

MINUTES OF THE REGULAR MEETING OF August 11, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, August 11, 2016 in the County Council Chambers, Sussex County Administrative 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, Mr. Michael Johnson, Mr. I.G. Burton, III, Mr. Martin Ross, and Mr. Doug Hudson with Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Ms. Janelle Cornwell – Planning and Zoning Manager, and Mr. Daniel Brandewie – Planner II.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of July 28, 2016 as corrected. Motion carried 5 – 0.

OLD BUSINESS

C/Z #1800 – Sussex Real Estate Partners, LLC (Belle Terre)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 123.75 acres, more or less. The property is located southwest of Dorman Farm Lane, 1,000 feet southwest of Mulberry Knoll Road (Road 284) and being approximately 1,800 feet southeast of Cedar Grove Road (Road 283) and approximately 1,200 feet northwest of John J. Williams Highway (Route 24). (911 Address: None Available). Tax Map I.D. 334-12.00-17.00, 18.00, 19.00 and 20.00.

Announcement of receipt of written comments regarding TIS Results.

The Commission discussed this application acknowledging the receipt of only written comments from James A. Fuqua, Jr. on behalf of the developers.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to accept the referenced comments, to close the record, and to defer action for further consideration. Motion carried 5 – 0.

2016-8 – Burton Acres II – MDI Investment Group, LLC

This is a major subdivision for the creation of a standard subdivision. The plan proposes to subdivide 23.91 acres +/- into 19 lots with private roads and open space. The property is located north of Iron Branch Road on both sides of Mountain Laurel Drive. Tax Map I.D. 233-5.00-24.00 & 24.13. Zoning: MR (Medium Density Residential District).

Motion by Mr. Hudson, seconded by Mr. Johnson, and carried unanimously to defer action soil feasibility study. Motion carried 5 – 0.

C/Z #1803 – CMF Bayside, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) (as an addition to Change of Zone No. 1393 for Americana Bayside) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 12.313 acres, more or less. The property is located at the southeast corner of Lighthouse Road (Route 54) and West Sand Cove Road (Road 394). 911 Address: None Available. Tax Map I.D. 533-19.00-50.00 (part of) and 51.00.

The Commission discussed this application which has been deferred since July 28, 2016.

Mr. Hudson stated that he would move that the Commission recommend approval of Change of Zone No. 1803 for CMF Bayside, LLC for a change in zone from AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) based upon the record made at the public hearing and for the following reasons:

- 1) The site is adjacent to portions of the existing Americana Bayside MR-RPC development. It will be an extension of the existing development.
- 2) The proposed density of 48 residential units is consistent with the density of the Americana Bayside development, and these units will be included in, and will not exceed, the total number of units permitted in the existing Americana Bayside MR-RPC approvals.
- 3) The proposed development will have sewer service provided by Sussex County and water provided by Tidewater Utilities.
- 4) The proposed rezoning to an MR-RPC is in compliance with the goals and objectives of the Sussex County Comprehensive Land Use Plan. The Plan also recognizes that a range of housing types are appropriate in the Environmentally Sensitive Developing Area where this project is located, including multi-family and townhouse units. The proposed retail and office use is also appropriate in this area according to the Comprehensive Plan.
- 5) The proposed development will not adversely impact neighboring properties, traffic or the environment.
- 6) The development will be an extension of the existing Bayside development, and residents will be members of the Americana Bayside Homeowners Association entitling them to use the development's existing recreational amenities and requiring them to pay the required dues and assessments within the development.
- 7) This recommendation is subject to the following conditions:
 - a. The maximum number of residential dwelling units shall be 48 on this land incorporated into the existing MR-RPC.
 - b. The retail/office portion of the lands incorporated into the existing MR-RPC shall not exceed 18,000 square feet of retail/office space.
 - c. The 48 units and 18,000 square feet of office space approved as part of this extension of the MR-RPC shall be part of the uses approved in Conditions #1 and #3 of Change of Zone No. 1393 and shall not be in addition to these conditions previously imposed on the Americana Bayside MR-RPC project.
 - d. Conditions #24 of Change of Zone No. 1393 (requiring access to Route 54) shall not be applicable to the retail/office space as part of this application.

- e. The development shall be served as part of the Sussex County Sanitary Sewer District.
- f. The developer shall comply with all requirements and specifications of the County Engineering Department.
- g. The RPC shall be served by central water,
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner consistent with Best Management Practices.
- i. The Final Site Plan for each phase of the development shall contain the approval of the Sussex Conservation District.
- j. The project shall be incorporated as part of the existing Americana Bayside MR-RPC (Change of Zone No. 1393) and shall be subject to, and benefited by, the conditions imposed upon that development, except as modified herein.
- k. All entrance, roadway, intersection and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's determinations.
- l. The interior street design and parking areas shall meet or exceed Sussex County street design specifications and requirements.
- m. The residential units in this development shall be part of the Americana Bayside Homeowners Association responsible for the maintenance of streets, roadways, buffers, stormwater management areas and community areas.
- n. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Department.
- o. The Final Site Plan shall include a landscape plan for all the buffer areas, showing all the landscaping and vegetation to be included in those areas.
- p. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

C/Z #1804 – Doug Melson

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a B-1 (Neighborhood Business District) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.05 acres, more or less. The property is located south of Lighthouse Road (Route 54), 700 feet east of West Sand Cove Road (Road 394). 911 Address: None Available. Tax Map I.D. 533-19.00-50.00 (Part of).

The Commission discussed this application which has been deferred since July 28, 2016.

