

MINUTES OF THE REGULAR MEETING OF MARCH 12, 2015

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 12, 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 Vice Chairman Smith presiding. The following members of the Commission were present: Mr. Rodney Smith, Mr. I.G. Burton III, Mr. Michael Johnson, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Ms. Janelle Cornwell – Planning and Zoning Manager.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the Agenda as revised noting that the public hearing for Change of Zone #1764 Marine Farm, LLC has been removed from the agenda. Motion carried 4 – 0.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of February 26, 2015 as amended. Motion carried 4 – 0.

OLD BUSINESS

**Subdivision #2013-4 – Jack Lingo Asset Management, LLC**

Application of **JACK LINGO ASSET MANAGEMENT, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred, Sussex County, by dividing 108.75 acres into 69 lots, Environmentally Sensitive Development District Overlay Zone, located northwesterly of Canary Creek Subdivision, approximately 400 feet northwest of Park Road (Tax Map I.D. #335-7.00 part of 1.00).

Mr. Smith referred back to this application which has been deferred since December 11, 2014.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2013 – 4 for Jack Lingo Asset Management, LLC, based upon the record made during the public hearing and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County. The proposed subdivision is zoned AR-1 and is also within the County's Environmentally Sensitive Developing Area.
2. As a subdivision in the Environmentally Sensitive Developing Area, the project is permitted to have minimum lot sizes of 7,500 square feet with central sewer and water. The subdivision has 69 proposed lots, and complies with the density requirements for the parcel.
3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values. The nearby uses include the adjacent Canary Creek Subdivision.

4. The proposed subdivision will not adversely impact schools, public buildings or community facilities.
5. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
6. The site contains over 75 acres of woodlands, which the applicant intends to preserve.
7. Although there are wetlands on the site, they will not be disturbed by this development, and there will be a 50 foot buffer from all non-tidal wetlands. All wetland areas will also be marked with permanent markers to put people on clear notice of their existence to prevent any unapproved disturbance of them.
8. The applicants have provided an Environmental Assessment and Public Facility Evaluation Report that favorably addresses:
  - A. Drainage design and storm water, with wet basins and green technology to meet water quality requirements.
  - B. The proposed method of providing potable water from the City of Lewes Board of Public Works.
  - C. The proposed method of wastewater treatment and disposal from the City of Lewes Board of Public Works.
  - D. An environmental report prepared by Environmental Resources, Inc., addressing endangered or threatened species. There are no impacts on the known endangered or threatened species in this area.
  - E. The effects of traffic from the development on surrounding roadways.
  - F. The preservation and non-disturbance of wetlands on the site.
  - G. The provisions for open space, which will include approximately 50% of the upland area remaining as open space.
  - H. Historical or cultural resources on the site were addressed in on-site meetings between the developer's representatives and the State Historic Preservation Office. An archaeological study was also prepared by Edward Otter, Inc. Based on this information, no significant archaeological sites are present on the property.
9. This preliminary approval is subject to the following conditions:
  - A. There shall be no more than 69 lots in the subdivision.
  - B. The applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, wetlands protecting the Great Marsh, storm water management facilities, and other common areas.
  - C. The Development shall be served by Central Water and Sewer provided by the City of Lewes Board of Public Works.
  - D. The storm water management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
  - E. A 20 foot forested buffer or landscaped buffer shall be installed along the entire perimeter of the project. The Final Site Plan shall contain a landscape plan for these areas.
  - F. All entrances and roadway improvements shall be constructed in accordance with all of DelDOT's requirements.
  - G. A system of street lighting shall be provided throughout the project.
  - H. As stated by the applicant, sidewalks shall be installed on both sides of all streets in the development.

- I. Street design shall meet or exceed Sussex County Standards.
- J. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.
- K. The location for a school bus stop shall be coordinated with the local school district's transportation manager. The location of the bus stop shall be shown on the Final Site Plan.
- L. As stated by the applicant, there shall be a 50 foot buffer from all non-tidal wetlands.
- M. As stated by the applicant, there shall be a 50 foot vegetated buffer between this development and the Canary Creek residential development.
- N. The Final Site Plan shall incorporate elements geared towards mitigating potential flood damage. As stated by the applicant, the Final Site Plan shall contain a bold notation that all residential structures must include one foot of freeboard above Base Flood Elevation as determined by FEMA.
- O. Deliveries of dirt, fill, or other similar materials shall only be made to the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Thursday, and between the hours of 8:00 a.m. and 3:00 p.m. on Fridays. There shall be no deliveries of this type and material on Saturday or Sunday.
- P. No building constructed in this development shall have a basement.
- Q. The pool and clubhouse amenities shall be constructed on or before the issuance of the 35<sup>th</sup> Building Permit.
- R. A revised Preliminary Site Plan either depicting or noting these amenities must be submitted to the Sussex County Office of Planning and Zoning.
- S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 0.

