



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF May 14, 2009

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 14, 2009 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. Benjamin Gordy, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. I. G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the Minutes of April 22, 2009 and the Minutes of April 30, 2009 as amended. Motion carried 5 – 0.

OLD BUSINESS

Subdivision #2008-24 – application of **GREGORY A. AND CHARLOTTE L. HASTINGS** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 14.37 acres into 10 lots, (Cluster Subdivision), located south of Route 404, 2,700 feet west of Road 528.

The Commission discussed this application which has been deferred since April 16, 2009.

Mr. Gordy stated that he would move that the Commission grant conceptual preliminary approval for Subdivision #2008-24 for Gregory A. and Charlotte L. Hastings based upon the record and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision within the AR-1 zone. The Applicant is seeking 10 lots with a minimum lot area of 21,780 square feet.
2. A subdivision on this site will not have an adverse impact on the neighboring properties or community.
3. The subdivision will not adversely impact schools, public buildings, area roadways or public transportation.
4. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.

5. The project is a superior design under the Subdivision Ordinance. It was originally submitted as a standard subdivision, and it has been resubmitted as a clustered subdivision with more open space and greater buffers around the perimeter of the site.
6. The design addresses the requirements of Section 99-9C of the Code.
7. The subdivision will have no more than 10 lots on 14.37 acres. This results in a density that is significantly less than the maximum density permitted in the AR-1 zone.
8. This conceptual preliminary approval is subject to the following:
 - a. There shall be no more than 10 lots within the subdivision.
 - b. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - c. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - d. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - e. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - f. 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.
 - g. A 30-foot wide forested Agricultural Buffer shall be shown along boundaries bordering on any land used primarily for any agricultural purpose. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas. All silt fencing shall be on the interior side of the buffer areas.
 - h. The developer shall maintain as many existing trees as possible. The undisturbed forested areas shall be shown on the Final Site Plan.
 - i. No wetlands shall be included within any lots.
 - j. A system of street lighting shall be established.
 - k. Sidewalks shall be located on one side of all streets in the subdivision.
 - l. The interior street shall be redesigned to include another cul-de-sac or turnaround in the central area of the subdivision, since a waiver from the 1,000 foot maximum street length was not requested.
 - m. The existing mobile homes must either be removed or the Applicant must obtain a variance from the Board of Adjustment prior to Final Site Plan approval.
 - n. The Preliminary Site Plan shall be subject to the review and approval of the Planning and Zoning Commission upon the depiction and/or noting of the referenced conditions of approval.
 - o. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to grant conceptual preliminary approval of this subdivision for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #1776 – application of **MARK SCHAEFFER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a mini-storage facility to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 8.05 acres, more or less, lying north of Route 9, 500 feet west of Route 5 at Harbeson.

The Commission discussed this application which has been deferred since April 16, 2009.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1776 for Mark Schaeffer to operate a mini-storage facility and office based upon the record made at the public hearing and for the following reasons:

1. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
2. The use as a mini-storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the Route 9 and Harbeson area.
3. The use is in the vicinity of the intersection of Route 9 and Route 5, where other business, commercial and retail uses exists.
4. The Applicant has revised the proposed site plan from 17 storage buildings to 6 storage buildings, which has addressed the major concern of neighbors.
5. This recommendation for approval is subject to the following conditions and stipulations:
 - A. There shall not be any building contractors or subcontractors offices or workshops within the project.
 - B. There shall not be any outside storage of building materials or other construction materials within the project.
 - C. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.
 - D. No outside storage, except for boats and RVs, shall be allowed on the premises. The location of the boat and RV storage area shall be at the rear of the buildings and the area shall be designated on the Final Site Plan.
 - E. A landscape buffer shall be installed and planted along the border of the project so that the mini-storage facility is screened from view from any adjacent residential property. As agreed by the Applicant, the buffer along the Wagner property shall consist of Magnolia Trees. A landscape plan for the buffer areas shall be included with the Final Site Plan.
 - F. The perimeter of the Storage area shall be fenced and gated. As stated by the Applicant, the fencing shall be decorative at the entrance area.
 - G. There shall be only one sign allowed on the site of no more than 32 square feet per side.
 - H. The driveway and parking areas outside of the storage area shall be paved.
 - I. Stormwater management shall be maintained on site, using Best Management Practices.
 - J. Best Management Practices shall be utilized to protect the adjoining wetlands, including the provision of a 50-foot wide buffer from all wetlands.
 - K. One office/apartment shall be permitted for security. The office/apartment shall be located at the entrance area of the project.

