

MINUTES OF THE REGULAR MEETING OF FEBRUARY 26, 2015

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 26, 2015 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. I.G. Burton, III, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Shane Abbott – Assistant Director.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Minutes of February 12, 2015 as corrected. Motion carried 4 – 0.

OLD BUSINESS

Conditional Use #2008 – John Martin

Application of **JOHN MARTIN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a trucking business and parking of vehicles to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 35,011 square feet, more or less, land lying northwest of Millsboro Highway (Route 24) 300 feet northeast of Lewis Road (Road 409) (911 Address: 30102 Millsboro Highway, Millsboro, DE) (Tax Map I.D. # 133-20.00-17.17).

The Commission discussed this application which has been deferred since February 12, 2015.

Mr. Ross stated that he would move that the Commission recommend denial of C/U #2008 for John Martin for the operation of a trucking business and parking vehicles based upon the record made during the public hearing and for the following reasons:

- 1) The use is not a public or semi-public use. Instead, it appears to be for the sole benefit and convenience of the Applicant so that he can park and operate a trucking business from his residence.
- 2) There is information in the record that nearby neighbors oppose the application. There is also evidence in the record that the use has previously existed without approval and has not been operated in an orderly or neat fashion. For example, information in the record states that the applicant has allowed his trucking equipment or other vehicles to trespass onto neighboring properties without permission.
- 3) Although the applicant has applied for a Conditional Use to operate his trucking business, during the public hearing he indicated that various other operations apparently occur on the site, with all sorts of vehicles stored there. This includes race cars for personal use and automobiles for sale. Although these vehicles may be permitted, I do not feel it is

appropriate to add additional vehicles associated with a Conditional Use trucking operation to the already crowded and small lot.

- 4) This is not a safe location for this use. As stated by the applicant, he is required to back his truck from the County roadway onto the property, blocking traffic.
- 5) The applicant stated that sometimes he starts his truck at 5:00 a.m. The operation of this equipment at such as early hour is not compatible with the nearby residential uses.
- 6) The applicant has stated that he parks his trailers off-site and there is no apparent reason why he could not also park the tractor in the same location away from his property and the surrounding residential uses.
- 7) In summary, the proposed Conditional Use is not compatible with the neighboring and adjacent properties or roadways. As a result, it should be denied.

Motion by Mr. Ross, seconded by Mr. Burton, and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that this application be denied for the reasons stated. Motion carried 3 – 0, with Mr. Johnson not voting.

Conditional Use #2009 – Josh Grapski

Application of **JOSH GRAPSKI** to consider the Conditional Use of land in a C-1 General Commercial District for a food truck (vendor) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 20,271 square feet, more or less, land lying southwest of Coastal Highway (Route One) and southeast of Airport Road (Road 275A) (911 Address: 19406 Coastal Highway, Rehoboth Beach, DE) (Tax Map I.D. # 334-13.00-325.02).

The Commission discussed this application which has been deferred since February 12, 2015.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings would be processed.

Conditional Use #2010 – The Cross Christian Academy, Inc.

Application of **THE CROSS CHRISTIAN ACADEMY, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a Christian academy/private school to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 9.55 acres, more or less, land lying south of Route 16 (Beach Highway) 1,020 feet west of Road 595A (Spruce Road) and north of Road 595A (Spruce Road) 1,075 feet southwest of Route 16 (Beach Highway) (911 Address: None Available) (Tax Map I.D. # 230-26.00-6.03).

The Commission found that the applicants provided surveys, site plans, and an Exhibit Booklet with their application.

The Commission found that the Exhibit Booklet contains references to the Site Plan, Land Use Maps, Building Plans, DelDOT correspondence, information on the Wastewater Disposal System, references to the Maple Marsh Tax Ditch, Environmental Information, and photographs.

The Commission found that DelDOT provided comments in the form of a letter, dated November 6, 2014, and a Support Facilities Report, dated October 8, 2014, referencing that the developer has agreed to either pay the Area-Wide Study Fee or submit supplemental traffic data to determine whether the developer meets Traffic Impact Study warrants; that should the developer choose to develop the land as a 100-student K-12 private school DelDOT would permit payment of a fee in lieu of requiring a Traffic Impact Study; that the developer is not exempt from making or contributing towards off-site improvements or from doing a Traffic Operational Analysis, if necessary, for review of the site access plans; and that the Area-Wide Study Fee is subject to change if the developer submits supplemental traffic data that shows a change in daily trips.

