

## MINUTES OF THE REGULAR MEETING OF FEBRUARY 8, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, February 8, 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, Ms. Kimberly Hoey-Stevenson, Mr. Robert Wheatley, with Mr. Vince Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mr. Jamie Whitehouse, Planner III, and Samantha Bulkilvish, Planner I.

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

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve the Minutes for December 21, 2017 and January 11, 2018 as submitted. Motion carried 5-0

### OLD BUSINESS

#### **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.

Mr. Hudson moved the Commission recommend denial of Conditional Use # 2111 for Michael Moutzalis for a RV/park model/trailer repair and refurbishment business with outdoor storage and sales based upon the record made during the public hearing and for the following reasons:

1. This proposed use is out of character with the surrounding area. There are no other commercial or business uses in the neighborhood, which consists of agricultural uses and residential developments.
2. Contrary to the applicant's testimony, the area of the proposed use is not screened from view of neighboring properties and roadways. There is no screening from White's Neck Road-the use is currently visible from the road. Also, farm fence does not create a screen along other boundaries of the use.
3. There are too many inconsistencies in the record about the proposed use. For example, it was not clear whether there would be sales from the times from the site as the applicant at one point referred only repairs, then at other times discussed sales from the site. At the same time, the applicant states that the DMV license for sales is attached to another

location. But the applicant requested a sign for sales on the site.

4. The proposed use is essentially for a storage yard for older used RV's and trailers. I am concerned that this will become a graveyard for these, which will be an eyesore to the neighborhood. There are also no other similar storage yards in the area.
5. There are other more appropriate locations for this type of use that are already zoned for this type of use or where similar, compatible uses already exists.
6. Several parties appeared in opposition to the application, stating concerns about the adverse effects of the use on the neighborhood and their properties. Some of the reasons stated included that; (1) the property is already being used to store, repair and sell RV's and trailers without a permit; (2) the site is currently visible from roadways and neighboring properties and is an eyesore; (3) that the use is not compatible with the area; (4) that besides RV's the applicant has also been storing sheds on site; (5) that there are noises such as generators and other equipment that can be heard on neighboring properties; and (6) that there are other locations that are appropriate for this type of use. I find all of these reasons to be compelling.
7. The proposed conditional use does not meet the purpose of the zoning ordinance since it does not promote the orderly growth, convenience, order, prosperity of welfare of Sussex County and its residents.
8. For all of these reasons, my motion is to recommend denial of this conditional use application.

Motion by Mr. Hudson, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 4-0. Mr. Ross abstained as he was not present during the public hearing.

**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.

Ms. Stevenson moved the Commission approve Conditional Use # 2112 for Mitchell Limited Partnership for Medical Offices and Ancillary Medical Uses based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use is at the corner of Kings Highways and Gills Neck Road. There are other business and commercial zoning and uses in this area, including a B-1 zoned parcel across the street. The property is also very close to an existing assisted living facility on Gill's Neck Road and another one proposed for Kings Highway within the City of Lewes. This is an appropriate location for medical offices.
2. The use serves a community need by creating medical offices at a convenient location for Sussex County residents near Beebe Hospital.

3. The use as a medical office will benefit the health, safety and welfare of Sussex County residents.
4. The site is within the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Medical offices such as this are appropriate within this Area according to the Plan.
5. The use will be served by central water and sewer.
6. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
7. No parties appeared in opposition to the proposed Conditional Use.
8. This recommendation is subject to the following conditions;
  - A. As stated by the applicant, there shall be no more than 39,000 square feet of medical and professional office space.
  - B. As stated by the applicant, the hours of operation shall be between 7:00 am and 7:00 pm Monday through Friday, and between 8:00 am and 4:00 pm on Saturdays. There shall not be any Sunday hours.
  - C. One lighted sign, not to exceed 50 square feet, shall be permitted on the building. In addition, the applicant may install one additional lighted ground sign that does not exceed 32 square feet in size per side.
  - D. The medical office building shall be set back a minimum of 60 feet from the property line adjacent to King's Highway with parking allowed beyond the building setback of 40 feet.
  - E. All entrance, intersection and roadway improvement required by DelDOT shall be completed in accordance with DelDOT's requirements.
  - F. The preferred entrance to the entire site is further east of Gill's Neck Road. The applicant shall report on the status of this issue at the time of Final Site Plan approval and note the results of the consultations DelDOT on the Final Site Plan. The current entrance shall be temporary one only and shall be closed when the balance of the property is developed.
  - G. There shall be vehicle interconnectivity between this site and the surrounding properties when they are developed. These areas of interconnectivity shall be shown on the Final Site Plan.
  - H. Any dumpsters shall be screened from view of neighboring properties and roadways.
  - I. The site shall be served by central water and central sewer.
  - J. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be designed and operated using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
  - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Wheatley and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-0. Mr. Ross abstained as he was not present during the public hearing.

