

THE MINUTES OF THE REGULAR MEETING OF JULY 26, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, July 26, 2018 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Ms. Kim Hoey-Stevenson, Mr. Doug Hudson, Mr. Keller Hopkins, Ms. Holly Wingate, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, and Mr. Jamie Whitehouse - Planner III.

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to approve the Agenda as revised. Motion carried 5-0.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Minutes for June 28, 2018 as revised. Motion carried 5-0.

OLD BUSINESS

C/U 2137 John W. Ford

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for professional offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.5739 acres, more or less. The property is lying on the south side of Savannah Rd., approximately 691 ft. east of Wescoats Rd. 911 Address: 1530 Savannah Rd., Lewes. Tax Parcel: 335-12.06-50.00

The Planning Commission discussed the application that has been deferred since July 12, 2018.

Ms. Stevenson moved that the Commission recommend approval of CU 2137 for John Ford for professional offices based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use is similar in character to many other offices in this area of Savannah Road, it is in character with the long history with the long history of development of medical and professional office space along Savannah Road.
2. The use as professional office space in this location will benefit the health, safety and welfare of Sussex County residents by providing such a use in a convenient location.
3. The applicant intends to expand the existing structure on the property while maintaining the residential appearance from Savannah Road. This is consistent with other business and professional uses along Savannah Road.
4. The use, with conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
5. The use is in a Developing Area according to the Sussex County Comprehensive Land Use Plan. This use is appropriate in that Area according to the Plan.
6. This recommendation is subject to the following conditions:
 - A. As stated by the applicant, the use shall occur within the existing structure, expanded to the rear, but maintain its residential appearance from Savannah Road.
 - B. As stated by the applicant, the hours of operation shall be between 8:00 am and 8:00 pm Monday through Saturday. Sunday hours shall be by appointments only.

- C. Any dumpsters shall be screened from view of neighboring properties and roadways.
- D. The applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadways improvements.
- E. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- F. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.
- G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.
- H. There shall be no less than 19 parking spaces located on the site.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

C/Z 1851 The Evergreene Companies, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 7.33 acres, more or less. The property is lying on the north side of Gills Neck Rd., approximately 135 ft. west of Spinnaker Circle in the Wolfe Runne development. 911 Address: 16386 Gills Neck Rd., Lewes. Tax Parcel: 335-8.00-44.00

At their meeting of July 26, 2018, the Planning Commission discussed the application that has been deferred since July 12, 2018. The Commission discussed the MR zone, uses within the zone, concerns with the expiration of the conditional use if the change of zone remains.

Ms. Stevenson moved that the Commission recommend approval of C/Z #1851 for the Evergreene Companies, LLC for a change in zone from AR-1 Agricultural Residential District to MR Medium Density Residential District based upon the record made during the public hearing and for the following reasons:

1. The site is along Gill's Neck Road, which has developed with a variety of housing types, including single family homes, duplexes, multi-family units and even an assisted living facility. MR zoning is consistent with the development trends of this area.
2. The property is nearly adjacent to the Breakwater RPC, which has an MR zoning. This application represents a reasonable extension of that existing MR zoning.
3. The site. On the outskirts of Lewes, is appropriate for MR zoning and the housing types permitted in that zone.
4. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Comprehensive Plan, which is a Developing Area. MR zoning is appropriate in this area according to the Plan.
5. The site is served by central sewer provided by Sussex County.
6. The site is served by central water provided by a publicly regulated water system.
7. The Sussex County Zoning Code states that the purpose of MR zoning is to provide

medium density residential development in areas which are, or expect to become, generally urban in character and where central water and sewer are available. Here, the property is just outside of the city of Lewes with development occurring all around, and it is in a developing area under the current Comprehensive Plan. This location is appropriate for MR zoning according to the stated purpose of the District.

8. The change in zone will not adversely affect neighboring properties or roadways.
9. For all of these reasons, my recommendation is to approve the application for a change in zone from AR-1 to MR.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

C/U 2134 The Evergreene Companies, LLC

An Ordinance to grant a Conditional Use of Land in a MR Medium Density Residential District for Multi-family to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 7.33 acres, more or less. The property is lying on the north side of Gills Neck Rd., approximately 135 ft. west of Spinnaker Circle in the Wolfe Runne development. 911 Address: 16386 Gills Neck Rd., Lewes. Tax Parcel: 335-8.00-44.00

At their meeting of July 26, 2018, the Planning Commission discussed the application that has been deferred since July 12, 2018.