The Commission found that on February 24, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Lank presented the Commission with copies of 20 letters in support of this application. The letters included notes from students.

The Commission found that Don Porter, Director of the Academy, was present with Gene Bayard, Esquire with Morris, James, Wilson, Halbrook & Bayard, LLP, and Roger Gross, Project Manager from Merestone Consultants, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the academy stated in a church in Milford in 2011; that the academy is currently operating just outside of Ellendale; that the Hudson family donated this land for the purpose of the academy/school; that they are proposing a maximum of 100 students from kindergarten through 12th grade; that no adverse impact on the neighborhood or community is anticipated; that the site is wooded along its western boundary; that they have no intent to disturb the wooded area; that to the east is Prong 9 of Maple Marsh Tax Ditch; that they are working with the State to correct the tax ditch easement; that the area is primarily agricultural; that there are some residential properties in close proximity; that the site is located in a Level 4 area according to the State Strategies; that the site is in or on the edge of the Ellendale Growth Area according to the Comprehensive Plan; that they do not anticipate any drainage issues; that on-site well water will be provided; that on-site septic will be provide, most likely an LPP System; that DelDOT is permitting a single access onto Spruce Road; that the academy will be paying an Area-Wide Study fee in lieu of doing a Traffic Impact Study; that currently three (3) buildings are proposed: two (2) just less than 10,000 square feet for administration and classrooms, and a gym; and a maintenance building; that the septic system has been approved; that there is room on the site for future expansion; that the letters received in support were from friends, family and students of the academy; that the use is consistent with the

Comprehensive Plan and the Conditional Use section of the Zoning Ordinance; that they have provided suggested proposed Findings of Fact and Conditions of Approval for consideration in the Exhibit Booklet; that the use is of a public/semi-public character and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County; that the use is for the general convenience and welfare of the inhabitants of the County; that they are proposing to reduce the tax ditch easement to 30-feet of width with approval from the State DNREC and a Court Order; that the academy currently has 40 students and 11 staff members; and that there is ample space of the site to expand parking, if necessary.

The Commission found that there were no parties present speaking in support of the application, and that there were 21 parties present that raised their hands in support.

The Commission found that there were no parties present in opposition to the application.

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2010 for The Cross Christian Academy, Inc. for a school based upon the record made during the public hearing and for the following reasons:

- 1) The use is for a small school, which is a public use that will benefit Sussex County residents.
- 2) The site is located in the Growth Area for the Town of Ellendale according to the Sussex County Comprehensive Land Use Plan.
- 3) The use will not adversely affect neighboring properties or area roadways.
- 4) No parties appeared in opposition to the proposed school, and 21 people were present in support of the school.
- 5) The Applicant has stated that the existing school is expanding and requires more space than is available in the building that is currently rented by the school.
- 6) The site has been donated to the school and the donor will still own much of the land that surrounds the school. The donor fully supports the school on this site.
- 7) This recommendation is subject to the following conditions:
 - A. The stormwater management system shall meet or exceed the requirements of the State and County. To the extent possible, its design and location shall minimize tree removal on the site. It shall be constructed and maintained using best management practices.
 - B. All entrances and roadway improvements shall comply with all of DelDOT's requirements.
 - C. Addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - D. 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.
 - E. The Final Site Plan shall also contain a landscape plan for all of the buffer areas shown on the preliminary site plan, showing all of the landscaping and vegetation to be included in the buffer areas.
 - F. The developer shall maintain as many existing trees as possible.

- G. The site shall be served by an on-site wastewater disposal system. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control.
- H. The site shall be served by an on-site well. All improvements for central water distribution, including wells, pumps and storage facilities shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control and the Department of Public Health.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

Conditional Use #2011 – Douglas Hitchens t/a Hitchens Auto Sales, LLC

Application of **DOUGLAS HITCHENS T/A HITCHENS AUTO SALES, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automotive sales lot expansion to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.0 acres, more or less, land lying northeast of Route 18 (a.k.a. Route 404 and Seashore Highway) 950 feet northwest of Road 527 (Wilson Hill Road) (911 Address: 12769 Seashore Highway, Georgetown, DE) (Tax Map I.D. 231-5.00-7.06).