**Subdivision #2014-8 – Dozer, LLC, c/o Hal Dukes, Jr.**

Application of **DOZER, LLC, C/O HAL DUKES, JR.** to consider the Subdivision of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 10.04 acres into 14 lots, located north of Road 363 (Double Bridges Road) approximately 1,450 feet easterly of Road 362 (Parker House Road) (Tax Map I.D. #134-19.00 part of 19.00).

Mr. Smith referred back to this application which has been deferred since February 12, 2015.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2014 – 8 for Dozer, LLC, c/o Hal Dukes, Jr., based upon the record made during the public hearing and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The property is zoned MR-Medium Density Residential. As a subdivision in the MR zone, the project is permitted to have minimum lot sizes of 10,000 square feet. The

proposed subdivision has 14 lots on 10.04 acres. This is well within the maximum density permitted in the MR zone.

3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values. It is surrounded by other residential developments with characteristics similar to this application.
4. The proposed subdivision will not adversely impact schools, public buildings or community facilities.
5. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
6. Sewer will be provided as part of a Sussex County Sanitary Sewer District.
7. This preliminary approval is subject to the following conditions:
  - A. There shall be no more than 14 lots within the subdivision.
  - B. The applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, and other common areas.
  - C. The Development shall be served by Sussex County Sewer.
  - D. The storm water management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
  - E. A 20 foot forested or landscaped buffer shall be installed along the entire perimeter of the project. The Final Site Plan shall contain a landscape plan for these areas.
  - F. All entrances and roadway improvements shall be constructed in accordance with all of DelDOT's requirements.
  - G. Street design shall meet or exceed Sussex County Standards.
  - H. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.
  - I. The applicant shall submit a revised Preliminary Site Plan either depicting or noting these conditions of approval on it.
  - J. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried 3 votes to none, with Mr. Johnson not participating, to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 3 – 0.

### **Conditional Use #2009 – Josh Grapski**

Application of **JOSH GRAPSKI** to consider the Conditional Use of land in an 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. #334-13.000-325.02).

Mr. Smith referred back to this application which has been deferred since February 12, 2015.

The Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #2009 for Josh Grapski for a food truck in a C-1 General Commercial Zoning District based upon the record made during the public hearing and for the following reasons:

- 1) The property where the food truck will be located is zoned C-1 General Commercial. Permitted uses include retail sales and the sale of foods and beverages, as well as restaurants. The food truck operation is consistent with the underlying permitted uses in the C-1 General Commercial Zoning District.
- 2) This location, along Highway One near Rehoboth Beach is appropriate for a food truck operation. It would also be consistent with the uses on the site, which include a small tavern.
- 3) The use will not adversely affect any neighboring properties or area roadways.
- 4) No parties appeared in opposition to this application.
- 5) This recommendation of approval is subject to the following conditions:
  - A. The food truck shall be located in the front of the Liquid Surf Shop building as explained by the applicant during the public hearing.
  - B. The use shall comply with all other State and County regulations as may be applicable.
  - C. The truck shall not be permanently affixed or attached to the property.
  - D. If the truck is to be located within any setbacks, a variance from the Sussex County Board of Adjustment shall be required.
  - E. A Final Site Plan showing the location of the food truck shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried with a vote of three (3) to none, with Mr. Johnson not participating, 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 3 – 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).

Mr. Smith referred back to this application which has been deferred since February 26, 2015.

Mr. Smith added that he has reviewed the application file and listened to the audio.

Mr. Lank noted that the Commission was previously provided with a copy of the Minutes for the previous Conditional Use (C/U #1667) held on October 12, 2006 and October 26, 2006.