- L. There shall be no disturbance of the forested area as shown on the Preliminary Site Plan presented to the Commission.
- M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Gordy 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 and stipulations stated. Motion carried 5 – 0.
C/Z #1681 – application of **SHIPBUILDERS, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District and a GR General Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, land lying west of Route 213 (Old State Road) and southeast of Road 641 (Sharons Road) and also 118 feet south of Wild Cherry Street, to be located on 141.086 acres, more or less.

The Commission discussed this application which has been deferred since April 16, 2009.

Mr. Burton stated that he would move that the Commission recommend approval of C/Z #1681 for Shipbuilders, LLC for a change in zoning from AR-1 Agricultural Residential and GR General Residential to MR-RPC Medium Density Residential – Residential Planned Community based upon the record and for the following reasons:

1. The property is currently zoned AR-1 Agricultural Residential and GR General Residential. Under this application, the zoning will be uniformly MR Medium Density Residential and the proposed density of 2.11 units per acre is significantly less than what the currently permitted under the GR zoning.
2. The County Engineering Department has indicated that adequate wastewater capacity is available for the project. Central water will also be provided.
3. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. It permits a design that duplicates the grid layout of the Town of Ellendale while maintaining 40 acres that will be subject to a permanent conservation easement. It also incorporates Moderately Priced Housing Units, a program that promotes affordable housing, but without seeking any additional density.
4. The project will not adversely affect the neighborhood or surrounding community and it is consistent with growth patterns of the adjacent Town of Ellendale, and the Applicant has indicated a willingness to continue seeking annexation into the Town.
5. The proposed project will not adversely impact schools, public or community facilities, area roads or public transportation.
6. According to the County's current Comprehensive Plan, the project is in a Developing Area.
7. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
8. This recommendation is subject to the following conditions and stipulations:
 - A. The maximum number of lots or units shall not exceed 296. There shall be 224 single family lots and 72 townhouses. A minimum of 15%, or 45, of the total number of units shall be Moderately Priced Housing Units.

- B. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- C. A traffic calming device shall be installed for Joseph Court Road and shall be shown on the Final Site Plan.
- D. The Development shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- E. The RPC shall be served by central water.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- G. Sidewalks, street lighting and roadside trees shall be provided for the internal streets and their location shall be shown on the Final Site Plan.
- H. The Park Area shown on the Preliminary Site Plan shall be created for the community and the Town of Ellendale, with details provided as part of the Final Site Plan. The Final Site Plan shall also include at least 10 parking spaces for this Park Area.
- I. The Developer shall form a homeowners' association responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- J. There shall be active and passive recreational amenities provided. The active amenities shall include a centralized recreational area including a tot lot, clubhouse, and swimming pool open to use by residents by the issuance of the 72nd Building Permit. All the amenities shall be shown on the Final Site Plan.
- K. The Developer shall minimize tree removal. Conservation Easements shall be created for the northerly and southerly upland forested areas with these areas shown on the Final Site Plan.
- L. Upon the completion of development, all silt fences shall be removed from the site.
- M. A school bus stop and DART bus stop shall be provided. The location of the bus stop areas shall be shown on the Final Site Plan.
- N. 20 foot wide forested and landscaped buffers shall be installed along the entire perimeter of the site.
- O. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- P. 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.
- Q. The Final Site Plan shall include a landscape plan for all of the open space and buffer areas, showing all of the landscaping and vegetation to be included in those areas.
- R. The Final Site Plan shall include a phasing plan and 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 forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 5 – 0.

PUBLIC HEARINGS

C/U #1779 – application of **JIM AND CARLA CLARK** to consider the Conditional Use of land in a GR General Residential District for a spa (massage, facials, etc.) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 12,750 square feet, more or less, lying southeast of John J. Williams Highway (Route 24) 200 feet northeast of Bay Farm Road (Road 299).

The Commission found that on April 28, 2009 the Applicant submitted an Exhibit Booklet which Contains an aerial photograph, reference to the purpose of a Conditional Use, a copy of a portion of the 2003 Comprehensive Land Use Plan map and reference to the Environmentally Sensitive Developing Area, a copy of a portion of the 2008 Comprehensive Land Use Plan map and references to the Growth Areas and the Environmentally Sensitive Developing Area, a copy of a portion of the State Strategies Map showing Investment Levels and a description of Investment Levels 1 and 2, a copy of the Existing Land Use map of the area, a copy of a map of the general area showing zoning and parcels, photographs of the area, a copy of the DelDOT Support Facilities Report, a photograph of the building on the site, a copy of the site plan for the spa, a proposed floor plan of the building, interior photographs of the building, a copy of the Degree, Diploma and License for Mrs. Clark, a menu schedule for treatments, and proposed Findings and Conditions.