The Commission found that the applicant submitted the same survey as his previously approved site plan for Conditional Use No. 1667, approved by County Council January 9, 2007.

The Commission found that on February 24, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that he did not request comments from DeIDOT since the use is not changing, only the number of vehicles to be displayed for sale is changing.

Mr. Lank advised the Commission that the Commission first reviewed this site during a public hearing on January 9, 2006 and on October 26, 2006 recommended that the application for Conditional Use No. 1667 be denied; and that on January 9, 2007 the Sussex County Council approved the requested Conditional Use with nine (9) conditions of approval, which included:

- 1) The use shall be limited to an office, an area for vehicles displayed for sale, parking for customers, driveways, and a dumpster, if any.
- 2) The maximum number of vehicles to be displayed shall not exceed ten (10).

- 3) Repair work and detailing of vehicles shall be limited to vehicles to be offered for sale on the premise, not vehicles owned by others. There shall be no repair work performed outside.
- 4) Business hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. There shall be no Sunday business hours.
- 5) Any security lighting shall be downward illuminated so as not to cause glare into adjacent properties or Route 404.
- 6) If a dumpster is placed on the property, it shall be screened from view from adjacent properties and Route 404.
- 7) All vehicles displayed for sale shall be set back at least 25-feet from the front property line, the right-of-way of Route 404.
- 8) One ground sign, not exceeding 32 square feet per side or facing, may be permitted.
- 9) Final Site Plan approval shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals, i.e. DelDOT, Fire Marshall, Sussex Conservation District, DNREC, etc.

The Commission found that Douglas Hitchens was present and stated in his presentation and in response to questions raised by the Commission that he is requesting to change the number of vehicles displayed for sale from 10 to 30 vehicles; that he has been open for four (4) years since receiving approval and has only displayed up to 10 vehicles; that the vehicles displayed are parked on an area improved with stone millings; that he is not changing the display area, only adding additional vehicles for display; that the Sussex Conservation District approved his site plan; that a trucking company exists to the west of the site; and that he would also like to be able to repair vehicles owned by others.

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

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

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration and to leave the record open for copies of the record of the previous public hearings for Conditional Use No. 1667 on this site. Motion carried 4 – 0.

Change of Zone #1766 – Stonemark Ventures, LLC

Application of **STONEMARK VENTURES, LLC** to amend the Comprehensive Zoning Map of Sussex County, from an AR-1 Agricultural Residential District to a HR-1 – RPC High Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 19.52 acres, more or less, land lying south of Road 285 (Beaver Dam Road) 2,500 feet west of Road 275 (Plantation Road) (911 Address: None Available) (Tax Map I.D. 334-5.00-222.01).

The Commission found that the applicants submitted surveys and site plans with the application, and that they submitted revised site plans and Exhibit Booklets on February 16, 2015. The Exhibit Booklets contain a color rendering of the proposed project; a series of maps; references

to the project team; a transmittal letter and application; ownership information, a copy of the survey of the property; a rezoning site plan with site data table, cover sheet, site plan, and site plan details; a landscape plan with related data information; a proposed declaration for a condominium with bylaws, declaration deed of easement, and draft of a condominium declaration plan; references to compliance with 99-9C of the Subdivision Ordinance; references to compliance with the Environmentally Sensitive Developing District Overlay Zone; PLUS comments and responses; an Environmental Assessment and Public Facilities Evaluation Report; DelDOT comments and requests; County Engineering comments; a Tidewater Utilities, Inc. willing and able to serve letter; building plans with elevations and floor plans; and suggested proposed Findings of Fact and suggested proposed Conditions of Approvals.