Ms. Stevenson moved that the Commission recommend approval of CU 2134 for The Evergreene Companies, LLC for multi-family dwellings based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 26 single family duplex-type structures on approximately 7.3 acres, for a density of 3.5 units per acre. This density is appropriate within the MR zone, which permits up to 4 units per acre.
2. The property is in an area where other residential development has occurred, including the mixed-use Breakwater and Cadbury developments and other single family and multi-family developments. This project is generally consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this area according to the Plan, which states that “a range of housing types” are acceptable here.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The property does not contain any wetlands.
6. The project will have 18% of the site set aside as active and passive open space. This includes the preservation of 1.32 acres of existing woodlands on the site.
7. The development will be served by central sewer provided by Sussex County.
8. The development will be served by central water.
9. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 24.
 - B. All entrance, intersection, roadway and multi-modal improvements shall be completed

- by the developer in accordance with all DelDOT requirements.
- C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.
 - E. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - F. As proffered by the applicant, there shall be sidewalks on both sides of all streets and roadways.
 - G. All lots shall be set back at least 75 feet from the Gill's Neck Road Right of Way. This is consistent with the design of other existing developments on both side of Gill's Neck Road.
 - H. Section 115-218 of the Zoning Code allows the County to require a 20 foot forested buffer around multi-family developments. Like other developments in the area, there shall be a vegetated or forested buffer of at least 20 feet in width around the entire perimeter of the project, with the exception of the area fronting along Gill's Neck Road. This buffer area shall include the existing vegetation that exists along the boundary of this property.
 - I. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer area. The landscape plan shall clearly designate the existing 1.32 acres of forested area that will be preserved.
 - J. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 8:00 am and 5:00 pm Monday through Friday.
 - K. No other outdoor construction activities shall occur at the site except between the hours of 7:30 am through 7:00 pm, Monday through Friday, and 8:00 am through 2:00 pm on Saturdays. There shall be no construction activities at the site on Sundays.
 - L. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - M. The applicant shall form a homeowners' association responsible for the perpetual maintenance, repair and replacement of the roads, and any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
 - N. 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.
 - O. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - P. As stated by the applicant, there shall be a swimming pool and small poolhouse installed on the premises. The swimming pool shall be at least 15 feet by 30 feet in size.
 - Q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved

for the reasons stated. Motion carried 5-0.

C/Z 1852 Canal Corkran, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium Density Residential District – Residential Planned Community to amend Change of Zone No. 1359, Ordinance No. 1279, for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 65.125 acres, more or less. The property is lying on the northeast side of Canal Crossing Rd. between Hebron Rd. and Church St. 911 Address: N/A. Tax Parcels: 334-13.00-363.00, 363.01, and 363.02 and 334-13.00-1298.00 - 1414.00 and 334-13.00-1447.00

At their meeting of July 26, 2018, the Planning Commission discussed the application that has been deferred since July 12, 2018.

Mr. Hudson moved that the Commission recommend approval of CZ #1852 for Canal Corkran, LLC to amend the existing MR-RPC approved, as Ordinance #1279 to allow the re-subdivision of 2 existing large lots into 8 new lots based on the record made during the public hearing and for the following reasons:

1. The Canal Corkran MR-RPC was approved in 1998 and it has been existence for years, with only a small number of vacant lots remaining at this time. At the time it was approved, the developer retained 2 very large lots at the northern end of the development. One Lot was 1.3 acres and the other was 7.0 acres.
2. The developer, who is the applicant here, seeks to subdivide these large lots into a total of 8 lots, all of which will be consistent with the other lots in the development.
3. This re-subdivision will create a total of 6 new lots, which is still less than the total number of lots permitted as part of the original approval.
4. The Canal Corkran Homeowners Association has approved this application. Originally, these 2 lots were excluded from contributing to the Homeowners Association. These new lots will all be part of the Homeowners Association and will contribute to it in the same way as all of the other existing lots in the Canal Corkran development.
5. All of the conditions of Ordinance #1279 shall remain in effect, except for condition #6, which shall be amended to state as follows:
 - “6. The maximum number of units for the project shall not exceed 170 units, with no more than 51 multi-family condominium units, 14 multi-family duplex units, and 105 single family lots. By comparison, the existing zonings of C-1 General Commercial and AR-1 Agricultural Residential could permit 160 or more units, and a subdivision project with MR Medium Density Residential zoning could permit 200 or more units.”
6. The new lots shall all be subject to the Declaration of Covenants, Conditions, Easements and Restrictions for Canal Corkran.
7. In addition to the conditions included in Ordinance #1279, a new condition shall be added with regard to these 8 new lots: “Any of the 8 new lots have wetlands within their boundaries shall contain the ‘Wetlands Notice’ in their deed as required by Section 99-6H of the Subdivision Code. In addition, all of the wetlands areas within each lot shall be clearly marked with permanent markers to identify them as non-disturbance areas.”
8. A revised Master Plan for the MR-RPC showing these new lots shall be submitted to the

Planning and Zoning Commission for approval.

Motion by Mr. Hudson, seconded by Ms. Wingate and carried with four (4) votes to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-1.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

2018-8 Stream's Edge Estates – TBD, LLC c/o Michael Daniels

This is a cluster subdivision is to divide 20.42 acres+/- into 42 single family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the east side of Robinsonville Rd. approximately 264 ft. southeast of Kendale Rd. Tax Parcels: 234-6.00-90.00 and 234-6.00-90.01. Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were a subdivision plan, an exhibit booklet, TAC comments that included, comments from Sussex Conservation District, USDA-NRS, multiple letters from DNREC, Sussex County Public Works Department, Sussex County Utility Planning Division, DelDOT, State of Delaware Fire Marshal, Delaware Electric Co-op, Division of Water for Public Health and Department of Agricultural.

The Commission found Tim Willard, Attorney with Fuqua, Willard, Stevens & Schab, Brian Lyncha, with Duffield Associates, Ken Christenbury, with Axiom Engineering and Michael Daniels, Principal were present on behalf of the application; that Mr. Willard stated there is an exhibit booklet that was submitted and contains 99-9C responses; that this is an application for a cluster subdivision; that it proposes 42 single family lots on 21.3 acres; that there is 40% or 8.5 acres of open space; that the subdivision will be served by County sewer and Tidewater water services; that the property is adjacent to an electrical substation and Tidewater Landing subdivision; that the parcel used to process lumber and they are reserving 1.25 acres and has to go through DNREC for cleanup; that in 2009, there was a request for MR for the larger area and didn't include this acreage and it was denied; that they are working with DNREC to remediate a portion of the site area and will have restrictive covenants and are ok to build on the site once remediation is completed to that the area; that it will be used as open space; that a Certificate of Completion of Remedy (COCR) is to be completed prior to the final site plan submitted; that the density is 1.96 with a minimum lot size of 7,500 square feet; that there will be a 20 foot forested buffer around the perimeter; that the wetlands are located in the back of the property; that the stormwater management pond will be surrounded by open space; that they have included a gazebo and a picnic area; that Mr. Christenbury stated that DelDOT has required a 10 foot shared use path along the road; that there are three connections to the development; that a mulched walking trail will be around the stormwater management pond area; that there will be sidewalks on one side of the streets; that some of the road improvements include a deceleration lane, a left turn lane and shoulders; that they will provide interconnectivity to the Tidewater Landing subdivision; that the design is to align their site with Tidewater Landing; that there is a sewer manhole on the site from Tidewater Landing and will use it as a connection for the sewer; that there is a 16 foot water main also to be on the property; that the stormwater management will

