

MINUTES OF THE REGULAR MEETING OF MARCH 14, 2013

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 14, 2013, in the County Council Chambers, County Administrative Office Building in 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. I.G. Burton, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Burton, and carried with four (4) votes to approve the Agenda as circulated. Motion carried 4 – 0. Mr. Johnson was absent.

Motion by Mr. Smith, seconded by Mr. Burton, and carried with four (4) votes to approve the Minutes of February 28, 2013 as circulated. Motion carried 4 - 0. Mr. Johnson was absent.

OLD BUSINESS

C/U #1957 – application of **GEORGE R. AND SANDRA L. VANFLEET** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a rental and storage units, to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.148 acres, more or less, lying south of Route 54 1,550 feet northeast of Road 387 (Hudson Road)(Tax Map I.D. 5-33-18.00-35.04).

The Commission discussed this application which has been deferred since February 14, 2013.

Mr. Smith stated that he would move that the Commission recommend denial of Conditional Use No. 1957 for George R. and Sandra L. Van Fleet for rental and storage units based on the lack of record made during the public hearing and for the following reasons:

- 1) The Applicant's presentation was too vague and did not provide sufficient details as to the proposed use the buildings and storage units that would be built, or the effect on the community or roadways.
- 2) The preliminary site plan is too informal and does not contain the necessary detail for the Commission to evaluate the proposed use on the site.
- 3) The Town of Selbyville opposes the project. The site is in an area targeted for annexation by the Town and is nearly surrounded by the Town's limits, with R-4 Residential Town zoning. The proposed use is not permitted in the Town's R-4 zoning. The Town also stated that approval sought by this application is contrary to the Town's Comprehensive Plan, and that Plan's future zoning of this property.
- 4) In summary, Mr. Smith does not believe that there was an adequate record made in support of this application, so his motion is for the recommendation of denial.

Motion by Mr. Smith, seconded by Mr. Ross, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 4 – 0, with Mr. Wheatley abstaining.

OTHER BUSINESS

Hunter's Walk Amended Conditions – Route One

Mr. Abbott advised the Commission that this item was deferred at the February 28, 2013 meeting; that this is a request to amend 2 conditions of approval; that the first request is to amend the condition requiring sidewalks on both sides of all streets; that the project has been redesigned utilizing Green Design Best Management Practices; that the developers are proposing sidewalks in front of all buildings and are also proposing walking trails as depicted on the site plan; that the applicants are also requesting the condition requiring tennis courts and a multi-purpose court be eliminated; that the applicants conducted a market study and found that there is not a demand for the courts which would result in them not being used; that the applicants are willing to construct the community center and swimming pool within 2 years of the issuance of the first residential building permit instead of the 3 years required by the conditions of approval; and that the Commission was previously provided a copy of the revised site plan and a letter from the developers.

Mr. Johnson advised the Commission that he has concerns about sidewalks being installed along the connector road; that he has concerns about safe pedestrian traffic; raised questions about the market study that was conducted; and that there should be a connection to Phase 1.

Ben Gordy with Ocean Atlantic was present and advised the Commission that there will be a sidewalk located along Crossbow Drive, the interconnection from Phase 1 to Phase 2; that Lesser and Associates conducted the market study; and that the applicants are agreeable to installing crosswalks across the parking lots for the interconnection of the sidewalks.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to amend the conditions as requested with the stipulations that there will be a sidewalk on one side of Crossbow Drive, that the sidewalks be extended between Buildings B and C and Buildings D and E, that the sidewalk shall connect to the walking path near Building F to Building G, that the walking trail be extended around the storm water management pond to the pool and clubhouse area, and that cross walks shall be provided and that the applicants shall construct the pool and community center within 2 years of the issuance of the first residential building permit, and that the tennis courts and multi-purpose courts be deleted. Motion carried 5 – 0.

The Villages of Five Points MR/RPC Amended Condition and Revised Master Plan – Savannah Road

Mr. Abbott advised the Commission that this is a request to delete the condition of approval requiring a bike/pedestrian path along the northwest boundary of the East Village along the

existing railroad right of way and to delete the condition requiring a curb cut to the Bayside Health building; that since the State of Delaware is building a bike trail along the north side of the railroad right of way, the developers do not feel that one is necessary and that the residents of East Village do not want a path; that the proposed path would impact wetlands and the storm water management system if required to be built; that the path would also create a disturbance to a required non disturbance 40-foot buffer; that DEDO has granted an entrance onto Savannah Road therefore the curb cut to Bayside Health is not necessary; that the office received a letter on March 13, 2013 from the Homeowners' Association in support of the request; and that the Commission was previously provided a copy of the revised site plan and a letter from the developer.