**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)

The Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Wheatley moved that the Commission recommend denial of Change in Zone # 1843 for SHAILESH PATEL for a change in zone from AR-1 and GR to CR-1 based upon the record and for the following reasons:

1. The applicant is seeking to expand commercial zoning to an area of land approximately 2.181 acres in size to the rear of its 1.1 acres of existing commercial property along Concord Road.
2. The existing parcel is zoned commercial, but is not currently being used for commercial purposes. There is also a small commercially zoned property next door where a liquor store is located.
3. Other than the liquor store, there are no other commercial or business uses in the immediate vicinity. Instead, the area is either in agricultural use, or has developed with low-density residential uses. The request to create a 3+ acre commercially zoned parcel is not consistent with the character of the surrounding area.
4. CR-1 zoning is a very broad zoning classification that includes all sorts of permitted uses, and it is the most intensive commercial zoning available in Sussex County. The expansion of commercial zoning with all of these permitted uses is not appropriate in this location.
5. According to the Zoning Code, CR-1 zoning is appropriate “to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists....” This application does not satisfy this purpose of CR-1 zoning, as the area is primarily residential or agricultural, it is not located on a major thoroughfare, and there is not currently a general mixture of commercial and service activities. Also, central sewer is not available in this location.
6. There was evidence in the record in opposition to the application, including concerns about the location along Concord Road, the incompatibility with the residential and agricultural neighborhood, and other reasons. I find these reasons to be compelling.
7. The rezoning does not meet the purpose of the Zoning Ordinance since it does not promote the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
8. For all of these reasons, it is my motion to recommend denial of this change in zone application.

Motion by Mr. Wheatley, 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 5-0.

**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

The Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Hopkins moved that the Commission recommend approval of Change of Zone # 1845 for LMHT, LLC for a change of zone from AR-1 to B-1 based upon the record made during the public hearing and for the following reasons:

1. The 6.06-acre site is located along Plantations Road, in an area that has developed with the variety of residential uses. Other business and commercial uses exist or have been approved for the same side of Plantations Road as this site. This includes an assisted living facility to be located on 10 acres near the site.
2. This is an appropriate location for B-1 zoning and it will provide neighborhood business uses in a location that is convenient to many homes. It will also eliminate the current need to travel Route 1 for some neighborhood convenience shopping needs.
3. According to the County's Comprehensive Land Use Plan, the site is identified as being within the Environmentally Sensitive Developing Area. B-1 Zoning is appropriate within this Area according to the Plan.
4. According to the Zoning Code, B-1 is appropriate "to provide retail shopping and personal service uses,...to serve the needs of a relatively small area, primarily nearby rural, low density or medium density residential neighborhoods." This application satisfies this purpose of B-1 Zoning.
5. The B-1 District is the most limited commercial zoning district in the County. It is appropriate in this location since it will limit the type and size of the uses that may occur at the site.
6. The rezoning is consistent with the developing character of the area and will not adversely affect the neighboring properties and roadways.
7. The proposed project meets the purpose of the Zoning Ordinance since it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
8. The site is served by central water and Sussex County will provide wastewater service to the site.
9. Any future development of the site will require site plan approval by the Sussex County Planning & Zoning Commission as well as entrance and roadway improvements from the Department of Transportation.

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

**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)

The Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2113 for CleanBay Renewables, LLC Sussex I for an electrical generation and nutrient recovery facility based upon the record and for the following reasons:

1. The proposed Conditional Use is to establish a facility for nutrient recovery and conversion of poultry litter into electrical generation. The use and process of electrical generation will not include any incineration or composting of poultry waste.
2. The site is a 16.71 acre parcel of land with frontage on Route 113, which is one of the 3 major north-south truck routes through Sussex County. The site is also in close proximity to the existing electrical power grid. This is an appropriate and necessary location for this type of use.
3. The proposed use is consistent with other existing uses in the immediate vicinity, which include a large borrow pit, an asphalt plant, a large construction contractor equipment yard and an airstrip.
4. The proposed use is an agribusiness use which takes chicken litter, a by-product of the Delmarva poultry industry, and converts it to electrical energy. This is a benefit to the agricultural industry of Sussex County through the re-use of chicken litter. It is also a benefit to residents and businesses within Sussex County by creating an economical alternative energy source for Sussex County and Delaware utility providers.
5. The entire process occurs within a closed system, from the time that the material delivered to the site arrives via truck through the end of the process when the pelletized remnants are removed from the site. There is no open storage of any material on site at any time.
6. There was nothing in the record to indicate that there will be significant odors from the site. And, given the current AR-1 zoning of the site, there are reasonable expectations that the site could currently be used for agricultural purposes that do generate odors associated with farming and poultry operations.
7. While there were concerns about traffic generated by the use, the actual amount of traffic is relatively minor given the prominent location of the site along Route 113 adjacent to other existing heavy uses. The applicant testified that there are no more than 12 truck deliveries to the site per day and there are few employees associated with the use. And, the Delaware Department of Transportation will dictate entrance and roadway improvements necessitated by the use.
8. The applicant testified that the use does not generate an extensive amount of noise. Any noise coming from the conversion process or the generators is comparable to the noise already created by traffic along Route 113.