comply; that there is an easement with Tidewater Landing for the utilities on the site; that there will be a very small area of wetlands and no lot lines within 50 feet of the wetlands and not near the construction area; that all the lots have access to open space; that there will be some plantings in the open space and a 20 foot buffer; that they will retain some trees; that there will be a 15 foot permanent easement to DelDOT; that from the existing right-of-way, they are 40 feet away from any lot lines; that if they use the interconnectivity there would be no access to Robinsonville Road; that they would use a turnabout at the end and meet all Fire Marshal regulations; that they are willing to lose the entrance off of Robinsonville Road with the interconnectivity; that Mr. Willard stated the project fits with the area and uses; that Mr. Daniels affirmed the testimony; that Mr. Willard stated they will cap the area to ensure no stormwater will go through the 1.25 acre area; that a barrier will be placed on top of it with top soil on top of the barrier; that Mr. Lyncha stated they take contaminated soil from the residential area and place it in the remediation area and it will be capped; that Mr. Christenbury stated there is an escrow set aside for the work in the area; that Mr. Christenbury stated that .25 acres is a restricted area surrounded by 1 acre and it will be capped; that 300 cubic yards are to be relocated to the area; that DNREC standards have changed since the first COCR; that they are willing to include conditions about remediation on certain lots; that Mr. Willard stated they propose a dock into the stormwater management, if it is ok with Sussex Conservation District; that Mr. Lyncha stated that all the contaminated soils are to be consolidated in one area and covered with a geo-textile; that is designed to keep stormwater from getting into the soils; that the geo-textile barrier can be used for a number of uses such as plants, vegetation, and other multi-purpose courts; that there are approximately 10 monitoring wells on the site; that sampling will be done after the removal of the dirt; and that Mr. Christenbury stated that there could be vegetated areas with shallow roots and no trees on top of the barrier.

The Commission found that no one spoke in favor or opposition to the application.

At the conclusion of the public hearings, the Commission discussed the site being a brownfield site and their concerns about remediation of the site.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action to leave record open to include feasibility study, location of contamination areas on the site and additional information regarding environmental concerns. Motion carried 5-0.

2018-9 Oak Landing – NCSW, LP

This is a ESDDOZ subdivision is to divide 59.82 acres +/- into 163 single family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the northeast side Oak Orchard Rd. approximately 1.3 miles southeast of John J. Williams Hwy. Tax Parcel: 234-34.00-97.00. Zoning District. GR (General Residential District).

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, site plan, subdivision plan, a copy of the deed restrictions, comments from the Sussex Conservation District, Sussex County Engineering Utility Department Planning Division, Sussex County Public Works Division, multiple letters from DNREC, USDA-NRS, Fire Marshal, Delaware Electric Co-op and Sussex County Mapping and Addressing Division which denied the name of Oak Landing.

The Commission found Jim Fuqua, Attorney with Fuqua, Willard, Stevens and Schab, Gary Bolis, owner, and Steve Engel, with Vista Design Inc., were present on behalf of the application; that Mr. Fuqua stated this is an application for a cluster subdivision on 59.82 acres; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area which is designated as a growth area and mixed residential area; that the cluster subdivision is permitted in the growth area; that the property is zoned GR; that the parcel could have a maximum density of 4.35 lots per acre and their application proposes 163 single family lots with a density of 2.72; that the land is cleared farmland in a residential area; that the land is surrounded by residential developments; that this is an infill parcel that had previously been approved for a subdivision; that in 2005 application 2004-46 was approved for 196 single family lots and the approval has expired; that water will be provided by Tidewater Utility; that sewer will be provided by Sussex County; that there are 2.38 acres of tidal wetlands and 0.128 acres of non-tidal wetlands in the rear of the site; that there will be a minimum 50 foot buffer from the wetland lines; that the entrance will be built and designed to DelDOT standards; that DelDOT will require a right-of-way dedication and a 15 foot permanent easement for a multimodal path; that DelDOT did not require a new TIS but will require the developer to help fund in the intersection project on Route 24; that there are no known historical, cultural or endangered species on the site; that they will use Best Management Practices to meet or exceed stormwater management regulations; that the site is located in the Indian River School District and the Indian River Fire District; that the new application is less dense than the 2004 plan; that there will be 30% open space; that the new plan will have a 20 foot landscape buffer; that the subdivision will contain 163 single family lots; that the lot size will be a minimum of 7,500 square feet; that it will have a density of 2.72 per acre; that the recreational area will be approximately 1.314 acres and will have a pool, pool deck, playground and a community building; that the pool will be a minimum of 3,500 square feet and the building will be a minimum of 3,500 square feet; that there will be open space corridors; that the entrance will have an island for in and out traffic; that the streets will be private and built to County standards; that there is no ability for interconnectivity; that there will be sidewalks on both sides of the streets except for the lots in the rear; that the streets will have curbs and gutters; that the streetlights will be shielded and facing downward; that there will be 18 acres of open space which is 30% of the site; that the HOA is responsible for the roads, stormwater management, open space, and etc.; that Mr. Engel stated the stormwater management has not been designed yet and they are not sure if it will be a wet or dry pond; that the property drains to the south and discharges into Emik's gut; and that Mr. Fuqua stated the front buffer is 35 to 50 feet which includes the multi-use path.

