

THE MINUTES OF THE REGULAR MEETING OF AUGUST 23, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, August 23, 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: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Doug Hudson, Mr. Keller Hopkins, Ms. Holly Wingate, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mr. Jamie Whitehouse - Planning & Zoning Manager, and Ms. Samantha Bulkilvish – Planner I.

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

OLD BUSINESS

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

A cluster subdivision 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 Road, approximately 264 ft. southeast of Kendale Road. Tax Parcels: 234-6.00-90.00 and 234-6.00-90.01. Zoning District: AR-1 (Agricultural Residential Zoning District).

The Planning Commission discussed the application, which has been deferred since July 26, 2018.

Ms. Cornwell advised the Commission that staff has received the requested Environmental information.

Motion by Ms. Stevenson, seconded by Mr. Hudson and carried to keep the record open for 10 business days to enable the submission of additional written public comments regarding the submitted Environmental information. Motion carried 5-0.

2018-9 Oak Landing – NCSW, LP

An Environmentally Sensitive Developing District Overlay Zone subdivision 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 of Oak Orchard Road and approximately 1.3 miles southeast of John J. Williams Highway. Tax Parcel: 234-34.00-97.00. Zoning District: GR (General Residential Zoning District).

The Planning Commission discussed the application, which has been deferred since July 26, 2018.

Motion by Mr. Hudson, seconded by Ms. Stevenson and carried unanimously to the close public record. Motion carried 5-0.

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

C/U #2136 Christine A. Degnon

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential Zoning 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 Road, approximately 193 ft. east of Dove Drive. 911 Address: 1409 Savannah Road, Lewes. Tax Parcel: 335-8.18-4.00

The Planning Commission discussed the application, which has been deferred since July 26, 2018.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to close the record. Motion carried 5-0.

Ms. Stevenson moved that the Commission recommend approval of CU #2136 for Christine A. Degnon for a medical office 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 of development of medical and professional office space along Savannah Road.
2. The use as a medical office in this location will benefit the health, safety and welfare of present and future residents of Sussex County residents by providing such a use in a convenient location that is close to Beebe Hospital.
3. The applicant intends to utilize the existing structure on the property. This is consistent with other business and professional uses along Savannah Road.
4. The use, with the 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. The use shall be limited to medical offices only.
 - B. As stated by the applicant, the use shall occur within the existing structure, maintaining its residential appearance from Savannah Road.
 - C. The hours of operation shall be between 8:00 am and 5:00 pm Monday through Friday. Additional hours shall be by emergency appointments only.
 - D. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - E. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
 - F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.
 - H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.
 - I. There shall be a sign directing traffic on the driveway for visitors to this site.

There shall also be a sign at the driveway entrance advising that “Children are at Play”. The location of these signs shall be shown on the Final Site Plan.

- J. As stated by the applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from Savannah Road to a point adjacent to the rear edge of the garage on the applicant’s property. The location and type of fencing shall be shown on the Final Site Plan.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & 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.

2018-10 Overbrook Meadows – Overbrook Acres, LLC

A cluster/Environmentally Sensitive Developing District Overlay Zone subdivision to divide 64.2 acres +/- into 135 single family lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the northeast side of Coastal Highway (Rt. 1) across from Cave Neck Road. Tax Parcel: 235-23.00-1.00. Zoning District: AR-1 (Agricultural Residential District).

Ms. Stevenson confirmed that she has listened to the recording of the previous meeting and is prepared to vote on the application.

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

C/Z #1853 - Beebe Healthcare

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an I-1 Institutional District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 19.9136 Acres, more or less. The property is lying on the east side of Warrington Rd., approximately 107 ft. south of John J. Williams Hwy. (Rt. 24). 911 Address: N/A. Tax Parcel: 334-12.00-125.00.

The Planning Commission discussed the application, which has been deferred since August 9, 2018.