The Commission found that DelDOT provided comments in the form of a letter and Support Facilities Report, dated October 27, 2014, referencing that the developer has an option to pay an Area-Wide Study Fee in lieu of conducting a Traffic Impact Study; that the Area-Wide Study Fee is applicable to a development that would generate fewer than 2,000 trips per day and fewer than 200 trips during a weekly peak hour; and that the current Level of Service “B” will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments on February 24, 2015 referencing that 100 units are proposed; that the project is not located in a County operated and maintained sanitary sewer and/or water district; that capacity is available for up to 100 units with certain criteria; that Ordinance 38 construction will be required; that the West Rehoboth Expansion area system is extended to provide sewer service to the parcel; that the current System Connection Charge Rate is \$5,500.00 per EDU (Equivalent Dwelling Unit); that there is no sewer service to the parcel at this time; that the County does not have a schedule to extend sewer service to the parcel at this time; that the property is capable of being annexed into a County operated Sanitary Sewer District; that conformity to the North Coastal Area Planning Study is required; that the project proposes connection to a County operated central sewer system; that the County supports the project connecting to a County operated sewer system; that the project is located in the Environmentally Sensitive Developing Area and adjoins the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that if and when it is determined that the County can provide sewer service, and following approval of a concept plan, a request for annexation into the West Rehoboth Expansion will be considered; that the County previously signed a Memorandum of Understanding (MOU) with the Delaware State Housing Authority to provide sewer service to the parcel, for up to 100 units so long as at least 80 units were moderately priced housing units and other requirements and aspects of the MOU are met; that any deviation or modification of the MOU may require approval by the Sussex County Council and the Delaware State Housing Authority; that it can be anticipated that an extension of gravity sewer to the parcel and other improvements and modifications will need to be completed by the developer, at the developer's expense, in order to receive sewer service; that System modifications are to include completion of bypass and abandonment of Pump Station 801 by the developer; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a sewer concept plan must be submitted to the County Engineering Department for review and approval prior to design of the sewer system; that

conformity to the North Coastal Area Planning Study Technical Memorandum for the Graves Property and an approved Concept Plan will be required.

Mr. Lank advised that Commission that this application has been submitted to the Technical Advisory Committee for comments and that the Department has requested written comments on this application by March 2, 2015. Some of the agencies have responded, but not all of the agencies.

The Commission found that Megan Connor, Agent for the developer, was present with Dennis Schrader, Esquire with Morris, James, Wilson, Halbrook & Bayard, LLP, and Mark Davidson, Chief Planner, Peter Stone, Landscape Architect, and Carlton Savage, Professional Engineer, with Pennoni Associates, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the Exhibit Booklet contains the PLUS comments and their responses; that the project is in compliance with Section 99-9C of the Subdivision Ordinance and that their compliance statements are in the Exhibit Booklet; that the project is in compliance with the Environmentally Sensitive Developing District Overlay Zone of the Zoning Ordinance and that their compliance statements are in the Exhibit Booklet; that a Phase I Environmental Assessment Study has been completed for the site; that a Landscape Plan has been prepared; that the site was formerly lands of the Delaware State Housing Authority; that the site is adjacent on the west side to and is proposed to be an expansion of the adjacent development, Lewes Crossing; that according to the Comprehensive Plan the site is located in a Developing Area, the Environmentally Sensitive Developing District; that according to the State Strategies the site is located in Level No. 1; that central sewer is proposed to be provided by the County; that central water for drinking and fire protection is proposed to be provided by Tidewater Utilities; that no wetlands exists on the site; that the site is not located in a Flood Zone; that Mr. Davidson submitted a revised map of the area with referenced densities in some projects; that the parcel is divided by a hedgerow; that the site is adjacent to the Henlopen Landing Community on the east, Sea-Woods Subdivision and Gosling Creek Subdivision to the south; that the new Coastal Club Residential Planned Community is just down Beaver Dam Road to the west; that a Lowe's and other commercial uses are in close proximity; that there are no known historic or cultural sites on this site; that 100 attached dwelling units are proposed with a townhouse design; that no more than four (4) units will be attached to each other; that the developer is committed to comply with all of the PLUS comments during the site plan review process; that the site plan is designed to include a lot of open space, and should be compatible with the single family housing in the immediate area; that the units will be designed with two (2) car garages; that full access to the project will be through Phase 7 of the Lewes Crossing project; that all infrastructure will be built; that no new entrance improvements will be required; that DelDOT has agreed to allow a right-out only from the project; that they will be widening and improving the travel lanes of Beaver Dam Road and connecting and extending the multi-modal path along Beaver Dam Road; that DelDOT did not require a Traffic Impact Study; that the developer will be paying fees to the Area Wide Study; that the County Engineering Department has advised that capacity is available for up to 100 units; that sewer lines will be extended from an approved location within Lewes Crossing; that the project will be designed to the new State DNREC stormwater regulations; that the drainageway from Henlopen Landing that crosses this property will not be impeded; that street trees and perimeter landscaping will be provided; that a pool and poolhouse are proposed; that street lighting and sidewalks are proposed; that the

