that the number of employees will be 15 to 17 on the major shift; that Dr. Shaw stated that there will be a landscape buffer with trees and bushes with height; that the gas on-site is a wet gas and it is not explosive; that the chance of fire or explosion is very low; that Mr. Spangler stated they would like a 32 square foot lighted sign at the Breasure Road and Rt. 113 intersection or at facility entrance; that there will be security lighting which is motion activated; that it is highly mechanized and automated system; that outside lighting is unexpected after dark; that the trailers back in; and that a three foot height wall will be around the perimeter of unloading area for containment.

The Commission found that Mark Neilson, for Delaware Electric Co-op spoke in favor to the application; that Mr. Neilson supports the project and hopes the concerns can be addressed; and that it provides additional reliability to the grid for electrical generation in the area.

That the Commission found that Alma Roach, Rebecca Breasure, Jacob Breasure, Steven Baker, Karen Illian, Dean Wright, Kevin Walls, Susan Blades, Robert George, David Blades, Jerell Thomas, and Derek Johnson spoke in opposition to the application; that Ms. Roach stated the industrial facility is adjacent to a residential community; that the roads are not capable to handle the 23 ton vehicles; that she has concerns with traffic on Route 113; that she has concerns with noise and pollution; that there are not similar uses in the area; that they should use the County Industrial Park or locate near chicken houses; that she has concerns with potential impact water quality to wells; that she requests a bond for potential groundwater pollution; that she lives a ½ mile from the site; that it is not conducive to the community; that Ms. Breasure stated the road changed when the asphalt plant went in; that she has concerns with traffic; that she has concerns with odor, dust and water pollution; that the plant will cause additional noise; that the property values will become lower; that there will be smell while trucks are unloaded and traveling to the site; that people have had to dig deeper wells due to the sand and asphalt plant; that the trucks make noises while they are backing up; that if it was not ok along Route 9, why here; that it is not a pleasant sight for tourists; that why not go to the County's Industrial Park; that she has an issue with the 200 feet notice; that she has lived there for 65 years; that Mr. Breasure stated why here in this location; that he was lied to about the sand and asphalt plant and has had to fight each time; that he has concerns with smell from manure; that he has concerns with groundwater contamination; that he has concerns with traffic; that Breasure Road cannot handle the traffic; that if it is not ok on Route 9, why is it ok here; that they need to keep the area beautiful for residents and tourists; that they should give the Maryland facility a chance to open up before considering this plant; that Mr. Baker stated he had lived on Bunting Road for 15 years and moved due to the sand plant; that he owned two homes but only had one driveway and couldn't

get a second driveway; that there is too much traffic on Bunting Road now from trucks; that the covers on the trucks do not keep everything in the trucks; that Ms. Illian stated she lives 1/8 mile from the site; that she has concerns with DNREC monitoring; that she would like to consider the saving of the historic home; that she has concerns with 24 hour plant; that it is a quiet and wooded area; that the noise, trucks, lights will disturb the area and impact the walkers in the area; that she has concerns about growth on the site; that she appreciates the farmers and their needs; that she understands the use and it is awesome; that this is not a good location and are already dealing with other uses; that she has concerns about property values; that she runs a daycare in the area and it could impact her business; that she read a letter from a neighbor stating that they had concerns with the posting of the sign; that they didn't receive any information about the hearing; that they had concerns with traffic, smells, drinking water; that they don't feel the appropriate state agencies are going to protect us with further projects like this one; that Mr. Wright stated the concept is good and the location is bad; that Mr. Walls stated he has concerns with the trailers under the roof and unload; that why do they need 12 hours to unload 12 trucks a day; that it should go to the County's Industrial Park; that there are more residents living here than on Route 9; that this is an Agricultural area and not an Industrial area; that there is noise now from farm trucks; that Ms. Blades stated she rents her property in the area; that 15 minutes times 12 trucks equal three hours; that concerns with possibility of spills while unloading the trucks; that what happens if the electric goes out; that Mr. George thinks it is a great idea but a wrong location; that it should be put at an industrial park; that he has concerns with water quality and traffic; that he has concerns with spills; that he would like to know who does the water testing; that Mr. Blades stated had concerns with traffic especially Breasure Road; the trucks are not air tight; that why not put it on state land; that Mr. Thomas stated he has concerns with droppings off the trucks; he has concerns with explosion; and that Mr. Johnson stated that he has concerns with water and soil.