9. The applicants will be required to obtain all necessary permits and approvals from the Delaware Department of Natural Resources and Environmental Control, particularly those relating to air and water quality controls, and other agencies, prior to any operations on the site.
10. I am satisfied that this parcel is appropriate for development given its proximity to the highway and being surrounded by other heavy commercial types of uses. This particular use, with the conditions and limitations placed upon it, will not have an adverse impact upon neighboring properties or the community.
11. This proposed use supports one of the primary goals of the current Sussex County Land Use Plan as stated on page 1 of that document: Conserve the County's agricultural economy. This goal is also restated in the Future Land Use Element of the Plan. This agribusiness use provides a market for the chicken litter by-product of poultry operations which benefits and helps conserve the agricultural economy of Sussex County.
12. This recommendation is subject to the following conditions:
  - A. All improvements for nutrient recovery and electrical generation shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control, the State Fire Marshal, and any other state or federal agencies that have any jurisdiction over the development and use of the site.
  - B. As proffered by the applicant, all buildings on the site shall have an agricultural appearance. This shall not apply to the generators, holding and treatment tanks or towers located at the site.
  - C. The generators must have sound suppression measures in place and they must be placed as far as possible from Breasure Road.
  - D. All trucks entering or leaving the site shall be completely enclosed at all times.
  - E. All materials brought to the site shall be offloaded from trucks using a conveyor system. No open dumping shall be permitted.
  - F. No chicken litter or other materials brought to the site or the end-product from the use shall be stored outside on the site. All materials brought to the site shall be immediately offloaded from trucks into the facility's closed system.
  - G. Truck deliveries to the site shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Saturday, and there shall be no more than 12 deliveries of materials per day. No deliveries shall occur on Sunday, and no trucks containing materials shall remain on the site beyond the delivery hours or on Sundays.
  - H. The Final Site Plan shall include a thirty-foot wide "Forested and/or Landscaped Buffer Strip" meeting the planting requirements of Section 99-5 of the Code of Sussex County. Section 99-5 dictates the types of trees and vegetation, the density of the required trees and other plantings, minimum heights, and other requirements. The Final Site Plan shall contain a landscaping plan for these buffer areas.
  - I. The applicant shall comply with all DelDOT requirements for roadway and entrance improvements.
  - J. One lighted sign shall be permitted on the site. The sign shall not exceed 32 square feet per side. Small directional signs shall also be permitted at the

entrances to the site. The location of the signage shall be shown on the Final Site Plan.

- K. Any violations of the conditions of approval may result in the termination of this Conditional Use.
- L. The Final Site Plan shall contain the approval of the Sussex Conservation District regarding drainage and stormwater management requirements.
- M. Any security lighting shall be designed so that it is downward screened so that it does not shine on neighboring properties or roadways. In addition, all exterior lighting shall automatically be dimmed between 9:00 pm and 6:00 am.
- N. Prior to Final Site Plan approval, the applicant shall obtain a baseline water quality sample and report that shall be submitted to the Office of Planning and Zoning to confirm the groundwater quality prior to any development of the site.
- O. The Final Site Plan shall be subject to the approval of the Sussex County Planning and Zoning Commission.

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

**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)

The Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Hopkins moved that the Commission recommend approval of C/U #2114 for SPANGLER STRATEGIC ADVISERS, LLC for a solar array farm in an AR-1 District based upon the record made at the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code and it meets the purposes of a Conditional Use in that it is of a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The proposed use will not have any adverse impact on the neighboring or adjacent properties.
3. The proposed solar generation facility will not result in any noticeable increase in traffic on adjacent and neighboring roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance or repair of the solar panels.
4. The Delaware Department of Transportation has reviewed the proposed plan and has issued its letter of service report on the project.
5. No noise, dust or odor will be generated by the facility.
6. This recommendation is subject to the following conditions:
  - A. No storage facilities shall be constructed on the site.



- B. Lighting on the facility will consist of perimeter lighting for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- C. One lighted sign, not to exceed 32 square feet in size, shall be permitted.
- D. The site shall be secured by fencing with a gate with a "Knox Box" to accommodate emergency access by the local fire company or other emergency responders.
- E. There shall be a vegetation buffer of no less than 30 feet around the entire perimeter of the site to screen it from neighboring properties and roadways.
- F. All of the grounds, including the area outside of the fence, shall be maintained so that it does not become overgrown.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

#### PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

Mr. R. Keller Hopkins recused himself from the Public Hearings and Other Business.

#### **2017-18 Edward D. and Lauren R. Ghabour**

This is a standard subdivision. The standard subdivision proposes to subdivide 17.6580 acres into four (4) single family lots. The property is located on the west side of Gravel Hill Rd. (Rt. 30) and approximately 1,975 ft. east of Springfield Rd. (Rd. 47). Zoning: AR-1 (Agricultural Residential District). 911 Address: None Available, Georgetown. Tax Map I.D. 234-8.00-49.00

Ms. Cornwell advised the Commission that submitted into the record were comments from Office Drinking Water, Delaware Electric Co-op, Division of Public Health, Sussex Conservation District, DelDOT, State Fire Marshal, Sussex County Engineering Utility Planning Division, a site plan, DNREC Division of Groundwater Discharge, 911 Mapping and Addressing, and a waiver request from the landscape forested buffer and the street design standards.

The Commission found that John Roach, with John B. Roach Engineering was present on behalf of the application; that Mr. Roach stated this is a 17 acre site; that they are proposing a 50 foot wide access lane to service the four lots; that they had a perc test done to see where the lot lines would go; and that they are asking for a waiver for the major subdivision requirements since it is a four lot subdivision.