Mr. Hudson moved that the Commission recommend approval of CZ #1853 for Beebe Healthcare for a change in zone from AR-1 to I-1 based upon the record made during the public hearing and for the following reasons:

1. This site was previously approved as a Conditional Use for medical office uses. That Conditional Use was never built, and the approval lapsed. This change of zone for the new I-1 Zoning District is consistent with that prior approval.
2. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public and institutional uses to occur on properties that are compatible with surrounding districts and uses. Nearby zoning categories include CR-1, C-1, MR and an institutional conditional use. The purpose of the I-1 zoning and the permitted uses within

the I-1 district are consistent with this area.

3. The site is in the Environmentally Sensitive Developing Area according to the current Land Use Plan. According to the Plan, institutional uses are identified as appropriate within this Area.
4. The rezoning will not adversely affect neighboring properties, public facilities, traffic or area roadways.
5. The site is located very near the intersection of Route 24 and Warrington Road, which will provide convenient access to the public uses permitted under I-1 zone. It also will allow for interconnectivity with the applicant's existing uses on the adjacent property and the road grid serving that parcel.
6. The property is served by central water and sewer.
7. The rezoning to I-1 promotes the health, safety and general welfare of Sussex County and its present and future residents by providing a convenient location for needed medical office space.

Ms. Stevenson confirmed that she has listened to the recording and is prepared to vote.

Motion by Mr. Hudson, seconded by Ms. Stevenson 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 #1854 - Ferguson Enterprises, Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agriculture Residential District to a C-5 Service/Limited Manufacturing District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5.306 Acres, more or less. The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9) approximately 937 ft. east of Nassau Commons Blvd. 911 Address: 32359 Lewes-Georgetown Hwy., Lewes Tax Parcel: 334-5.00-139.00 (portion of).

The Planning Commission discussed the application which has been deferred since August 9, 2018.

Ms. Stevenson moved that the Commission recommend approval of CZ #1854 for Ferguson Enterprises, Inc. for a change in zone from AR-1 to C-5 based upon the record made during the public hearing and for the following reasons:

1. This property was originally zoned C-1 and it is surrounded by properties that are zoned C-1.
2. Despite being completely surrounded by commercially zoned property, the property was previously down-sized to AR-1. It is now the only AR-1 zoned property on its side of Route 9.
3. This rezoning is consistent with the original zoning of the property and the surrounding commercially-zoned property.
4. The site is in the Highway Commercial Area and the Environmentally Sensitive Developing Area according to the current Land Use Plan. According to the text of the Plan, both areas are growth areas that permit commercial uses, including commercial retail and office uses that are permitted in the C-5 District.
5. The proposed rezoning in this location along Route 9 satisfies the purpose of the C-5

Zoning District.

6. The site is served by central sewer.
7. The site, for use as a commercial warehouse with a retail component, is in a central location that is convenient for Sussex County residents and businesses.
8. Because the property is on Route 9, and because the rezoning to C-5 is basically infill to the surrounding commercially-zoned properties, this rezoning will not have adverse impacts upon neighboring properties, roadways or community facilities.

Ms. Stevenson confirmed that she has listened to the recording and is prepared to vote.

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.

Ord. #18-10 – Forested Landscape Buffer

An Ordinance to amend Chapter 99, Article I and III, Sections 99-5 and 99-16 of the Code of Sussex County relating to forested and/or landscaped buffers.

Ms. Stevenson confirmed that she has listened to the recording and is prepared to vote.

The Commission held a discussion on the proposed Ordinance; that currently there is a minimum 20-foot forested buffer and/or landscaped strip requirement in the Code; that this Ordinance proposes an amendment to extend this from the current 20-feet to 40-feet; that the proposed Ordinance would adjust the number of trees or vegetation required to be provided within that additional space; that this promotes the maintenance of existing vegetation; that if an applicant has an existing hedgerow or mature trees, they could come in and show it on a Site Plan and use it as a buffer instead of formally having to plant so many trees every 100 feet; that the County hopes to maintain existing hedgerows around the perimeter; that the changes are minor; that there were concerns with variable sizes and types of subdivisions; that the buffer does count towards the open space required by a cluster subdivision, that there would not be a reduction in density because of the additional buffers; that in Chapter 99, the Commission has the ability to waive and/or relax some of those standards; that any increase in the buffer will count toward the open space; that the perimeter open space benefits everyone; and that the Commission would like to see some kind of variable buffer depth requirement within the proposed Ordinance.