Mr. Ross stated that he would move that the Commission recommend approval of C/U #2001 for Douglas Hitchens, t/a Hitchens Auto Sales, LLC to modify Conditional Use #1667 to allow 30 cars for sale on an automotive sales lot based upon the record made during the public hearing and for the following reasons:

- 1) Conditional Use #1667 for an automotive sales lot was approved by County Council on January 9, 2007. The approval limited the use to 10 cars for sale at any one time.
- 2) The use has been open for 4 years with only 10 vehicles for sale at any one time without complaint.
- 3) The additional cars would be located on the area of the site that is currently improved with stone millings and the site improvements will not change as a result of this request.
- 4) The expansion will not adversely affect neighboring properties, which includes a trucking company to the west of the site.
- 5) No parties appeared in opposition to the application.
- 6) Condition #2 of Conditional Use #1667 shall be amended to state “The maximum number of vehicles to be displayed shall not exceed thirty (30).” All of the other conditions of Conditional Use #1667 shall remain in effect.

Motion by Mr. Ross, seconded by Mr. Burton, 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.

### **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).

Mr. Smith referred back to this application which has been deferred since February 26, 2015.

Mr. Smith added that he has reviewed the application file and listened to the audio.

Mr. Johnson stated that he would like to discuss this application prior to considering a motion; and added that he has some concerns relating to increased traffic and density; questions on the impact on existing and future residents, and other undeveloped lands in the area; building heights; the possibility of the RPC not being developed and being sunset, and then the property being developed as HR-1 High Density, at up to 12 units per acre; and permitted uses in the existing AR-1 Agricultural Residential zoning v. HR-1 High Density Residential zoning.

Mr. Burton stated that he has the same concerns about the HR-1 High Density Residential zoning.

Mr. Ross stated that he also has concerns about the HR-1 High Density Residential zoning being applied for to accommodate an RPC Residential Planned Community application; that no public transportation is being offered; that public transportation may be beneficial to the use; that the area around the site is typically a lower density; that the permitted height in HR-1 High Density Residential zoning exceeds the normal height in the surrounding areas; that the increased density is questionable; and suggested that the Commission defer action so that the Mr. Wheatley can participate in the discussion.

Mr. Smith agreed that the discussion should include the entire Commission.

Mr. Johnson added that no parties appeared other than the applicant's representatives causing a lack of participation; that it is not a popularity contest; and that the Commission has to review this application based on land use as described by the Zoning Ordinance.

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

### **Public Hearings**

#### **Conditional Use #2013 – TBHM, LLC**

Application of **TBHM, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a meadery microbrewery for the manufacturing of honey wine and tasting to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.99 acres, more or less, land lying north of Route 9 (Lewes Georgetown Highway) 600 feet east of Coolspring Road and South of the Railroad (911 Address: None Available) (Tax Map I.D. #334-4.00-34.00 (Part of) and 235-31.00-15.00).

The Commission found that the Applicant provided surveys of the property with their application submitted on December 2, 2014, and that they submitted an Exhibit Booklet for consideration on February 27, 2015.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on October 7, 2014 referencing that a Traffic Impact Study was not recommended, and that the current Level of Service of Route 9 will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on March 9, 2015 referencing that the site contains four (4) soil types; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that the necessity for off-site drainage improvements is not likely; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 10, 2015 referencing that the property is in the North Coastal Planning Area; that an on-site septic system is proposed; that

conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that John Talkington and Robert Walker were present on behalf of their application with Wayne Hawkins, builder, and stated in their presentation and in response to questions raised by the Commission that the landowner and the proposed builder were also present; that the Exhibit Booklet describes their intent to establish a meadery; that mead is a honey wine, similar to cider; that the process is similar to a winery; that the honey is mixed with water into a fermentation vessel or mixing tank; that the amount of honey and water varies depending on the batch size and recipe; that some of the meads will have fruit and spices added for flavoring; that once the honey and water are mixed the specific gravity, PH and temperature will be taken; that yeast, yeast nutrients, and oxygen will be added to the mixture to start the fermentation process which takes approximately 3 to 4 weeks; that after that process has ended, the mead will be left to clear and age; that the aging process takes 3 to 6 months; that some of the mead will be aged in oak barrels like wine; that the mead is then filtered before packaging into bottles or kegs; that the process uses less water than the processing of beer; that they hope to have approximately 800 cases processed in the first year; that they hope to be the first meadery in Delaware; that the closest meadery is in Baltimore; that they referenced Delaware Title for a microbrewery to show their intent to sell mead manufactured at this location in labeled barrels, bottles or other closed containers to importers licensed for delivery by them to persons inside and outside of Delaware, and to sell mead at this location for consumption on or off the premises; that the mead sold for off-premises consumption shall be limited to a maximum of 5 cases per day to each retail customer; that a tasting area will be provided on the premise; that they plan on selling mead by the glass, growler, keg, pint, or case; that the tasting room would be in the mead hall; that mead is similar to a hard cider; that they are hoping to hire 5 to 10 employees; that business hours would be longer during summer months; that manufacturing, including bottling, hours are planned to be Monday through Saturday from 8:00 am to 10:00 pm; that retail hours are planned to be Monday through Saturday from 12:00 Noon to 10:00 pm, and Sundays from 12:00 Noon to 5:00 pm; that they will observe all major State holidays; that all bottling will be done by hand, not machinery; that if the business grows, as anticipated, they may be moving to a larger site at another location; that they plan on selling related merchandise such as t-shirts, sweatshirts, posters, mugs, glasses, signs and other knickknacks; that tours/tastings may operate one time per hour from 1:00 pm to 6:00 pm; that they anticipate approximately 15 visitors weekdays to 40 visitors on weekends; that septic and water will be on-site; that processing waste will be properly disposed of; that they may have private parties on premises, which will be limited to 25 to 30 people; that they do not anticipate any impact on the community due to the size of the facility; that it is reported that they will create less wastewater than a family of two; that deliveries will be from UPS types of trucks, not 18 wheelers; that they would like to be able to erect signage consistent with a commercial or business use; that they hope to be able to reconstruct buildings on the existing foundations; that two building exists, one of which was a Southern States building, and the other was a storage building; that they are proposing to provide customer parking on the easterly side of Coolspring Branch, with a pedestrian bridge for access to the site across Coolspring Branch; that a new building could be built on the easterly side of Coolspring Branch; that a church exists across Route 9 from the site; that the State ABC laws



have changes and do not require a specific distance from churches; that there are no wetlands issues; and that their concern in remodeling or rebuilding the buildings are the setbacks.

The Commission found that Catherine Bronson was present in support and stated that the proposed use will increase revenue from tourism; that the use will be a benefit to the culinary and winery touring industry; that Delaware has a fast growing winery type tourist industry with four (4) wineries; that Maryland has 13 wineries; that there are approximately 150 meadery sites nationwide; that the site is in the tourism area of Sussex County; and that the use should be good for the economy.

In response to a question raised by the Commission, Mr. Walker stated that they will be leasing the property.

The Commission found that Shaune Thompson, one of the landowners, confirmed that the owners approve of the use; that it is the applicant's intent to try to use the existing structures; and that she is present to show the owners support.

At the conclusion of the public hearings, the Commission discussed this application. Some concerns were expressed about the reconstruction of the existing buildings due to their condition, and that the applicant should consider construction of a new building on the easterly side of Coolspring Branch.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action and to leave the record open for ten (10) days for receipt of a revised preliminary site plan from the applicants, and then ten (10) days for public review. Motion carried 4 – 0.

#### **Change of Zone #1764 – Marine Farm, LLC**

Application of **MARINE FARM, LLC** to modify Condition Numbers 1, 4, 13, and 17 imposed on Ordinance No. 1770 for Change of Zone No. 1554, the application of Marine Farm, LLC for the Coastal Club, a MR-RPC Medium Density Residential District – Residential Planned Community, and to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium Density Residential District – Residential Planned Community to a MR Medium Density Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, for a 13,425 acres, more or less, portion of the property; (911 Address: None Available) (Tax Map I.D. 3-34-11.00-5.00, 395.00 and 396.00).

This application has been removed from the agenda and will be readvertised for a future date.

#### **Change of Zone #1765 – Red Mill Point, LLC**

Application of **RED MILL POINT, LLC** 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 Lewes and Rehoboth Hundred, Sussex County, containing 29,289 square feet, more or less, land lying northeast of Route One (Coastal

Highway) across from Red Mill Pond (911 Address: None Available) (Tax Map I.D. 334-1.00-5.00).