sidewalks will connect to the Lewes Crossing sidewalks and multi-modal paths; that the site is being designed with 48% open space; that landscaping is being proposed along Beaver Dam Road; that they would like to develop the site with an alternative landscaping plan by providing eight (8) larger caliper trees per 100 feet and are proposing 319 perimeter trees and 250 interior trees; that some vegetation already exist on the south and west property lines; that the project has a similar design to the Forest Landing project south of Ocean View; that this application will be an infill between four (4) existing projects: Lewes Crossing, Henlopen Landing, Gosling Creek and Sea-Woods; that they have submitted proposed condominium restrictions for Mr. Robertson's review; that they have submitted suggested proposed Findings of Fact and Conditions of Approval for consideration; that they consider that the project has a superior design with design ingenuity over a standard development plan; that DelDOT has a project slated for the area of Five Points and the developer will be contributing fees to the Area Wide Study for that project; that the State recently purchased the 13 acre parcel next to Henlopen Landing at Plantation Road and Beaver Dam Road; that the design for the sidewalks has some crosswalks; that the design includes water features that will be maintained with Best Management Practices and include bio-swales and infiltration basins; that there are several high-density projects in close proximity, referencing The Vinyards at Nassau on Route 9 and a proposed multi-family project behind Lowe's on Shady Road; that the project will share in the cost of maintenance of the infrastructure in Lewes Crossing Phase 7 and will be a part of the Master Homeowners Association; that there will be separate homeowners associations and condominium associations; that all amenities will be shared; that the Multi-Modal path improvements in Phase 7 are scheduled to be completed by May 2015; that no affordable housing units are proposed; that the density of this site will be 5.12 units per acre with 40% open space; that the combined density of all of the combined Lewes Crossing Community and this site equals 2.7 units per acre similar to the Henlopen Landing density; that they have applied for HR-1 High Density Residential with an RPC Residential Planned Community Overlay because they are not requesting 12 units per acre and the Overlay limits the density to that requested; and that no commercial activities are proposed on the site.

During the discussion of the project the Commissioners referenced that there have been issues relating to buffer landscaping; that design ingenuity may be considered; that the proposed density is different from the adjacent projects; that traffic issues already exist at the intersection of Plantation Road and Beaver Dam Road; that no affordable housing is included; that they could consider the entire Lewes Landing densities rather than the density of this site alone; and noting that there are no commercial activities intended.

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

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

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

OTHER BUSINESS

Evelyn M. Timmons

Commercial Site Plan – Route 26

Mr. Abbott advised the Commission that this is a preliminary site plan for a one-story, 1,920 square foot real estate office and RV and boat storage located on 5.943 acres of land that is zoned C-1 and AR-1; that the proposed uses are located on the C-1 zoned lands; that the setbacks meet the minimum requirements of the zoning code; that 10 parking spaces are proposed for the office; that 50, 10-foot by 40 foot spaces and 4, 14-foot by 60-foot spaces are proposed for the RV and boat storage; that the storage area is surrounded by a 6-foot high chain-link fence; that the Millville Fire Company has provided a letter advising that they are in agreement with the fence being locked provided there is a Knox Box with keys on the site; that Sussex County will provide central sewer and on-site water is proposed; that DelDOT has issued a Letter of No Contention for the existing entrance; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the preliminary site plan.