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

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

2018-11 Hawthorne Phase 6 – Rob the Ranger, LLC

A cluster subdivision to divide 28.05 acres +/- into 41 single family lots to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County. The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9), approximately 1,985 ft. east of Gravel Hill Rd.

(Rt. 30). Tax Parcel: 135-11.00-66.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, subdivision plan, comments from TAC, DeDOT, Sussex County Public Works Department, Sussex County Engineering Department Utility Planning Division, numerous Division of DNREC, Department of Agricultural, and the applicant has received 100% property owner approvals.

The Commission found Tim Willard Attorney with Fuqua, Willard, Stevens & Schab, Jack Hayes, Ring Lardner with Davis, Bowen & Friedel were present on behalf of the application; that Mr. Willard stated Hawthorne is approved for 213 lots and Phases one and two are done; that they have pulled some permits for Phase three; that the application site was originally designed with wastewater spraying fields on 28 acres with a community facility; that Tidewater has worked with Artesian to establish a pump station; that the spraying fields are no longer needed and now they are looking to add lots with central sewer; that they would like to add 41 lots; that 100% of the homeowners have agreed to this; that the original recreational was designed for 800 square feet and now is being built at 3,800 square feet; that this is an additional 3,000 square feet; that they have submitted a revised plan to save the trees; that amenities were originally to be built by two years after the issuance of the first Certificate of Occupancy and if the amenities were not completed by September 8th, 2018 then no further permits were to be issued; that the months of June and July were very wet; that they couldn't get a foundation down until the middle of July; that the project has been bonded; that Broadpoint Construction built the building; that it took time to get the soil to compact so they could pour the foundation; that the siding and stone is now on the building; that the exterior of the building is complete and they are now beginning the interior work; that the construction will be completed by November, 2018; that the construction of the pool will begin September 24, 2018 and the plaster would not be completed until spring 2019; that the original entrance has been updated to address the new lots and Route 9 roadway work includes deceleration lanes, which are completed; that the entrance work is almost completed; that there are no non-tidal wetlands in the area; that they now have a circular traffic pattern for internal traffic; that there is open space; that there will be a 50 foot buffer adjacent to Agricultural land; that there is 61.41 acres of open space; that the additional 41 lots stills give them a density of 1.9 a acre; that the community will be energy efficient; that they will have central water and sewer; that they are working on a bus shelter and it is on back order; that Mr. Hayes stated there is improvement to the development and some soil issues in Phase three and will have to bring some fill to be able to compact appropriately; that they have access to the field in the back and they use it for a construction entrance and are willing to build it and can keep it open; that there will be two bus stops, one for DART and one for school buses; that the interconnection is to improve and lease it with the adjacent owners for 36 months; that they have heard the adjoining farm owner may want to subdivide in the future; that they want to keep the access open; and that the Commission does have the ability to control excavating and bringing in fill.

The Commission found that Timon Holman spoke in favor of the application; that Mr. Holman stated the front office and staff within the Planning and Zoning Office are great; that the plan is consistent with what is shown; that he is happy with the interconnection and to keep it open; and that keeping the trees is good.

The Commission found that Leonard Williams Stabile and Denise Giacoa spoke in opposition to the application; that Mr. Stabile stated he is not in opposition with many of the things he has heard; that he purchased a lot across from the pond; that there was not supposed to be houses across from the pond and it was supposed to contain trees and this is not what they have approved; that Ms. Giacoa stated the trees are now gone; that Mr. Willard stated they will keep the trees; and that Mr. Hayes stated they will save the trees and this would be shown on a Final Subdivision Plan.