The Commission found, based on comments received from DelDOT, that a Traffic Impact Study was not recommended, and that the Level of Service “E” of Route 24 will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that this site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available if the proposed use does not exceed 2.33 EDUs; that the EDU assessment for the proposed use is not know at this time; that the propose use may exceed sewer system design assumptions, however it is not expected that the EDUs will have an adverse impact on the sewer system for the foreseeable future; that the system design assumption for the parcel is 1.0 EDU reflecting a residential zoned parcel less than one acre; that the parcel previously used as a bed and breakfast having an EDU assessment of 2.33; that Ordinance 38 construction is not required; that the current System Connection Charge Rate is \$3,252.00 per EDU; that the location and size of lateral or connection point is to be determined by the Sussex County Engineer; that the parcel is served with one 6-inch lateral located along the parcel’s frontage on Route 24; that the 6-inch lateral may not be adequate if the proposed use exceeds 2.33 EDUs; that a lateral upgrade, at the property owners expense, maybe required; that conformity to the North Coastal Planning Study will be required; and that a concept plan is not required.

The Commission found that Jim and Carla Clark were present with Tim Willard, Attorney with Fuqua & Yori, P.A., and that they stated in their presentations and in response to questions raised by the Commission that Mrs. Clark will operate the spa; that her vision is to provide spa services for both female and male clients; that a cleaning business exist just north of the site; that a real estate office exist across Route 24; that the site is in close proximity to commercial uses with

shopping centers to the north and south; that the site was approved for a bed and breakfast by the Board of Adjustment in 2002; that the maximum number of employees should not exceed 4; that the Applicants own the adjoining parcel to the north and that additional parking could be provided or access could be provided on that lot to get access to parking to the rear of the building; that there would be some retail sales of products relating to the spa business; and that there are no prohibitions referenced in the deeds.

Mr. Lank advised the Commission that the site plan references that the parking calculation based on the floor area of the building would require 10 parking spaces and that the site plan shows that 10 parking spaces can be provided in the front yard.

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.

Mr. Johnson stated that he is concerned about front yard parking with no setback from the front lot line and questioned if access could be provided across the adjoining parcel to provide parking to the rear of the building.

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

C/Z #1642 – application of **GEORGETOWN AUTO SALES, INC.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, land lying west of U.S. Route 113, 1,300 feet south of Road 527 (Wilson Hill Road), to be located on 2.647 acres, more or less.

The Commission found, based on comments received from DelDOT, that the Department does not recommend a Traffic Impact Study; that the property is subject to the policy of DelDOT's Corridor Capacity Protection Program; that the main goal of the Program is to maintain the capacity of the existing highway; that according to the State Strategies the property is located in an Investment Level 1 where State policies will encourage development and orderly growth; that the Department will permit the property owner to develop a single rights in/rights out entrance along U.S. Route 113; that there is the potential of constructing a service road in the vicinity of the site; that if the service road is developed, then direct access to U.S. Route 113 will be eliminated and replaced with access to the service road; and that the property owner can stay informed of the U.S. Route 113 North/South Corridor Study can contacting DelDOT or reviewing DelDOT's website.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that this site is not located in an County operated or maintained sanitary sewer or water district; that an individual on-site septic system is proposed; that the proposed site adjoins the Town of Georgetown and is within the Town's future growth and

annexation area; that the Applicant should contact the Town of Georgetown for information regarding central sewer; and that a concept plan is not required.

The Commission found that Jim Stickels was present on behalf of Georgetown Auto Sales, Inc. and stated in his presentation and in response to questions raised by the Commission that he is proposing to develop the site with an auto sales facility and office space; that he has no desire to contact the Town of Georgetown for annexation; that his southerly lot line adjoins the Town boundary; that commercial zoning and uses exists on both sides of his property and across U.S. Route 113; that the site is in an Investment Level 1 according to the State Strategies; and that the site is in a Developing Area according to the County Comprehensive Land Use Plan.

Mr. Lank advised the Commission that he did not receive any comments from the Town of Georgetown and that a public notice was sent to the Town.

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.

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1642 for Georgetown Auto Sales, Inc. for a change in zone from AR-1 to CR-1 based upon the record made at the public hearing and for the following reasons:

1. The project is located within a Developing Area according to the County Comprehensive Land Use Plan.
2. The use will not have an adverse impact on the neighboring properties or community.
3. The site is in an area that contains C-1 zoned properties and it's adjacent to the boundary of the Town of Georgetown. A change in zone to CR-1 is consistent with the surrounding zoning and uses.
4. The change in zone is appropriate for this site, given its proximity to the Town of Georgetown and its 330 foot frontage on U.S. Route 113.
5. The Applicant will meet or exceed all DelDOT requirements.
6. CR-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activity now exists. In this case, the project along U.S. Route 113 falls within the stated purposes of the CR-1 District.