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

The Commission found that Mike Langan spoke in opposition to the application; and that Mr. Langan stated he has concerns with drainage and wants to ensure it won't drain onto his property.

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

Mr. Wheatley move that the Commission grant preliminary approval Subdivision #2017-18 for Edward D. and Lauren R. Ghabour based on the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the subdivision ordinance in that it protects orderly growth of the County.
2. The land is zoned AR-1 which permits low density single family residential development. The proposed subdivision density of 4 lots onto 17.6580 acres of land is sufficiently less than the allowable density.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This preliminary approval is subject to the following conditions:
  - A. There shall be no more 4 lots within the subdivision.
  - B. The Sussex Conservation District shall review and approve the drainage and stormwater management system on the property.
  - C. All entrances shall comply with all DelDOT requirements.
  - D. A waiver of the Sussex County street design requirements is appropriate for this 4 lot subdivision.
  - E. A waiver of the buffer requirements for this 4 lot subdivision is appropriate.
  - F. The Final Site Plan shall be subject to review and approval of Sussex County.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to grant Preliminary approval with Final Site Plan approval by Planning and Zoning Commission. Motion carried 4-0.

**C/U #2115 Nanticoke Indian Association, Inc.**

**An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a modification of Conditional Use No. 1018 to allow for an on-premises electronic message center sign to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.914 acres, more or less.** The property is located on the south side of John J. Williams Hwy. (Rt. 24) approximately 39 ft. east of Rosedale Rd. 911 Address: 27073 John J. Williams Hwy., Millsboro. Tax Map I.D. 234-29.00-53.00

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

The Commission found that Seth Thompson, Attorney with Vogel Law Firm, Natasha Norwood Carmine and Mike Harmon were present on behalf of the application; that Mr. Thompson stated the prior sign was a letter board and was struck by a car; that they have a lot of events there and

use the building as a meeting space; that they are different than other uses; that the American Legion Post down the road has an electronic message center sign; that the need is due to different types of events throughout the year; that the proposed sign is 24 square feet on each side; that they had provided a drawing showing the sign; that the overall height of the sign is 7 ½ feet tall; that Ms. Carmine stated the office hours are Monday through Thursday, 10:00 am to 3:00 pm; that they have events on Monday nights from 5:30 pm to 7:00 pm; that they have meetings on the first Tuesday of the month and another meeting on the third Thursday of the month; that they have activities throughout the year; that usually some events are held on Saturday and some Sunday afternoons; that they are ok with turning the sign off at night at a reasonable hour; and that Mr. Thompson stated the sign will comply with the electronic message center sign regulations.

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

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

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

**C/Z #1844 Boardwalk Development, LLC, aka Westridge Shores**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a GR-RPC (General Residential District – Residential Planned Community) for a certain parcel of land lying and being in Indian River Hundred, Sussex County containing 21.26 acres, more or less.** The property is located at the southeast corner of Shady Ln. and Banks Rd. 911 Address: None Available. Tax Map I.D. 234-17.00-165.00

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, comments from Sussex Conservation District, DelDOT, DNREC Division Air Quality, DNREC Division of Water, 911 Mapping and Addressing Department, Office of Drinking Water, DNREC Division of Fish and Wildlife, State Fire Marshal, Sussex County Engineering Utility Planning Division and PLUS.

Mr. Robertson recused himself.

The Commission found that Ken Christenbury, with Axiom Engineering and Joseph Reed, owner of Boardwalk Development, LLC were present on behalf of the application; that Mr. Christenbury stated they propose 54 single family dwellings on 21.26 acres which is a 2.54 density; that the site is consistent with the character and trend of the development in the area; that Shady Lane is a community with mixed with mobile homes, modular homes, stick built homes and has a density of 2.67 dwelling units per acre; that Dogwood Lane which is in a Mobile Home Park has a 9.32 density; that there are no sidewalks in either community; that they are proposing 43% open space and 6 ½ acres of existing forest; that there will be sidewalks on both sides of the streets; that there will be protection of the wetlands; that there are large wooded buffers on both sides; that minimum buffer is 68 feet wide and it widens out as it goes back; that along the water there is a 20 foot forest buffer; that on the south side is 50 feet of open space and goes to 100 feet deep for buffer; that the project will be served by Sussex County sewer and

Tidewater Utilities will provide water; that project is in the Environmentally Sensitive Developing Area and complies with that section of code; that there is open space with amenities along the water for the entire community; that there is a copy of plat book 2 page 88 which references this property; that the deed references a number of lots that were recorded; that the property currently consists of 66 unimproved lots and they are proposing 54 lots; that they are proposing a change of zone from AR-1 to GR-RPC; that the project went to PLUS; that the project is located in the Level 3 in State Strategies; that the land in floodplain will be covered by the HOA; that the site will include stormwater management ponds and the final site plan approval shall be subject to the Sussex Conservation District for final approval; that the Sussex County Engineering Department will construct sewer within two years; that the DelDOT Service Level Evaluation did not require a TIS; that there are no known endangered species on the parcel; that they have provided a draft of covenants; that they have included proposed finding of facts and conditions; and that the property will be compatible with the surrounding area and an improvement to the area.