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

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

C/U #2139 Arctec Properties, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential Zoning District for a storage warehouse for small contractors to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 4.74 acres, more or less. The property is lying on the west side of Sussex Highway. (Rt. 13), approximately 0.75 mile north of East Newton Road. 911 address: 14906 and 14910 Sussex Highway., Bridgeville. Tax parcel: 530-17.00-10.00.

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

The Commission found Mike Smith Attorney with The Smith Firm, Jeremy Booros, owner of Arctec Properties, LLC; that Mr. Smith stated a large portion of this property is wooded and wetlands; that it is approximately 4.7 acres and one acre which is the proposed Conditional Use; that there is an 60'x80' metal building; that the Conditional Use application now is an identical to the overlapping previous Conditional Use application; that prior application was under 1693 and was approved under Ordinance No. 1918; that the application was submitted in April 2006; that the application was for a multi-unit warehouse; that the approved Conditional Use is more than 30% of what is proposed; that the existing 60'x80' building will remain and another building is proposed; that it will be similar to the prior approval of the Conditional Use; that a hearing was held in front of the Planning and Zoning Commission on July 12, 2007 and the Commission recommended approval; that County Council held their hearing on August 7, 2007 and approved it with conditions; that the applicant is amenable to the same conditions with some minor request; that there will be no outside storage; that the security lighting will be downward screened; that there will be no retail sales; that the existing block building be permitted as an office building; that the rest of the building will be for warehousing and storage; that there will be no manufacturing on the property; that the applicant is okay with the same hours; that the applicant does not want to have fencing on the site; that the parking lot is now millings; that there is on-site septic; that he would like to have a lighted 32 square foot sign; that there is a proposed vegetative buffer of 15 feet wide on the north side of the property; that parking overnight should be parked west of the block building; that they are willing to show the dumpster location on the site plan; that the Conditional Use had a time extension until 2009 and they are

now trying to bring it back again; that Mr. Boors stated he has 14 employees; that half of them take vehicles home and others do not; that all the staff meets at the site in the morning; that the employees arrive between 6:45 am to 7:15am and they are there for about an hour and they will return between 4:00 pm to 5:00 pm; that there will be four to five vehicles that will stay on the site; that four to five of the vehicles will stay overnight; that the site is like a wash and one vehicle goes in and one vehicle goes out; that there is an old cesspool on site and it is not working; that a split rail fence be in the rear of the property to help with parking and to notify about the drop off; that there is potential interconnectivity to the north and could be have the ability to connect; and that there are commercial uses to the south and are some to the north of the site.

The Commission found that no one spoke in favor or opposition to the application. The public hearing was closed.

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

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

C/U #2140 Santay Trucking c/o Samuel Connors

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential Zoning District for a trucking business, landscape and material storage to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 5.0 acres, more or less. The property is lying on the west side of Dupont Boulevard. (Rt. 113) approximately 0.5 mile south of VFW Road. 911 address: 14292 Dupont Boulevard, Ellendale. Tax parcels: 230-31.00-27.00, 27.01 and 27.02

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

The Commission found Larry Fifer Attorney, Samuel Connors, owner of Santay Trucking and Kevin Smith with Kercher Group were present on behalf of the applicant; that Mr. Fifer stated the parcel is five acres; that the parcel has been used for the purposes the applicant is seeking a Conditional Use for a trucking business; that there are no violations on the site; that Mr. Connors stated this is the old Will Connors site and he is just trying to get it legal with a Conditional Use; that DelDOT has expanded the pipe under the entrance; that Mr. Smith stated there is an existing metal building and an office building; that the entrance was expanded by DelDOT; that DelDOT is okay with the project and no upgrades are needed; that DelDOT installed the crossover to allow for the north bound traffic; that the adjacent parcels are owned by the State and are wooded; that Mr. Connors stated the crossover has been there since before 2009; that Ms. Smith stated there is well and septic on site; that they plan to keep the site as is and bring it into compliance; that Mr. Connors stated the number of employees depends on the time of the year; that he could have up to 20 employees; that he would not like a sign; that there will be no sales on the site; that there will be some outside storage; that they fix their own trucks within the building; that there will be proper means of disposal of oil and chemicals; and that a business comes down and recycles the waste.