Mr. Burton advised the Commission that he visited the site, that since there is an entrance onto Savannah Road, the curb cut is not necessary and questioned the location of the proposed bike/pedestrian path and that he would like to visit the site again.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Peninsula MR/RPC

Revised Marina Bay, Parcel K, Phase 6B, Area 9 – Road 299

Mr. Abbott advised the Commission that this is a revised site plan for 47 townhouse units on fee simple lots; that this plan is the same as the previously approved site plan for this area with the exception that the homes for these 47 units are proposed to be located on fee simple lots; that the other units in this phase have already been constructed; that the infrastructure has been installed; that the proposed lots meet the minimum requirement of 1,600 square feet; that the proposed setbacks are 10 feet from all lot lines with a proposed 20 foot front and rear yard aggregate; that the building have the required 40-foot building separation; that the Board of adjustment granted a variance to allow the building length to be 169.50 feet in length; that the proposed revision is for market and lending purposes; that since the project is a residential planned community, the Commission's review and approval is required; and that the Commission was previously provided a copy of the revised site plan.

Jim Fuqua, Attorney, advised the Commission that the proposed units will not be a part of the condominium association but will be a member of the homeowners' association; and that the revised plan is for market and lending reasons.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the revised site plan as submitted. Motion carried 5 – 0.

Americana Bayside MR/RPC

Revised Site Plan, Phase 6, Lot 2035 – Route 54

Mr. Abbott advised the Commission that this is a site plan for the Tidewater Water Treatment Facility, temporary storage of construction trailers and dumpster location for this project; that the

site is currently used as the temporary water facility; that a 3,150 square foot building is proposed; that the site will be surrounded by security fencing; that the setbacks meet the minimum requirements of the zoning code; that a 30 foot planted buffer is proposed between the site and the residential units located to the east; that a landscape buffer is provided to the west; that 8 dumpsters are proposed and they will be placed on a concrete pad and screened by a wooden privacy fence; and that the Commission was previously provided a copy of the site plan.

Mr. Smith advised the Commission that he visited the site; that there are no residential units built to the east of the site yet; that the proposed landscape plan will buffer the adjacent side properties; and that the dumpsters are needed.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the revised site plan as submitted. Motion carried 5 – 0.

Thomas Milspaw
CU #1953 Site Plan – Road 354

Mr. Abbott advised the Commission that this is a site plan for a 2 unit multi family dwelling structure located on 7.88 acres; that the conditional use was approved on January 22, 2013 with 4 conditions; that the conditions of approval are noted on the site plan; that there is an apartment located on both ends of the building; that one apartment is for the applicant and his wife and the other for the applicant's brother-in-law; that the applicant has provided documentation that DNREC has approved the septic system for the 2 units; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the site plan as submitted. Motion carried 5 – 0.

DelDOT Bridgeville Maintenance Yard
CU #1955 Site Plan – Route 404 By-Pass

Mr. Abbott advised the Commission that this is the site plan for DelDOT's maintenance yard near Bridgeville; that this conditional use was approved on February 19, 2013 with 7 conditions; that the site plan complies with the conditions of approval and they are noted on the site plan; that an office building, shop building, salt barn, fuel buildings, 2 truck sheds and mower building are proposed; that the setbacks meet the requirements of the zoning code; that on-site septic and well are proposed; that if preliminary approval is granted, final site plan approval could be subject to the staff receiving all agency approvals; 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 preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Rehoboth Gateway
Commercial Site Plan – Route One and Road 273

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for 2, 6,000 square foot restaurants, a 5,000 square foot convenience store and a 4-story, 54,414 square foot hotel with 90 rooms and an indoor pool located on 8.57 acres; that the site is zoned C-1; that the building setbacks meet the minimum requirements of the zoning code; that 357 parking spaces are required and 487 spaces are provided; that some of the spaces are within the front yard setback and are subject to site plan review; that there are other commercial uses in the area with parking located in the front yard setback; that the proposed height of the hotel is 60 feet; that there is a right in only off of Route One and full ingress/egress off of Road 273; that the project will be served by central sewer and water; that the site plan needs to include the required 20-foot highway corridor overlay zone landscape plan; that the site plan is suitable for preliminary approval; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Johnson, seconded by Mr. Ross 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 and the final site plan includes the required 20-foot highway corridor overlay zone and landscape plan. Motion carried 5 – 0.

Ralph Timmons
Lot on 50' Right of Way – Road 82

Mr. Abbott advised the Commission that this is a request to reduce a 13.58 acre parcel to a 2.0 acre parcel with access from a 50-foot right of way; that there is an existing dwelling on the 2.0 acre parcel; that the owner is proposing to extend an existing 50-foot right of way over an existing driveway; that the residual 11.58 acre parcel will be an extension to other lands owned by the applicant; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the request as a concept. Motion carried 5 – 0.

ADDITIONAL INFORMATION

Mr. Lank reminded the Commission that the next meeting is March 21, 2013.

Mr. Lank advised the Commission that an Exhibit Booklet for Jack Lingo Asset Management has been provided to the Commission and that the record is still open.

Meeting adjourned at 6:45 p.m.