The Commission found Charles Cullen Clark, IV, Irvin Moore and Lawrence Friend spoke in favor to the application; that Mr. Clark stated that the land means a lot to him; that he would like a fence to be built between his property; that he wants to keep his privacy; that he has concerns with the stormwater management; that he doesn't want to stand against the progress; that he would like to keep some considerations from the 2004 plan; that Mr. Fuqua stated a 6 foot board on board fence is to be built along the entire property except into the wetlands prior to the first Certificate of Occupancy; that Mr. Moore stated he was born and raised on that farm; that he has been trying to sell the farm for a while and there are developments on both sides; that Mr. Friend stated he has concerns with the stormwater management; and that he is ok with the use but concerns with the sidewalk, driveway issues.

The Commission found Robert Davis, Donna Clauskey, Donna Irvine and Mike Masciandaro spoke in opposition to the application; that Mr. Davis stated he has concerns with dust from construction; that he has concerns with sewer; that he already has a 10 foot easement on the back of his property and there will be 30 feet in between the properties; that he would like a fence along his line; that Ms. Clauskey stated she has a small strip of land to the left; that she is bombarded with homes around hers; that they should try and restrict the number of homes; that she has concerns with the wildlife in the area; that Ms. Irvine questioned what will happen to the wildlife; that trees are being disturbed in their buffer; that she wants to know what type of trees are to be planted; that she has concerns with traffic; that she has concerns with stormwater management; that Mr. Masciandaro stated he wanted them to look into alternate pavements; that he would like to know what type of homes are proposed; and Mr. Fuqua stated the intent would be stick built homes.

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

Motion by Mr. Hudson, seconded by Ms. Wingate and carried unanimously to defer action and leave record open for copy of the agreement with adjacent property owner from the original application. Motion carried 5-0.

C/U #2136 Christine A. Degnon

This is an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a medical office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.918 acre, more or less. The property is lying on the north side of Savannah Rd., approximately 193 ft. east of Dove Dr. 911 Address: 1409 Savannah Rd., Lewes. Tax Parcel: 335-8.18-4.00

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis, comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division, and results of the Service Level Evaluation from DelDOT.

The Commission found Taylor Trapp, Attorney with Tunnell and Raysor and Christine Degnon, owner were present on behalf of the application; that Ms. Trapp stated the applicant would like to turn the property into a one person medical office; that are similar to other uses in the area; that there are nine other professional offices with seven of which are medical facilities in the immediate vicinity; that the property is more valuable as a medical office than residential purpose; that DelDOT did not recommend a TIS; that the proposed conditional use will not have an adverse impact on the neighboring properties; that there will be no change in architecture; that there is a shared entrance; that there is an agreement with the neighbor to remove the trees and put up a fence to separate the driveway; that the applicant does direct primary care, in which the physician contracts directly with the patient and helps keep the overhead cost low; that the applicant is a blue collar concierge doctor; that the patients will pay a monthly fee; that the applicant is practicing in Delaware; that there is a shortage of primary care doctors in Lewes; that she needs more space; that she will have one assistant; that the hours of operation are 8:00 am to 5:00 pm, Monday through Friday with on call services only if there are emergency on weekends; that there is an unlighted sign at the current location; and that there are no plans for the garage.