The Commission found no one spoke in favor or opposition to the application. The public hearing was closed.

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

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

C/Z #1855 Kirk Salvo, KH Sussex, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential Zoning District to a C-3 Heavy Commercial Zoning District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.51 acres, more or less. The property is located on the south side of John J. Williams Highway. (Rt. 24), approximately 954 ft. west of Angola Road., also being the southwest corner of John J. Williams Highway. (Rt. 24) and Angola Road and being on the west side of Angola Road approximately 250 ft. south of John J. Williams Highway (Rt. 24). 911 address: N/A. Tax parcels: 234-11.00-56.09, 56.03, and 56.02.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, an exhibit booklet, comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division, results from a DelDOT Service Elevation which did not require a TIS. One letter in support of the application and one letter in opposition to the application were read into the record.

The Commission found that Dennis Schrader Attorney with Morris, James, Wilson, Halbrook and Bayard, Mike Reimann with Becker Morgan Group and Kirk Salvo, owner of KH Sussex, LLC were present of behalf of the application; that Mr. Schrader stated he is elated to ask for C-3; that the 2018 Comprehensive Plan is applicable in the Coastal Area; that the site is located on the corner of Route 24 and Angola Road; that the property is currently zoned AR-1; that the Land Use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that the property is located in the Level 3 State Strategies; that Mr. Reimann stated the total for the area of rezoning is 3.5 acres; that there are three parcels involved; that there is currently a home on the site and marina storage; that there are commercial uses within one mile of the area including a marina; that a commercial shopping center is within three miles; that Peddlers Village is within 15 miles; that there are many residential projects in the area; that the proposed use is for a gas station with a convenience store to provide convenience to the road users; that this will serve fuel to the area; that DelDOT has a project to improve the intersection; that the construction is proposed to begin in 2020; that a TIS was not required; that there will be a right turn in and a right turn out on Route 24 and have full access onto Angola Road; that they did work with DelDOT; that this project will not have a negative impact; that the applicant would go through the Site Plan process; that the site was recently annexed into the Sussex County sewer district; that the lighting will be shielded; that signage will be in accordance with the sign Code; that there are some wetlands on the site and they will be protected; Mr. Schrader stated that they do comply with the current and new Comp Plans; and that the site is consistent with the new C-3 zone.

The Commission found that no one spoke in favor or opposition to the application. The public hearing was closed.

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

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

OTHER BUSINESS

2017-18 Edward D. and Lauren R. Ghabour

Final Subdivision Plan

Mr. Whitehouse advised the Commission that this is a Final Subdivision Plan for the subdivision of 17.6580 acres into four (4) single family lots. Preliminary Subdivision Plan approval was granted by the Planning & Zoning Commission at its meeting of February 8, 2018. The Final Subdivision Plan complies with the Zoning & Subdivision Codes, and all conditions of approval. All required agency approvals have been received. The property is located on the west side of Gravel Hill Rd. (Rt. 30) and approximately 1,975 ft. east of Springfield Rd. (Rd. 47). Tax Parcel: 234-8.00-49.00. Zoning: AR-1 (Agricultural Residential Zoning District).

Motion by Mr. Hopkins seconded by Mr. Hudson and carried unanimously to approve the Final Subdivision Plan. Motion carried 5-0.

The Reserves (MR-RPC)

Revised Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Revised Preliminary Site Plan for a 173-unit Medium Density Residential Planned Community (MR-RPC). In 2016, the Final Site Plan was revised to remove Lot #129 to facilitate a pump station. The pump station is no longer required, and the Revised Preliminary Site Plan proposes to re-instate one (1) lot that was previously removed. Lot line adjustments to some of the lots are also proposed. The Revised Preliminary Site Plan complies with the Zoning and Subdivision Codes, and all conditions of approval. Staff are awaiting agency approvals for the changes in the site layout. Tax Parcels: 134-12.00-468.04 and 134-16.00-565.00, 576.00-610.00 and 844.00.