Motion by Mr. Johnson, 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 stated. Motion carried 5 – 0.

Subdivision #2007-26 – application of **D.M. PROPERTIES OF BETHEL, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 260.69 acres into 390 lots, (Cluster Development), located north and south of Road 472, west of Road 434 and west of Road 438.

Mr. Abbott advised the Commission that this application was filed on June 29, 2007; that the Commission voted to allow this application to be rescheduled at the December 11, 2008 meeting; and that the record contains the Technical Advisory Committee Report of November 21, 2007, PLUS comments received on July 27, 2007, October 27, 2008 and March 19, 2009, PLUS' response to the applicant's response received on April 6, 2009 and an Exhibit Booklet and revised preliminary plan that were received on March 19, 2009.

Phil Tolliver of Morris Ritchie Associates was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that the design of this project was started in 2006; that the site is located east of Laurel; that discussions with Tidewater Utilities has lead to a redesigned project; that the project was reviewed by PLUS in February of 2007; that a cluster design had been utilized with an on-site sanitary sewer treatment disposal system; that Tidewater Utilities has been granted a regional wastewater disposal treatment system and that this project will be served by that system; that there will be no treatment done on this site; that other developments such as Chickberry Field and Trappe Trails have received preliminary approval; that the owners have redesigned the project for a third time; that a new engineering firm has taken over the project; that the proposed development is a low impact project; that that project will be marketed to residents over 55 years in age; that there will be a 43% increase over the next 20 years for residents over 55 years; that there is a need for senior housing in the area; that the site contains 260 acres and is zoned AR-1; that 62% of the site will remain as open space; that 390 lots are proposed; that the lots will range from 7,500 square feet to 16,000 square feet; that a rolling berm will be installed along Phillips Hill Road and Scotland Road; that the berm will be similar to the one on the Rookery Golf Course on Route One; that the berms will be landscaped with native species; that all of the lots adjoin open space; that the site has been timbered within the past 5 years; that a forest conservation easement will be established; that the developer's intent is to preserve open space and natural features; that there are wetlands on the property that will remain undisturbed; that landscaping, wet ponds, village greens and gazebos will be provided throughout the project; that the amenities will include a clubhouse, swimming pool, tennis courts, walking and biking trails and a boardwalk; that there will be no fill of wetlands; that there is a cemetery on the site that will be buffered and remain undisturbed; that an extensive archaeological study has been performed; that there is a 50-foot minimum buffer from the wetlands and in some areas the buffer is up to 150-feet; that there will be no wetlands on the individual lots; that the lot widths range from 60 to 80 feet; that the items referenced in Section 99-9C are addressed in the Exhibit Booklet and summarized these; that there will be minimal tree removal; that the boardwalk will cross the wetlands; that a Phase 1 Environmental Assessment has been performed; that there are no known historical features on the site; that the proposed lots are clustered into the middle of the project; that no objectionable features are proposed; that the large 80-foot wide lots will be on the perimeter of the project; that Tidewater Utilities will provide central sewer and water to the project; that there will be a well on the site; that the storm water requirements will meet the State and Sussex Conservation District regulations; that the project will be constructed in phases; that sidewalks are proposed on one side of all streets; that walking trails will be provided; that the dwellings will be consistent with what is existing in the area; that the site has not been farmed; that the project will have positive economic benefits to the community; that the entrance will be built to DelDOT requirements; that there are other approved developments in the area; that there will be no

negative impacts to other properties in the area; that the streets will be private and built to County specifications; that the project meets the requirements of the subdivision and zoning codes and the Land Use Plan; that the site is approximately 8 miles from the Town of Laurel; that no waste water treatment facility will be on the site; that access to the cemetery will be maintained by a homeowners' association; that signage can be posted along the wetlands; that silt fencing will be placed on the interior side of all buffers; that 162 acres of trees will be preserved; that a reforestation plan will be submitted; that agricultural and hunting notices can be provided in the restrictive covenants; that the developers are not requesting annexation into the Town of Laurel; that police protection is provided by the Delaware State Police; that the amenities will be constructed at the issuance of the 80th building permit; that the walking trails will have gazebos and benches near the ponds; that exercise stations will be provided along the walking and biking trails; that no special permitting is required for the proposed boardwalk; that a parking area and trail can be provided to the cemetery; that a homeowners' association will be established with annual fees; that the project includes 29% of pervious coverage; that the site is 2.5 to 3 miles from the proposed Tidewater Regional Wastewater Facility; that the dwellings will be one-story stick built dwellings; that 63 acres of wetlands surround Raccoon Branch; that the stream on the site is not a blue line stream; that DelDOT improvements will require through lanes and paved shoulders with multi-modal paths; that the trails in the project will be 5-feet in width; and that there are no plans to light the boardwalk.