The Commission found that the Applicant provided surveys of the property with their application submitted on December 2, 2014, and that they submitted an Exhibit Booklet for consideration on February 27, 2015.

The Commission found that the Applicants provided a survey of the property with the application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on November 3, 2014 referencing that a Traffic Impact Study was not required, and that the current Level of Service “E” of Route One will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on March 9, 2015 referencing that the site contains one (1) soil type; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that on-site and off-site drainage improvements will not be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 12, 2015 referencing that the site is located in the Northern West Rehoboth Expansion Planning Area; that central sewer service is not available to the parcel at this time; that use of an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the parcel is in a future service area of the West Rehoboth Expansion Area and does not have sewer service available at this time; that the County does not have a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Hal Dukes, Esquire with Tunnel & Raysor, P.A., was present on behalf of the Applicants and stated that the Applicants are the owners of the adjacent commercial property that is improved with professional offices; that DelDOT has taken 100 foot of the frontage on the adjacent parcel; that they are intending to add this parcel to their adjacent parcel; that the front 100 foot of the adjacent parcel contains the septic system, and that they will be utilizing this site for a new septic system and some possible additional parking; that some of the buildings on this site have already been removed or will be removed shortly; and that the CR-1 Commercial Residential zoning classification has been requested so that the parcels can be combined into one parcel with one zoning classification.

The Commission found that Nancy Beluchi, a nearby resident, was present in support and voiced no objections.

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

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

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

#### OTHER BUSINESS

##### **The Peninsula MR/PC**

Marina Bay – Final Site Plan

Phase 5B Areas 1, 2, & 7 and Phase 6B Area 8

Mr. Abbott advised the Commission that this is the final record plan for 61 detached single-family units; that the Commission granted revised preliminary site plan approval on December 18, 2014; that the final record plan is the same as the revised preliminary plan; that all agency approvals have been received; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as a final. Motion carried 4 – 0.

##### **The Peninsula MR/PC**

Clubhouse – Preliminary Site Plan

Mr. Abbott advised the Commission that this is the preliminary site plan for a 2-story, 35,000 square foot clubhouse located on 4.625 acres; that the Commission granted conceptual approval for a 33,720 square foot clubhouse and approved the bonding on November 13, 2014; that the lower floor contains 16,786 square feet and the upper floor contains 18,214 square feet; that 126 new parking spaces and 49 restriped spaces for a total of 175 spaces are proposed; that the setbacks exceed the requirements of the zoning code; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; that the Office of the State Fire Marshal is the only outstanding approval; that the Commission was previously provided a copy of the site plan; that the office received a phone call from the engineering firm advising that updated architectural drawings have been received and indicate that the height of the building with a cupola is 52 feet; that the RPC section of the Zoning Code allows the Commission to amend setbacks, and height limits in residential planned communities for superior design ingenuity.

Mr. Robertson advised the Commission that Section 115-125 allows for design flexibility and that height requirements need not apply except that the Commission shall ensure an appropriate relationship between uses of high intensity or height within the RPC District and require that the maximum height shall be complied with inside of and near the boundaries of the RPC District; and that the proposed clubhouse is not located near the perimeter boundary of the development.

Preston Schell, developer, Scott Aja, P.E. with McCrone and Kyle Hamilton were present and advised the Commission that the cupola is for aesthetics only and that there is not any access to the cupola; that the cupola enhances the appearance of the clubhouse; that the clubhouse is

designed to be built on a slope; that the highest point at average grade is 45 feet; and that the maximum height of the cupola will be 52 feet.

Motion by Mr. Johnson, seconded by Mr. Burton, 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 approval from the Office of the State Fire Marshal and that the maximum height of the clubhouse shall not exceed 52 feet in height based on the provisions referenced in Section 115-125 of the Zoning Code. Motion carried 4 – 0.

#### ADDITIONAL BUSINESS

Mr. Lank reminded the Commission that a Special Meeting is scheduled for March 19, 2015 at 3:00 p.m. for Other Business items (site plans).

Mr. Robertson advised the Commission that the League of Women Voters of Sussex County is holding a Land Use Committee Forum in the County Council Chambers on March 18, 2015 from 7:00 p.m. to 9:00 p.m.

Meeting adjourned at 7:49 p.m.