The Commission found Derek Cole spoke in favor of the application; that Mr. Cole stated he is

generally not opposed to the conditional use; that he has concerns with safety regarding the shared driveway and the fence leading up to the garage; and that he has concerns with the hours of operation as it is the same time the school bus pick up his kids.

The Commission found that no one spoke in opposition of the application.

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

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to defer action to leave record open for 15 days for applicant to respond in writing in response to conditions submitted by Mr. and Mrs. Cole. Motion carried 5-0.

C/U # 2138 Walker Construction, Inc.

This is an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for site contracting excavating services with storage, repair, and maintenance and light material and storage and general office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 13.76 acres, more or less. The property is lying on the west side of Robinsonville Rd., approximately 671 ft. south of Kendale Rd. 911 Address: 33077 Walker Farm Rd., Lewes. Tax Parcel: 234-2.00-23.03 (portion of)

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, exhibit booklet, comments from the Sussex County Engineering Department Utility Planning Division and results of the Service Level Evaluation from DelDOT.

The Commission found Mark Davidson, with Pennoni Associates, Mr. and Mrs. Nathan Walker, owners, and Alan Decker, with Pennoni Associates were present on behalf of the application; that Mr. Davidson stated the applicant is requesting a Conditional Use on 13.76 acres of the 17.42 acre parcel; that they have been in business for 15 years; that this property was part of an old borrow pit and a construction/tree dump; that a subdivision is located across the street from this property; that they have been removing debris and filled in the old borrow pit; that they have four employees; that they do lot clearing, minor site grading, snow plowing and basements; that in the exhibit booklet are letters support; that they would like to relocate their office from Route 24; that they have converted a horse building into an office and do repairs inside of the building; that the property is located on Robinsonville Road; that this is a good area as subdivisions are in the area as they provide the services to subdivisions; that the location of the area they want to use is 900 feet back from the road; that the area is not visible from the road; that they purchased the property in 2015; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area as it comes over 600 feet; that the property is located in the Level 3 State Strategies; that there is on-site septic for the house and will use a porta potty for the business; that they have an on-site well for their needs; that a TIS was not required; that they would like to have a non-lighted sign of 32 square feet; that the hours of operation are 6:00 am to 6:00 pm, Monday through Friday and 7:00 am to 2:00 pm on Saturdays; that storage of materials will be in bins for small stones, etc.; that this meets the needs of the area; that Mr. Walker stated there will be two dump trucks that leave and come back to the property, approximately 10 times a day; that they would like to expand within the existing area and keep the trees; and that they do not need a sign.

The Commission found that no one spoke in favor of or in opposition to the application.

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

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

OTHER BUSINESS

Tail Bangers

Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Site Plan for a 9,375 SF commercial storage building to be added in addition to the existing 4,946 SF commercial building, with associated parking and loading areas on a 1.97 ac. parcel of land that is accessed from Betts Pond Rd. Tax Parcel: 133-16.00-59.00. Zoning District: C-1 (General Commercial District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the preliminary site plan with final approval subject to staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of Sharp Farms

Minor Subdivision off 50' easement

Mr. Whitehouse advised the Commission that this is a minor subdivision off a 50' easement to create one additional parcel measuring 1.0119 acres +/- from a larger parcel measuring 124.187 acres +/- located off Paynter Rd. The easement is over an existing driveway. Tax Parcel: 235-16.00-2.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the minor subdivision off 50' easement with final approval subject to staff upon receipt of all agency approvals. Motion carried 5-0.

ADDITIONAL BUSINESS

The Commission held a discussion of Comprehensive Plan; that there were a lot of tweaks from the County Council with the Goals Objectives and Strategies in most of the chapters; that a lot of changes took place in the economic development which was deferred by the Planning Commission to County Council; that things were consolidated and things were moved around; that they recognized the importance of tourism; that the section regarding forest land was reduced; that in the housing chapter, data was added regarding the number of subdivisions, units and permits; that the mobility chapter was re-arranged for formatting; that the use of the Committee was well liked and remains; that the future land use was done with a suitability analysis to look at land use classifications that resulted in changes to the future land use map; that the Ag Business section remains and the map was removed over concerns with specific areas to farmers; and that the population used the numbers from Planning Commission.

Meeting adjourned at 9:23 p.m.