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

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

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

**C/U #2117 Blessing Greenhouse and Compost**

**An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) to amend certain conditions of approval of Conditional Use No. 2071 (Ordinance No. 2514) to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 31.9478 acres, more or less.** The property is located at the northwest corner of Draper Road and Thirteen Curves Rd, and also on the west side of Draper Rd. 911 Address: 9372 Draper Rd., Milford. Tax Map I.D. 230-15.00-34.00 and 35.00

Mr. R. Keller Hopkins recused himself from the Public Hearings and Other Business.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, letters of opposition were received prior to this Public Hearing from William and Shirley Tucker, Robert Zook, Mr. Alan Bennett, Maria Payan; and James and Geraldine Mayor; comments from Brian Churchill from DNREC and the inspection report.

Mr. Robertson brought to the attention of the Commission that information about the application was received today; that the Commission knows there is a 10 day rule with regards to submissions to the Commission prior to a public hearing; that Mr. Robertson feels that most of the exhibits have already been submitted and are already in the file; and that it is up to the Commission if they want to waive the 10 day rule; that it was confirmed that there was no representative from DNREC present at the public hearing that the Commission agreed to waive the 10 day rule for the submitted packet only.

The Commission found that Tim Willard with Fuqua, Willard Stevens and Schab, P.A and Bruce

Blessing were present on behalf of the application; that a FOIA was filed with DNREC; that some of the correspondence in the packet is between DNREC and the County; that they feel this is important because when the original conditions were given there was an obvious intent to continue a relationship with DNREC; that Exhibit A in the packet is the Conditional Use that was granted and there is a three year timetable to get this all done; that the true concern for today is the four month bond requirement; that they hope to address why the requirement hasn't been met and why the applicant wishes to extend that; that Blessings is still in the process of removing the pre compost pile before Phase One can begin; that despite the emails received from neighbors Blessings has made significant progress in removing the compost pile; that Exhibit B is the ordinance with special attention to Condition M where an inspection was supposed to be done after three months and that was done on November 29<sup>th</sup>; that the County said the inspection should be done in accordance with the County and DNREC; that DNREC has had some issues with what they were supposed to do which is why the applicant asked early on for clarification; that Janelle had received emails on August 14<sup>th</sup> and 16<sup>th</sup> and the application had been approved August 9<sup>th</sup>, then the applicant had a meeting with Mr. Robertson in early September which led to the filing of the application to amend the conditions on September 25<sup>th</sup>; that the Council ultimately found that this project has had a lot of attention and scrutiny; that the record is clear that DNREC and the applicant have been working to create a pathway to clean up the site and improve the general conditions and their impact upon the area; that what the applicant is submitting today and you look at the last six months the applicant is clearly moving in that direction and DNREC is on board; that item 6 of the County Council findings is that use of the composting facility will benefit the citizens and environments of Sussex County; that item 7: the compost generated on site will be available for local agricultural use promotes the conservation element of the County's Comprehensive Plan and the ongoing use will continue to be monitored by DNREC; that they would argue that when Council put in the four months and million dollar bond that the input from DNREC and the applicant wasn't there or specific enough and that may be his fault in order to make it realistic but the applicant is moving that pre-compost pile; that the first request is to change the hours for taking in yard waste from 7am to 6pm; that this acceptance of yard waste is a benefit to the County, its residents and the environment; that the reason for changing this condition was to make it easier for people who work all day to drop off their yard waste so they would not have to take off of work early; that in Condition G the applicant proposed a buffer at least 25 feet including an 8 foot high solid buffer; that after it was proposed and granted by County Council, DNREC and Sussex Conservation District said that it was not a good idea; that DNREC and Sussex Conservation District have been monitoring the site for years and know the stormwater runoff from the site and suggested the berm not go all the way around; that the applicant added the word "may" and that the project would continue to be monitored by DNREC and Sussex Conservation District; that they supplemented the application with Condition C: "Once the current materials are removed the pre compost storage shall only occur on the existing concrete slab"; however, when you go to Condition J: "Once the pre compost pad is cleared of said materials the applicant shall be prohibited from using the pad for composting purposes and that it can only be used for parking and firewood storage"; that they think that the intent was to use pre compost material on the pad, ultimately it will be covered as part of the site plan; that the next concern was with the prohibition of sanitary waste; that the definition of sanitary waste is very broad, sanitary waste is generally considered human waste that comes from municipal plants; that the reason for this change is that the DAF being received which makes for really good compost could contain less than 1% sanitary material from the poultry; that the clarification be made that there is no *municipal* sanitary waste; that Condition M

which talks about having four months to remove the pre compost pile from the concrete slab and obtain the one million dollar bond, and that there is a nutrient management regulation that states between December 7<sup>th</sup> and February you can't move certain product out so they could not move the product out to treat the fields and that is why things got stalled; that Mr. Blessing can describe how much product has already been moved; that the percentage that was represented in the letter to Commission was low and that there may be more than 30% of the material that has already been removed from the concrete slab; that the correspondence between Brian Churchill and Janelle Cornwell said that "if this property has not been remediated in accordance with DNREC requirements in at least four month from the date of this approval the applicant shall be required to obtain a performance bond for the County in the amount of one million dollars to remediate this property and bring the pre compost pad in accordance with DNREC requirements within one year of the date of this conditional use approval and execute a one million dollar bond"; that it is of the directors opinion that if it is not all gone within 4 months and a bond is not obtained then the applicant is not in compliance with the condition; that the applicant realized early on that when talking with DNREC it says "when not remediated in accordance with DNREC regulations" Brian Churchill was unsure of what that meant; that the applicant has letters from DNREC that say they are in compliance with DNREC.