Mr. Johnson questioned if the entrance is from Antique Road and the staff advised that that is correct.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

Chesapeake Agrisoil / Perdue Agri Recycle, LLC

2 Parcels with existing easement – Route 13A

Mr. Abbott advised the Commission that this is a request to subdivide two entities from one another; that the two sites were approved by Conditional Uses No. 1314, 1865 and 1962; that Parcel A will be conveyed to Chesapeake Agrisoil and will contain 26.62 acres; that access to this parcel will be from the existing 50-foot road known as Enviro Way; that the remaining 196.64 acres will be retained by Perdue Agrirecycle; that the conditions of all previous Conditional Use applications will remain in effect for the appropriate parcels; and that the Commission was previously provided copies of surveys for the two parcels.

Mr. Robertson advised the Commission that the applicants were going to apply for amended Conditional Use applications to separate the conditions but that is not necessary since the conditions will remain with the appropriate parcels.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried 3 votes to none, with Mr. Ross not participating, to approve the request as submitted with the stipulation that the conditions of approval from the previous Conditional Use applications will remain with the respective parcels. Motion carried 3 – 0 – 1.

Charles Auman

C/U #1771 – Revised Site Plan – Swains Private Road

Mr. Abbott advised the Commission that this Conditional Use for a mini-storage facility and RV and boat storage was approved on June 9, 2009 and that the approval is valid until January 1, 2016; that the site contains 8.449 acres and is zoned AR-1; that during the public hearing, the applicant presented testimony that ingress/egress to the site would be off of Swains Private Road; that the owner would like consideration from the Commission to allow ingress/egress to the site from Road 225; that DelDOT has issued an Entrance Approval Letter and a Letter of No Objection to Recordation, both dated February 5, 2015; that the Commission needs to determine if this request warrants a new Conditional Use application; that in reviewing the minutes of the March 26, 2009 meeting, 3 people spoke in opposition to the application and referenced traffic safety concerns about the narrowness of the Swain Private Road; that neither preliminary nor final site plan approval has been granted by the Commission or staff; and that the Commission was previously provided a sketch drawing of the proposed relocated ingress/egress.

The Commission discussed the request and questioned what is located on either side of the proposed entrance and that if the request is denied, does the applicant still have the right to use Swain Private Road.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to deny the request as submitted and to require a new Conditional Use application, if the applicant wants to relocate the entrance. Motion carried 4 – 0.

Allen Warfel

Parcel & 50' Right-of-Way – Road 635

Mr. Abbott advised the Commission that this is a request to create a 1.0 acre parcel with access from a 50-foot right of way; that the owner is proposing to create the 50-foot right of way over an entrance to an approved major subdivision; that the Commission granted final record plan approval for Herring Wood Estates, a 41 lot standard subdivision on July 14, 2010; that the remaining 40 lots will be conveyed to an adjoining owner and the subdivision will be deleted and the lands will be used for agricultural purposes; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve the request as a concept. Motion carried 4 – 0.

Dolores Desmond

3 Parcels & 50' Right-of-Way – Road 258

Mr. Abbott advised the Commission that this is a request to subdivide an 8.80 acres parcel into 3 lots with access from a 50-foot right of way; that on June 28, 2007 the Commission granted preliminary subdivision approval for 7 lots on this site; that the owner has decided not to develop the property as proposed; that on December 18, 2014 the Commission approved Lot 1 as an Other Business item; that Lots 2 and 3 will both contain 1.20 acres; that the residual lands will

contain 6.40 acres and there is an existing dwelling and garage on the site; that there would be a total of 4 lots having access from the right of way; that the owner is proposing to create the right of way over an existing woods lane; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve the request as a concept. Motion carried 4 – 0.

Cassandra Short & Eric Brosnahan

Lot & 50' Right-of-Way – Road 427

Mr. Abbott advised the Commission that this is a request to create a 1.0 acre lot with access from a 50-foot right of way; that the owner is proposing to create the right of way over an existing woods lane; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the request as a concept. Motion carried 4 – 0.

ADDITIONAL BUSINESS

There will be a special meeting held on Thursday, March 19, 2015 at 3:00 p.m. for reviewing Other Business items.

Meeting adjourned at 8:45 p.m.