The Commission found that Mr. Schrader stated the lot sizes in the industrial park are too small and do not have adequate access to power grid; that Mr. Spangler stated that they need to find a location that can support the load of electricity; that Dr. Shaw stated that there is not enough land for expansion at the site and neighbors already had issues with the use; that they generate their own electricity and there is no issues if the electric goes out; that Mr. Spangler stated the 12 hour window is so trucks are not stacked up on each other and they are willing to work with the Commission regarding the hours; that the system is entirely closed; that they are recycling all of the water from the process; that this is a zero discharge facility except for grey water from the office facility; and that personnel will be on the site 24 hours a day 7 days a week.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0.

C/U #2114 Spangler Strategic Advisers, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a solar array farm to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 70.0 acres, more or less. The property is located at the southeast corner of DuPont Blvd. (Rt. 113) and Betts Ln. 911 Address: Not Available. Tax Map I.D. 133-6.00-123.00 (portion of)

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division, and results from DelDOT Service Level Evaluation stating a TIS was not required.

The Commission found Dennis Schrader, Attorney with Morris James, LLC., Thomas Spangler, Principal with Spangler Strategic Advisers, LLC and Dr. Kristi Shaw were present on behalf of the application; that this did not have to go to PLUS; that this proposal is for a solar array farm; that the Comprehensive Plan identifies this as a low density area; that the State Strategies is a Level 4; there are no public or private roads involved; that Mr. Spangler stated the property is currently used for agriculture; that the applicant is proposing to subdivide the parcel which is divided by Route 113; that the proposed use is a solar electric generation farm in the order of 14.9 megawatts of energy; that the power is sold back to the market; that there are residential properties to the north and east side; that to the south of the property are businesses and mixed use; that there are buffers to the east and west of 100 feet; that there will be no structures on the site; that there will be a transformer on the site; that there will be limited access for construction and maintenance purposes; that there will be no deliveries; that there will be no employees on the site; that it is inspected by a crew of four on a quarterly to annual basis to clean panels and maintain the property; that it will be landscaped properly and keep the land and buffers manicured; that they are maintaining all the natural buffer on the east and south side and buffers added to the west and north; that the solar piece will be fenced; that the fence will be on all sides; that there will be no noise, dust or odors; that Dr. Shaw stated there are no environmental concerns created by this use; that Mr. Schrader stated they submitted proposed findings of fact; that it will meet the conditional use standards and Comprehensive Plan; Mr. Spangler stated that the panels would be similar to the height of Delaware Electric Co-op's facility which is four feet; that the panels will be fixed panels; that they put this project out to bid and they have a number of suppliers available that have adequate panels in stocked and have American made panels; that they would like a lighted sign; that Mr. Schrader stated if Betts Lane is a private road, they will need to get approval from owners of the road and will talk to DelDOT; that there will be a 100 foot buffer to the north and south as well; and that it may be built all in one phase.

The Commission found that were no parties in favor to this the application.

The Commission found Jerell Thomas, Bill Mellen and Sherri Youmans spoke in opposition to this application; that Mr. Thomas stated he had concerns with the access off of Betts Lane; that he has concerns with people getting into the site if no one is there; that there is some noise from the transformer; that the buffers will be nice; that Mr. Mellen stated he has to go onto Pebblestone Drive which is a private road to get onto Betts Lane and that Ms. Youmans stated she wants to know where stormwater will go.

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

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

OTHER BUSINESS

Baylis Estates, Phase 1 (2004-55)

Revised Final Subdivision Plan

Mr. Whitehouse advised the Commission that this is a revised Final Subdivision Plan for a 99-lot subdivision on a 75-Acre lot+/- that is accessed from Mount Joy Road (Rt. 297). A revised Preliminary Subdivision Plan, and revised conditions of approval were approved by Planning & Zoning Commission at its meeting of January 12, 2017. That the plan showed a reduction to the clubhouse/pavilion, the removal of the pool, walking trails and tennis courts, and an increase to the lot sizes. The revised Final Subdivision Plan complies with all conditions of approval, and complies with the Zoning and Subdivision Codes. The Zoning District is AR-1 (Agricultural Residential District). The Tax Parcel ID is 234-29.00-42.00. Staff is in receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to approve the revised final subdivision plan. Motion carried 4-0.

Dollar General (S-17-28)

Final Site Plan

Ms. Bulkilvish advised the Commission that this is a Final Site Plan for the construction of a 9,100-sf. retail convenience store with site improvements on a 2.98 acre parcel located off Lewes-Georgetown Hwy (Rt. 9) and Fisher Rd. The Planning Commission approved the Preliminary Site Plan and authorized parking within the front yard setback on June 8, 2017. The site complies with the Zoning Code. The Tax Parcel is 235-30.00-50.00. Staff is in receipt of all agency approvals.