Motion by Mr. Hudson seconded by Ms. Stevenson and carried unanimously to approve the Revised Preliminary Subdivision Plan with final approval by the Planning Commission upon receipt of all agency approvals. Motion carried 5-0.

The Woodlands Subdivision (2005-49)

Revised Preliminary Amenities Plan

Ms. Bulkilvish advised the Commission that this is a Revised Preliminary Site Plan for The Woodlands Amenities which includes two pools, a bathhouse, parking, and other site improvements. The Preliminary Amenities Plan was previously approved by the Planning Commission on March 9, 2017 but has been significantly revised since then by reducing the size of the bathhouse and the addition of a second pool. Tax Parcel: 134-19.00-30.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

The Commission found that Jack Hayes stated the homeowners are okay with the new amenities and that a letter from the 38 lot owners stating they are okay with the new amenities had been obtained.

After discussing the Amenities Plan, the Commission agreed to take no action and requested that confirmation is submitted to the Planning and Zoning Office that the 38 lot owners and/or Home Owners Association have agreed to the Revised Amenities Plan.

2014-05 Ida Jane Farm

Revised Preliminary Subdivision Plan

Mr. Whitehouse advised the Commission that this is a Revised Preliminary Subdivision Plan for a Major Subdivision of 19.16 acres into 6 lots. Two (2) of the lots will have frontage along Gray Road. The remaining four (4) lots will have frontage along Ida Jane Lane. The Planning & Zoning Commission granted Preliminary Subdivision Plan approval at its meeting of January 14, 2016. A waiver was also granted from the requirement to provide a vegetated buffer. At its meeting of August 9, 2018, the Commission approved a revised Preliminary Subdivision Plan to change the street layout near the entrance. The applicant has since clarified his request for a waiver from the street design standards in 99-18.H of the Code, to specifically request that the road not be surfaced with a bituminous surface, and a crusher run and gravel be used instead. Zoning: AR-1 (Agricultural Residential Zoning District). Tax Parcel I.D: 134-11.00-40.00. Staff are awaiting agency approvals for the street design changes.

Motion by Mr. Hopkins seconded by Ms. Wingate and carried unanimously to approve the Revised Preliminary Subdivision plan with a waiver of the street design standards with final approval subject to staff upon receipt of all agency approvals. Motion carried 5-0.

Marsh Island (2008-25)

Revised Preliminary Subdivision Plan

Mr. Whitehouse advised the Commission that this is a Revised Preliminary Subdivision Plan for a 152-lot cluster subdivision accessed from Camp Arrowhead Road (SCR 279). Planning & Zoning Commission approved the Final Site Plan at its meeting of December 13, 2012. The Revised Preliminary Subdivision Plan seeks approval for revisions to the plan, including changes to lot and street layout, the addition of street names, changes in sidewalk layout, the removal of bio swales, and the provision of additional stormwater management facilities. The Revised Preliminary Subdivision Plan shows the removal of the previously approved walking/bicycle/jogging path with will require revision to Condition #5 of the approved conditions. The Revised Preliminary Subdivision Plan complies with the Zoning and Subdivision Code, and aside from the conflict with the requirements of Condition #5, the Revised Preliminary Subdivision Plan otherwise complies with all other conditions of approval. Staff are awaiting agency approvals for the revisions to the design of the subdivision. Tax Parcels: 234-7.00-132.00, 132.05, 132.06, 132.07, 351.00. Zoning: AR-1 (Agricultural Residential Zoning District).

The Commission found that Ring Lardner with Davis, Bowen and Friedel stated the project started in 2008; that it included an open drainage swales system, 20-foot wide roads with sidewalks; that the developer is now Schell Brothers; that roads will be built to Sussex County standards; that the streets will be 24-foot wide, curbs and gutters and sidewalks on both sides; that the lots have expanded; that they seek to revise Condition #5 since Shell Brothers intend to

market the homes for pre-retirees and those who have retired; that those current amenities shown do not fit with the package that they offer; and that a pool and clubhouse would be provided.