Mr. Robertson suggested that the Condition could have meant that Sussex County Council had a concern about the condition of that property at the time and Sussex County Council wanted your client to eliminate all of the issues on that property and carry out the remediation or the removal that those conditions in accordance with DNREC requirements; that in other words it is not a DNREC required remediation, it is a Sussex County remediation that has to be done in accordance with DNREC requirements.

Mr. Willard responded that yes, but what does that mean; that that is why they were there to understand how they can comply; that four months was to tight of a deadline to begin with; that they are working to get this conditional use underway in the three years given and the first step is to get rid of the pile; that they have been put up against a wall with violations and they are just seeking clarification; that there is no ambiguity in the four months laid out by the conditions; that when Mr. Blessing approached the bonding industry they were told they cannot get a bond for more than what they have to do; that the bonding company indicated that the bond should probably be set to \$250,000; that DNREC reported on November 28<sup>th</sup> that Blessings is continuing to work with DNREC and do the right thing; that the report also states that the pre compost pile continues to be reduced; that there is no odor off site except intermittent odor nearby and no odor noted on Sugar Hill Rd.; that other than a section on the north property has 25 ft. vegetated buffer; that the preexisting berm is still functioning; that the report was done by Brian Churchill and although asked to be at this public hearing he was not able to attend; that he referenced the draft inspection report that was done by Mr. Jeffrey Whaley, Zoning Inspector; that the draft report seemed consistent with what Mr. Churchill had written in his report; that in an email to Ms. Cornwell, Mr. Churchill again is asking what DNREC regulations the site should be coming under; that DNREC was continually working with the County to get clarification to get the site into compliance and giving updates on the progress that had been made; that a letter was submitted by Maria Payan to Ms. Cornwell and Mr. Churchill noting an odor and that Mr. Blessing was moving the compost to other locations on the property and that he has not witnessed what Ms. Payan was talking about; that Mr. Churchill had only received one odor complaint in 2017 and only experienced the odor immediately adjacent to the compost pile when

digging.; that Bruce Blessing stated that he had some updated photos to submit to Commission; that the photos show the progress that has been made to reduce the pre compost pile since the Conditional Use had been approved; that in accordance with DNREC regulations Mr. Blessing is required to monitor the material for 14 days to ensure compliance with time and temperature and in that time period turn the pile five times; that elements such as rain, wind, and temperature have an effect on the process; that regulations prohibit the application of nutrient rich soil amendments from December 7<sup>th</sup> to February 15<sup>th</sup>; that they will resume shipping and spread of their compost February 16<sup>th</sup>; that they have already processed greater than 50% of the pre-existing volume and are on track to have the remainder processed and removed within a one year time frame; that the reduction is evident by the last inspection done by DNREC and the County; that the portion of the pile that is gone has been sold and removed off site calculated out to be about 51,000 tons; that they have taken in about 4-5 thousand tons DAF which they are adding lime to and then shipping off site; that they have accepted about 10-15 thousand tons of wood chips; that they have received about 20,000 tons of yard waste and are scheduled to grind it in the first week of April; that they have reduced their operation by one day and that they try to cut off the operation by 5pm; that they have focused on the area to the west so the pile can act as a shield to the road to help block the odor; that they are adding about 15% high Cal lime which helps reduce the odor; that the DAF is used to both help the composting process and enrich the product; that the DAF supply has dwindled due to issues with the poultry integrator; that the photos were taken just the other day and they show part of the concrete pad that was previously covered with pre compost; that moving forward the compost will be enclosed to not only capture the heat, but to cut down on the odor; that the compost has to get to 140 degrees and can get up to 160 degrees; that if allowed to keep up with the process the pre-compost pad should be cleared sometime between June 1<sup>st</sup> and June 15<sup>th</sup>; that he estimates there is 30% of the pile remaining; that any new permit will require a bond; that he is employing 25 people and estimates to hire 10 more; that at the end of the day he cannot move forward until all these agencies are satisfied; that the yard waste is being brought in by residents mostly and anything under 100 pounds is free; that on the premises they are not only making compost, but they are also running a recycling facility and selling the wood fiber from this; that not all of the yard waste and wood fiber is consumed by the compost; that the large yard waste trucks are coming from the City of Milford and a couple other local municipalities; that approximately 30,000 tons of yard waste is recycled here; that the extended hours would mostly be for individuals looking to bring yard waste; that what the bond market would give in relation to what he had to do seemed to be a moving target; that the bond industry wrote a letter saying they would not give more than needed; that it seems DNREC has a target amount of \$250,000; that that seems to be a reasonable amount for what is going on there now; that he the four month condition is open to interpretation; that he was under the impression that he had a year to clear the pad or obtain the million dollar bond if he was not in accordance with the DNREC regulations; that the reason for only half the pile being removed is that he has to be in compliance with DNREC regulations which is odor, smell and turning the material; that he is unable to turn it any faster or haul it away any faster and still comply with DNREC regulations; if he created additional odor he would have many complaints and would fall out of compliance with DNREC; that if he could continue he would be able to have the pad clear by June 1<sup>st</sup> and that the photos show how much they have moved already; that he received the first permit from DNREC around 2005 or 2006; that in 2010 he received a stormwater violation from DNREC; that in 2014 an amended agreement letter between him and the DNREC Secretary, which was referenced for the Conditions of Use, states that the pre compost pile needed to be cleaned up in 270 days; that the pile did not have to be cleaned up in the 210 days,

