



Planning & Zoning

Agendas & Minutes

MINUTES OF THE SPECIAL MEETING OF MAY 17, 2006

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, May 17, 2006 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: I.G. Burton, Benjamin Gordy, Michael Johnson, Rodney Smith and Robert Wheatley with Rebecca Trifillis – Assistant County Attorney, and Shane Abbott – Assistant Director.

Mr. Abbott advised the Commission that Item #3 under Other Business was removed from the agenda on May 17, 2006.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the agenda as amended.

OLD BUSINESS

Subdivision #2003 – 55 - - application of **DIRICKSON LANDING ASSOCIATES** to consider the Subdivision of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 20.04 acres into 19 lots, located north of Route 54, 450 feet east of Road 346.

Mr. Abbott advised the Commission that this is the final record plan for an 18-lot subdivision; that the Commission granted preliminary approval for 19 lots on April 14, 2005; that the final record plan has been reduced by 1 lot; that the final record plan meets the requirements of the subdivision code, complies with the conditions of preliminary approval, and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve this application as a final. Motion carried 5 – 0.

Subdivision #2004 – 45 - - application of **DAGSBORO BRANCH, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 8.74 acres into 10 lots (Cluster Development) and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located southwest of the intersection of Road 331 and Pennsylvania Railroad Crossing.

Mr. Abbott advised the Commission that this is the final record plan for a 10-lot subdivision; that the Commission granted preliminary approval for 10 lots on September 22, 2005; that the final record plan is the same as the preliminary plan, meets the requirements of the subdivision code, complies with the conditions of preliminary approval, and that all agency approvals have been received.

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Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve this application as a final. Motion carried 5 – 0.

OTHER BUSINESS

Refuge Plaza East
CU #1487 Site Plan – Route 54

Mr. Abbott advised the Commission that this is the final site plan for a mini storage facility; that 56,280 square feet of storage area is proposed within 9 buildings; that there is a separate 1,027 square foot office building; that the setbacks meet the requirements of the zoning code; that the 5 conditions of approval are referenced on the site plan; that the site is zoned AR-1 and contains 4.55 acres; that the front portion is zoned C-1 and contains 11.28 acres; that 35,669 square feet of retail, a 4,950 square foot restaurant, and a 5,027 square feet of office space are proposed within 5 buildings; that the setbacks meet the requirements of the zoning code; that 252 parking spaces are required and 254 spaces are provided; that Sussex County will provide central sewer and central water is proposed; that all agency approvals have been received and that the site plan is suitable for final approval.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Moor Disposal, Inc.
CU #1530 Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for a trash disposal business located on 2.94 acres; that the site is zoned AR-1; that the conditional use was approved on August 10, 2004 and that the Commission granted a one-year time extension on November 9, 2005; that a 1-story 2,400 square foot office, a 1-story 9,900 square foot garage and 2, 1,800 square foot sheds are proposed; that the setbacks meet the requirements of the zoning code; that 57 parking spaces are provided; that the site plan complies with the conditions of approval; that on-site septic and well are proposed; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Bayside at Bethany Lakes
CU #1473 Revised Site Plan – Road 357

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This item was removed from the agenda on May 17, 2006.

The Preserves at Jefferson Creek MR/RPC
CZ #1557 Final Record Plan – Road 363

Mr. Abbott advised the Commission that this is the final record plan for a 138-unit residential planned community; that the Commission granted preliminary approval on August 11, 2005; that the final record plan is the same as the preliminary plan; that the final record plan complies with the subdivision and zoning codes, the conditions of approval, and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the record plan as a final. Motion carried 5 – 0.

Rehoboth Crossing
Final Multi-Family Site Plan – Route One

Mr. Abbott advised the Commission that this is the final record plan for a 147-unit multi-family site plan located on 12.31 acres; that the site is zoned C-1; that the Commission granted preliminary approval for 147 units on May 27, 2004; that the final site plan is the same as the preliminary plan, meets the requirements of the zoning code, and that all agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Epworth Methodist Church
Preliminary Site Plan – Road 271

Mr. Abbott advised the Commission that this is a preliminary site plan for a 1-story 47,700 square foot church located on 8.19 acres; that the site is zoned AR-1; that the proposed maximum height of the church is 41 feet; that the setbacks meet the requirements of the zoning code; that 253 parking spaces are required and that 275 spaces are proposed; that there are not any wetlands on the site and the site is not located in a flood zone; that Sussex County will provide central sewer and central water will be

provided by the City of Rehoboth Beach; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

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Superclean Power Washing
CU #1625 Site Plan – Road 285A

Mr. Abbott advised the Commission that this is a preliminary site plan for storage of power washing equipment, landscaping supplies and land clearing equipment on 3.16 acres; that the Conditional Use was approved on December 13, 2005 with 9 conditions; that the conditions of approval are referenced on the site plan; that a 2,736 square foot storage building is proposed; that the setbacks meet the requirements of the zoning code; that on-site septic and well are proposed; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Coverdale Property
Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 4,789 square foot contractor's storage facility located on 0.91 acres; that the site is zoned C-1 and was rezoned on December 13, 2005; that the storage building was built when the site was zoned AR-1 and is non-conforming; that there is also an existing dwelling located on the site; that 3 parking spaces are provided and are located within the front yard setback and needs a waiver from the Commission; that the proposed parking area and interior driveway are gravel; that on-site septic and well are proposed; that there are not any wetlands on the site and the site is not located in a flood zone; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Ken Christenbury with Axiom Engineering advised the Commission that the dwelling would be used as a residence for the time being.