Motion by Mr. Hudson seconded by Ms. Wingate and carried unanimously to approve the Revised Preliminary Subdivision Plan with revised Condition #5 only to allow for a pool and clubhouse with final approval by the Planning Commission upon receipt of all agency approvals. Motion carried 5-0.

Five Pointe Plaza

Revised Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Revised Preliminary Site Plan for the construction of a new 4,840 sf. two-story building and the reconfiguration of the parking lot. The Revised Site Plan requires the subdivision of the parcel to be recorded with the Sussex County Recorder of Deeds before approval of the Final Revised Site Plan. Tax Parcel: 334-6.00-3.02. Zoning: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson seconded by Mr. Hudson and carried unanimously to approve the Revised Preliminary Site Plan to include interconnectivity with adjacent parcels with final approval by the Planning Commission upon receipt of all agency approvals. Motion carried 5-0.

Greenwood Mennonite Church (S-18-58)

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for the construction of a 17,000 sf. worship center with parking and other site improvements located at the southwest corner of Shawnee Rd. and Mennonite School Rd. Tax Parcel: 430-5.00-52.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Wingate seconded by Mr. Hopkins and carried unanimously to approve the Preliminary Site Plan with final approval by staff upon receipt of all agency approvals with the possibility of interconnectivity. Motion carried 5-0.

Lands of Troise

Minor Subdivision off 50 ft. easement

Ms. Bulkilvish advised the Commission that this is a minor subdivision for the creation of two (2) lots. Lot B-1 will contain 20,445 SF Lot B-3 will contain 20,372 SF lot size is 20,000 SF as the lots have public water and sewer. Access off an existing 60' easement that goes over an existing driveway. The lots are located off of New Rd. Tax Parcel: 335-8.00-9.01. Zoning District AR-1 (Agricultural Residential Zoning District). Staff is in receipt of City of Lewes approval for the sewer and water. Staff is awaiting DelDOT approval.

Motion by Ms. Stevenson seconded by Mr. Hudson and carried unanimously to approve the Minor Subdivision off a 50 ft. easement with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of Pine Hollow

Minor Subdivision off 50 ft. easement

Ms. Bulkilvish advised the Commission that this is a minor subdivision for the creation of one lot.

Proposed Lot A will contain 0.83 acres +/- . The plan also includes a lot line adjustment to the existing lot off of the easement. This does not require approval by the Planning and Zoning Commission. The residual lands will contain 13.69 acres +/- after the minor subdivision and lot line adjustment. Access will be off of a 50' easement over an existing driveway. The site is located off of Hudson Rd. Tax Parcel ID: 235-22.00-21.00. Zoning District is AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Wingate seconded by Mr. Hopkins and carried unanimously to approve the Minor Subdivision off a 50 ft. easement with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of Raymond Williams

Minor Subdivision off 50 ft. easement

Ms. Bulkilvish advised the Commission that this is a minor subdivision for the creation of one additional lot. Lot 2 will contain approximately 1.8 acres with the residual lands containing approximately 6.2 acres. Access will be off an existing 50' easement over an existing driveway. The site is located off of Round Pole Bridge Road. The lots were originally created per deed in 1982. The lots were combined into one (1) lot in 2001. This request is to recreate the lots as they existed prior to combination in 2001. Tax Parcel ID: 235-16.00-74.00. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson seconded by Mr. Hudson and carried unanimously to approve the Minor Subdivision off 50 ft. easement with final approval subject to staff upon receipt of all agency approvals. Motion carried 5-0.

Mr. Robertson and Ms. Cornwell stated they went to the Cabinet Committee regarding the Comprehensive Plan; that the Plan was well received; that they also went to the PLUS meeting; that they were impressed by the amount of Public participation at the workshop; and that they have not received the final report which will be available September 20, 2018.

Meeting adjourned at 8:41 p.m.