but 100 feet by 90 feet had to be removed; that today he could obtain the \$250,000 dollar bond required for the permit, but not the 1 million dollar bond required by the County because the material on the site is valued at far less than a million dollars; that he attempted to get the one million dollar bond before the four months ran out; that the additional material being accepted was what was necessary to complete the composting of the rest of the material on the concrete pad; that there is very little manure in the pre-compost pile; that the pile needs nitrogen because it is wood waste and egg shells; that the wood waste must be added to dry out the pile; that Mr. Willard stated that he could see how the condition could be interpreted to bring in more material to complete the composting of the material on the concrete pad; that in response to a question regarding the site plan Ms. Cornwell stated that staff has met with the applicants engineer several times and they are working on getting a site plan submitted to the County; that Mr. Willard stated that a site plan has not been submitted yet because there has been this four-month condition looming and they are just trying to stay in compliance; that Mr. Blessing stated that the reason for taking in wood fiber is that it is needed to be added to the process three times and the facility will be processing 4,000 tons of compost a week and wood fiber will be needed and if you don't have it you have to buy it; that grass clippings have an odor and wood fiber must be added to this as well; and that on the property there is a greenhouse, composting and farming.

The Commission found no parties in favor to this application.

The Commission found John Austen, Jay Stephens, Maria Payan and Geraldine Mayor spoke in opposition to this application; that the public has had enough and they have known about this site since 2012; that if the conditional use permit is revoked and DNREC permit is revoked the State will have to find the money to clean the site; that there are numerous violation of the conditions of the conditional use; that there are violations never cited by DNREC; that Total Maximum Daily Loads (TMDL) for the Cedar Creek Watershed have been exceeded; that operations have contaminated groundwater in excess of 10mg of Nitrate on site and there are elevated levels in Slaughter Creek, a tributary of Cedar Creek; that the water quality standards for those waterways should be three or less; that those waterways are no longer suitable for the propagation of wildlife; that in 2007 the upgraded monitoring well was separate from the operations; that now the piles have been practically placed on top of the well; that Mr. Churchill said in his remarks that the well has been contaminated to 79.5 mg/L of Nitrate which is 7.9 times the limit they are allowed to operate at that facility; that Mr. Blessing gave up, for the good of the neighborhood, a million-dollar business with the land application; that DNREC did not require a bond because they believed Mr. Blessing could not afford it; that there were two sheriff sales posted for December 21<sup>st</sup>; that Mr. Blessing may not be able to acquire a bond regardless of the amount; that the bond should be in place to remediate any contamination once the pile is removed; that Mr. Blessing suggested the four month time frame; that the amount of waste accepted should be included in the language; that condition H relates to C and J and what Mr. Blessing is allowed to do; that the Conditional Use can be terminated for noncompliance; that Condition M says that if the property has not been remedied within four months the performance bond shall be in place no later than one day after four months; that Mr. Blessing is not in compliance with the MPDES permit; that his permit expired in July of 2017 and he is ineligible for a new permit because he is under Secretary's order; that the Secretary's agreement differs from 2012 to 2014 in the fact that the per day fines have been removed; that if the fines had been collected it would have been millions of dollars; that DNREC cannot even carry out their own order; that they have photos from early 2017 showing bio solids in a holding container and then later in 2017 a photo



showing the bio solids were no longer there; that they also had photos of the other day showing trucks dumping behind the piles; that there was a fierce odor; that she tested the ammonia in the air; that the people in the community should get the justice they deserve; that the piles have been knocked down and spread around; that they would like to know why there is a strong odor; that it is polluting the creek which goes into the Delaware Bay; and that they do not believe they should be promoting the spreading of solids because they smell.

At the conclusion of the public hearing, the Commission discussed how to take action on this case due to the missing representation from DNREC.

Motion by Mr. Wheatly, seconded by Mr. Hudson, carried unanimously to table the public hearing for the purpose of having DNREC present for when the public hearing is reconvened to allow the Commission to ask questions of them and hear their perspective and to give the applicant an opportunity to respond to DNREC's comments. Motion carried 4-0.

## OTHER BUSINESS

### **Oceanside Vista (MR-RPC) (Formerly Known as The Preserve at Cedar Pines)**

#### Final Site Plan

Mr. Whitehouse advised the Commission that this is a Final Site Plan for 45 single family dwellings and site improvements to be located off of Cedar Neck Rd as part of a Residential Planned Community (RPC). Preliminary Site Plan approval was granted by Planning & Zoning Commission at its meeting of September 11, 2014. A six month extension to the 36-month deadline was also granted by Planning & Zoning Commission at its meeting of September 26, 2017, requiring a Final Site Plan to be approved and recorded before March 11, 2018. The Final Site Plan accords with the Zoning and Subdivision Codes, and also with the conditions of approval for the RPC. Staff are in receipt of all agency approvals. Tax Parcel ID is 134-9.00-21.00.