The Commission found that no parties appeared in support of this application.

Steve and Carolyn Hitchens were present in opposition to this application and advised the Commission that a stream runs through the site which is a valuable part of the Chesapeake Watershed; that they have concerns about storm water run-off, impacts to drinking water, wetlands and wildlife habitat; that the project is too big for a rural area; that there will be negative impacts to the area's quality of life; that there is no local shopping; that their way of life will be impacted; and that traffic will greatly increase.

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

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

ORDINANCE AMENDMENT – AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-9B, OF THE CODE OF SUSSEX COUNTY, RELATING TO THE TIME PERIOD OF VALIDITY OF A PRELIMINARY SUBDIVISION PLAT.

Mr. Robertson stated that this Ordinance Amendment extends the period of validity for a preliminary subdivision approval from one year to three years, recognizing the fact that it is difficult to obtain all necessary agency approvals required for final approval within just one year.

The Commission discussed the Ordinance Amendment.

The Commission found that there were no parties present with any interest in this Ordinance Amendment.

At the conclusion of the public hearings the Commission discussed this Ordinance Amendment.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

ORDINANCE AMENDMENT – AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, RELATING TO THE TIME PERIOD OF VALIDITY OF THE APPROVAL OF A CONDITIONAL USE.

Mr. Robertson stated that this Ordinance Amendment extends the period of validity for a Conditional Use; that the County Council acknowledges that it is difficult to obtain necessary State and Local agency approvals for an approved Conditional Use within one year as presently required, subject to 2 possible time extensions; and that with this Amendment, the period of validity will be 3 years.

The Commission discussed the Ordinance Amendment.

The Commission found that there were no parties present with any interest in this Ordinance Amendment.

At the conclusion of the public hearings the Commission discussed this Ordinance Amendment.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

ORDINANCE AMENDMENT – AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF LAND”, TO ALLOW FOR THE STAFF APPROVAL OF MAJOR SUBDIVISIONS CONTAINING 3 OR FEWER LOTS TO BE LOCATED ALONG A NEW STREET.

Mr. Robertson stated that this Ordinance Amendment would allow, under certain limited conditions, the Planning and Zoning Director to approve for recordation subdivisions of 3 or fewer lots. The Ordinance Amendment further defines those conditions while still allowing minor subdivisions and the division of agricultural land.

Mr. Lank expressed some concerns about the method of advertising and notices to other residents in close proximity to an application site; that public notices with attachments of the proposed subdivision would have to be sent to residents, and also advertised, to see if interested parties may request a public hearing be held on a application; that anyone could request a public hearing; that the fee would be the same as a major subdivision; that it would take additional time deciding whether a public hearings was to be held; and that it would require additional advertising due to advertising to see if anyone was going to request a public hearings, and if requested another advertising to schedule the public hearing.

The Commission discussed the Ordinance Amendment.

Mr. Johnson stated that this Amendment may be a benefit to neighbors with interest in activities proposed on adjoining properties, and that the Amendment provides more communication to area residents.

The Commission found that Heidi Balliet, Attorney with Tunnell and Raysor, P.A., was present and questioned minor subdivisions with required road improvements; questioned how roads get put in; and questioned how they are to be maintained.

Mr. Lank advised the Commission that if roads are required the construction plans are to be reviewed by the County Public Works Division; that the roads are inspected for compliance; that maintenance is provided by property owners; and that some of the smaller 3 lot subdivisions created along existing easements have been required to note on the subdivision plan who is responsible for maintenance of the easement.

At the conclusion of the public hearings, the Commission discussed this Ordinance Amendment.

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

ADDITIONAL BUSINESS

Mr. Wheatley stated that he would like to take an opportunity to publicly acknowledge Ric Kautz, Land Use Planner, since he has been a valuable resource to the Commission members, and wished him the best in his retirement.

Mr. Johnson agreed that Ric should be recognized and hopes that the County Council realizes that there is a need for such a resource and that they should fill the position as soon as possible.

Best wishes to Ric in his retirement.

Meeting adjourned at 8:40 p.m.