Motion by Mr. Burton, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary and to approve a waiver for the parking located within the front

yard setback with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Mac's Seafood
Commercial Site Plan – Route 24

Mr. Abbott advised the Commission that this is a commercial site plan for a carry out seafood retail store located on 0.52 acres; that the site is zoned B-1; that the existing

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structure is non-conforming and will remain; that 5 parking spaces are required and that 9 spaces are proposed; that 5 spaces are located within the front yard setback and need a waiver from the Commission; that the proposed parking area and interior driveway are gravel; that on-site septic and well are proposed; that there are not any wetlands on the site and the site is not located in a flood zone; that all agency approvals have been received; and that the site plan is suitable for final approval.

Ken Christenbury with Axiom Engineering advised the Commission that everything exists with the exception of the commercial entrance.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Americana Bayside MR/PC
Signage and Landscape Features – Route 54

Mr. Abbott advised the Commission that this is a request to permit 12 subdivision and or village identifying signs, brick walls that exceed the 3 ½ foot height requirements and a 25-foot tall ornamental tower; that the developer's are requesting to utilize the design ingenuity clause of the PC ordinance; that the brick walls will have streetlights, urns and flower pots attached to them; and that this item was deferred at the April 13, 2006 meeting.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the request. Motion carried 5 – 0.

Americana Bayside MR/PC
Village J Final Record Plan – Route 54

Mr. Abbott advised the Commission that this is the final site plan for 75,526 square feet of commercial uses; that the preliminary plan was approved for 72,000 square feet (formerly known as Phase 1C); that the approved ordinance permits 170,000 square feet; that the final site plan meets the requirements of the zoning code; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Americana Bayside MR/RPC
Preliminary Site Plan – Phase 12 – Route 54

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Mr. Abbott advised the Commission that this is a preliminary site plan for 49 units; that there are 39 multi-family units within 6 buildings and 10 village home lots proposed; that the preliminary site plan is the same as the approved master plan; and that the site plan is suitable for preliminary approval.

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

Americana Bayside MR/RPC
Preliminary Site Plan – Phase 13 – Route 54

Mr. Abbott advised the Commission that this is a preliminary site plan for 84 units; that there are 2, 30-unit buildings and 2, 12-unit buildings proposed; that the preliminary plan is the same as the approved master plan; and that the site plan is suitable for preliminary approval.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary. Motion carried 5 – 0.

Route 24 Self Storage
CU #1602 Time Extension – Route 24

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the conditional use was approved on April 26, 2005 and the Commission granted preliminary site plan approval on March 1, 2006; that the request for an extension was received on April 18, 2006; that this is the first request for an extension; and that if the request is granted, it should be retroactive to the anniversary date of approval.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve a one-year time extension. Motion carried 5 – 0.

Jeff Wagner
Parcel and 50' Right of Way – Road 294 (Doddtown Road)

Mr. Abbott advised the Commission that this is a request to create a 50-foot right of way over an existing dirt road to serve as access to a 5.0-acre parcel; that there is a commercial greenhouse operation on the 5.0-acre parcel that will continue to operate; and that the dirt road currently serves as access to the site.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve this request as a concept. Motion carried 5 – 0.

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Donna Wilkerson
2 Lots and 50' Easement – Road 348

Mr. Abbott advised the Commission that this is a request to create 2 lots with access from a 50-foot easement; that each lot would be 1.18-acres; that the 50-foot easement would also serve as access to a landlocked parcel; and that if this request is approved, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve this request as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Frank J. Ross
Parcel and 50' Right of Way – Road 66

Mr. Abbott advised the Commission that this is a request to create a 1.76-acre parcel with access from a 50-foot right of way; that the owner proposes to create the 50-foot right of way over an existing dirt lane; that the 1.76-acre parcel has 2 dwellings located on it and that one of them is to be razed.

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

Robert Reed
Lot and Existing Road – Road 321

Mr. Abbott advised the Commission that this is a request to create a 1.0-acre lot with access off of an existing 50-foot road; and that this would be the third lot with access from the road.

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

Preserves at Irons Landing MR/RPC
Recreational Area Site Plan – Road 348

Mr. Abbott advised the Commission that this is the site plan for the recreational area for this development; that a swimming pool, pool house, tot lot, putting green, horseshoe pit, bocce ball court and gazebo are proposed; that the setbacks meet the requirements of the approved record plan; and that all agency approvals have been received.

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Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Lankford – Jones Property
2 Parcels and 50' Right of Way – Route 54

Mr. Abbott advised the Commission that this is a request to subdivide 18.46-acres into a 12.51-acre tract and a 5.44-acre tract with access from a proposed 50-foot public access easement; that the 12.51-acre parcel is zoned HR-1; that the 5.44-acre parcel is zoned C-1; that these parcels were recently rezoned and the proposed easement was on the preliminary plans; and that individual site plans will be submitted for each site in the future.

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

ADDITIONAL BUSINESS

There was a consensus of the Commission to hold a special meeting on May 31, 2006 to review Old Business and Other Business Items. This will be considered the special meeting for June.

Meeting adjourned at 3:40 p.m.