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

Americana Bayside, Sunridge Tennis Court (RPC)

Revised Final Amenities Site Plan

Mr. Whitehouse advised the Commission that this is a Revised Amenities Site Plan for Americana Bayside Medium Density Residential Planned Community (MR-RPC) – Phase 4. The proposal seeks to amend the site plan for Sunridge Pool and amenities that were approved by Planning & Zoning Commission at its meeting of April 13, 2006 to increase the number of tennis courts to seven (7) and re-locate the sand volleyball court. The revised amenities plan complies with the Zoning Code. Staff is in receipt of all agency approvals. Tax Parcels are 533-19.00-1017 and 1018.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to approve the revised final amenities site plan. Motion carried 4-0.

Woodfield Preserve Amenities (2007-09)

Preliminary Amenities Plan

Mr. Whitehouse advised the Commission that this is preliminary amenities plan for a 3,468 SF Club House with associated swimming pool, court areas, car parking and children's play area as part of the 253-lot "Woodfield Preserve" cluster subdivision. On August 11, 2011 Planning and

Zoning Commission approved a request to amend condition of approval “O” to require amenities be constructed prior to issuance of the 128th residential building permit. The preliminary amenities plan complies within the Zoning and Subdivision Codes. The Zoning District is AR-1. The Tax Parcel ID is 235-9.00-23.00. Staff are awaiting agency approvals.

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to approve the preliminary amenities plan with final site plan approval subject to staff upon receipt of all agency approvals. Motion carried 4-0.

Spring Breeze Amenities (2004-8)

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Amenities Site Plan for Spring Breeze Subdivision (2004-8). The Site Plan is for a 2,724 sf. +/- clubhouse building, parking area, and pool. The swimming pool and community club house are being constructed to meet Condition #12 of the conditions for approval for the Spring Breeze Subdivision which states “A swimming pool and a community clubhouse shall be centrally located within the subdivision. These amenities shall be constructed within two years of the issuance of the first building permit.” The Tax Parcel is 234-11.00-78.00 (Portion of). Zoning is AR-1. Staff are awaiting agency approvals.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to approve the preliminary site plan with final site plan approval subject to staff upon receipt of all agency approvals. Motion carried 3-1.

Tidemark Federal Credit Unit (Rt. 24) (S-17-53)

Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Site Plan for the construction of a 2,607 SF commercial building with associated car parking and landscaping. The site is zoned C-1 (General Commercial District) on a 1.07 ac. lot that is accessed from John J. Williams Highway (Rt. 24). The Preliminary Site Plan complies with the Zoning Code and staff are awaiting agency approvals. Tax Parcel ID: 234-23.00-269.18.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to approve the preliminary site plan with final site plan approval subject to staff upon receipt of all agency approvals with a parking waiver in the front yard setback. Motion carried 4-0.

Nechay Ventures, LLC (S-17-56)

Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is Preliminary Site Plan for the construction of a 39,000 SF building to be used as a contractor’s office, material and equipment storage, refrigeration equipment fabrication and training facility, with associated parking, and landscaping. The Zoning District is CR-1 (Commercial Residential), and the site is accessed from Whitesville Rd. and Sussex Highway (Rt. 13). The submitted Preliminary Site Plan complies with the Zoning Code and staff are awaiting agency approvals. Tax Parcel: 532-6.00-86.00 and 532-6.00-87.00.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the

preliminary site plan with final site plan approval subject to staff upon receipt of all agency approvals. Motion carried 4-0.

Lands of Watts

Minor Subdivision off 50' Easement

Ms. Bulkilvish advised the Commission that this is a minor subdivision of a 2.538-acre lot +/- (Lot 7) off of a 50 ft. easement off Old Hickory Road after the consolidation of three large parcels totaling 56 acres +/- . Two additional lots (Lot 5 and Lot 6) with road frontage along Sharptown Rd and Susan Beach Rd. were also requested and do not require Planning Commission approval. The Tax Parcels are 432-11.00-34.00, 432-11.00-35.01 & 432-11.00-32.04. Zoning is AR-1. Staff are awaiting agency approvals.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the minor subdivision off a 50 ft. easement with final site plan subject to staff upon receipt of all agency approvals. Motion carried 4-0.

Meeting adjourned at 9:25 p.m.