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

### **Days Inn (S-17-16)**

#### Final Site Plan

Ms. Bulkilvish advised the Commission that this is a Final Site Plan for the Days Inn to construct a 60-room hotel to be located off Parsonage Road. The property is located in the CHCOZ and has a split zoning, with the majority zoned C-1, and a small wedge to the rear which is zoned GR (General Residential). The hotel will be located in the front of the property and consists of 4 stories. A variance from the minimum parking off-street parking space for a hotel was approved by the Board of Adjustment on October 3, 2016. At the meeting of the Planning and Zoning Commission on March 9, 2017 the Commission authorized parking in the front setback. The tax parcel is 334-13.00-5.00. Staff is in receipt of all agency approvals.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve the final site plan. Motion carried 4-0.

### **Artesian Island Farms Regional Water and Wastewater Facility Phase 2 (S-18-01)**

#### Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Site Plan for a 4,800 SF water treatment plant building, 4,418 SF elevated water tank structure, ancillary 800 SF storage building with associated landscaping and car parking. Tax Parcel ID is: 235-27.00-12.02. Zoning District: AR-1 (Agricultural Residential). The submitted plan complies with the Zoning Code. Staff are awaiting agency approvals.

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

#### **Vines at Sandhill (2006-73)**

##### Preliminary Amenities Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Amenities Plan for a clubhouse building, sports courts, swimming pool, tot lot and associated parking to serve the Vines of Sandhill Subdivision (2006-73). The Preliminary Amenities Plan complies with the Zoning and Subdivision Codes. Planning Commission approved a revised Subdivision Plan and Phasing Plan on December 14, 2017. Staff are awaiting Agency Approvals. Zoning District: AR-1 (Agricultural Residential). Tax Parcel ID: 135-10.00-63.00.

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

#### **Executive Lawns (CU 2093)**

##### Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for a 3,200 SF building to be used as a landscape business with equipment storage on a 3.74 ac. parcel. The site plan also includes adequate parking for employees, customers and large equipment. A new 24' wide entrance road is proposed over an existing gravel driveway within an existing 50' access easement. This use was approved as Conditional Use application CU #2093 by the Sussex County Council on October 3, 2017. Tax Parcel ID: 235-30.00-6.20. Zoning District: AR-1 (Agricultural Residential). Staff are awaiting agency approvals.

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

#### **Fenwick Float-ors (CU #1293)**

##### Request to Amend Condition of Approval

Mr. Whitehouse advised the Commission that this is a request to amend condition of approval # 2 for Fenwick Float-ors which permits one lighted ground sign, not exceeding 32 square feet per side or facing to allow for a new on-site electronic message center LED sign. Planning Commission recommended approval for CU #1293 on July 8, 1999. Tax Parcel 533-12.00-97.00. Zoning District – AR-1 (Agricultural Residential District).

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

to Amend Condition approval. Motion carried 4-0.

**Lands of Short**

Minor Subdivision off 50' Easement

Ms. Bulkilvish advised the Commission that this is a three (3) lot minor subdivision off a 50 ft. easement in a Conservation Zone. The parcel measuring 2.497 acres +/- and was previously a six-trailer mobile home park along the Indian River Bay. The Board of Adjustment has approved case number 12030 for a variance from the minimum lot size of all three lots and minimum lot width for Lot C. The proposed lots are as follows: Lot A is 0.9317 acres +/- containing a manufactured home and small shed with access from Warwick Rd., Lot B is 0.81480 acres +/- containing a single-story dwelling and 840 sf. shed with access from a 50 ft. ingress/egress easement from Warwick Rd., and Lot C is 0.7505 acres +/- containing a manufactured home and small shed with access from the same 50 ft. ingress/egress easement from Warwick Rd. The Tax Parcel is 234-33.00-22.00. Zoning is AR-1 (Agricultural Residential). Staff are in receipt of an exploratory wastewater disposal report. Staff are awaiting agency approvals.

Motion by Ms. Stevenson, 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.

**Lands of Tom Collins**

Minor Subdivision off 50 ft. easement

Ms. Bulkilvish advised the Commission that this is a minor subdivision of a lot measuring 0.75 acres +/- with a residual lot of 4.25 acres +/- that includes a 50' access easement located off Shawnee Rd. (Rt. 36). The 50' access easement is to be used by the residual lands and Tax Map 130-3.00-236.00. The proposed lot has 120' +/- of road frontage. Tax Parcel ID: 130-3.00-244.00. Zoning District: GR (General Residential). 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.

**Lands of Dennis & Dennis Inc.**

Minor Subdivision off 50 ft. easement

Ms. Bulkilvish advised the Commission that this is a minor subdivision of a lot measuring 1.317 acres with 203.06' of road frontage including a 50' access easement to the residual lands measuring 16.539 acres located off Old Furnace Rd. Tax Parcel ID: 231-14.00-24.00. Zoning District: AR-1 (Agricultural Residential). 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 9:43 p.m.