Mr. Hudson stated that he would move that the Commission recommend approval of Change of Zone No. 1804 for Doug Melson for a change in zone from AR-1 (Agricultural Residential District) to a B-1 (Neighborhood Business District) based upon the record made during the public hearing and for the following reasons:

- 1) The site is appropriate for the change in zone to B-1 (Neighborhood Business), given its location on Route 54, which is a major roadway in Sussex County.
- 2) The permitted B-1 uses are appropriate and will benefit the nearby residents of the neighborhood. The applicant's business is Melson Funeral Services, and he has stated on the record that he intends to operate a new funeral chapel on the property to provide services to the residents and growing residential communities located in the Route 54 area.
- 3) The change in zone will not adversely affect neighboring and adjacent properties or the community.
- 4) The project will be served by central water and will be served by County sewer.
- 5) The site is located in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. B-1 (Neighborhood Business) zoning is an appropriate zoning classification in this area according to our Plan.
- 6) The Final Site Plan for any proposed use of the property will be subject to the review and approval of the Commission.

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

PUBLIC HEARINGS

2016-12 – Redden Wood Phase II – Dustin Berlinger

This is a major subdivision for the creation of a standard subdivision. The plan proposes to subdivide 53.39 acres +/- into 41 single family lots with open space. The property is located southwest of the Redden Wood Subdivision, south of Neptune Road, approximately 265 feet southwest of White Oak Drive. Tax Map I.D. 135-7.00-12.00. Zoning: AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that this was a major subdivision; that the application was sent to the Technical Advisory Committee (TAC) and staff received comments from multiple agencies; and that the applicant submitted an exhibit book and preliminary subdivision plan.

The Planning Commission recognized Mr. James Fuqua, Fuqua, Yori and Willard Mr. Ring Lardner, Davis Bowen and Friedel, and Dustin Berlinger were present on behalf of the applicant; that this is a standard AR-1 subdivision; that the new subdivision will be adjacent to the Redden Wood subdivision that there will be 41 single family lots; that the lots will be a minimum of $\frac{3}{4}$ of an acre in size; that the density is .78 that the lots will have on-site septic and on-site wells; that they will try and preserve the woodlands; that there is 0.105 acres of wetlands on the site and they will be provide a 25 ft. buffer around the wetlands; that they are asking for a waiver from the 20 ft. forested landscape buffer along five (5) lots between the proposed development and Redden Wood development; that Redden Wood Phase II will be part of the Redden Wood HOA; that the existing HOA documents are expandable; that they will provide streetlights but no sidewalks throughout the development; that they will provide an open space parcel with some type of amenity that will provide open space to both Redden Wood and Redden Wood Phase II; that approximately 22% will be open space; that there is a small area of frontage along Huff Rd.

and they are proposing to use this as the construction entrance until the stormwater management facility is constructed; that the construction entrance will allow for the heavy equipment to avoid going through the Redden Wood development; and that there is a ditch in the development that is not wetlands.

The Planning Commission found that Barbara Coffin, Judith Pagoni, Aria Folke and Lucy Caffrey spoke about concerns that they have regarding the proposed use of Persimmon Rd. by the new development and who would pay for the cost of the road to be repaved; that there is concern with financial impacts to the existing HOA; that there are concerns with road safety and emergency access; that concern with the ditch not being able to handle water when the area floods and that there are concerns with potential issues with a new developer.

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

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

C/U #2053 – Red Dog Plumbing and Heating, c/o Ken Wood

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an HVAC business located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.10 acres, more or less. The property is located at the northwest of Roxana Road (Route 17) across from Smith Avenue and 400 feet northeast of Smithfield Acres Road (Road 52B). 911 Address: 37058 Roxana Road, Selbyville. Tax Map I.D. 533-10.00-14.00.

Mr. Lank advised the Commission that this application was filed on May 10, 2016 with surveys.

The Commission found that DelDOT provided a Support Facilities Report on March 31, 2016 which references that a traffic impact study is not recommended, and that the Level of Service “C” of Roxana Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on August 10, 2016 which reference that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that off-site drainage improvements should not be necessary; that it may not be necessary for on-site drainage improvements; and that no tax ditches are affected.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 5, 2016 which reference that the site is not located in a proposed or current County operated and maintained sanitary sewer district; that the site is located in a Town of Selbyville Growth or Annexation Area; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated sanitary sewer district; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Ms. Cornwell provided a staff analysis of the application and advises that based on the land use, surrounding zoning and uses the Conditional Use application requested could be considered consistent with the land use, surrounding zoning and uses.

The Commission found that a letter in opposition to this application has been received from The Town of Selbyville, as dated August 9, 2016, reminding the County that a Memorandum of Understanding between the County and the Town does exist and that the Memorandum provides that the parties agree to cooperate in the land planning process and to communicate with one another about the implementation of their respective land plans, particularly concerning the Intergovernmental Coordination Zone; that this application is within the Intergovernmental Coordination Zone, as it is located within one mile of the Town's incorporated boundary and is also located in the Town's planning area and area of potential expansion, both of which are areas of concern for the Town; that this application site is within a potential annexation area, and is located in an area generally identified for mixed residential/agricultural use upon inclusion within the Town's boundaries; that the property to the north has been annexed into the Town, resulting in the triangular shaped property now being bordered on two of its sides by property located within the incorporated boundary of the Town; that the bordering properties are both zoned R-4 Residential, which is a residential zoning designation that allows for low-density residential development of detached single-family dwellings; that the operation of a HVAC business is not a listed permitted use, possible conditional use or possible special use exception in a R-4 zone; that the R-4 zone is also the only zoning district in the Town that is eligible to seek a Residential Planned Community (RPC) overlay designation under the Town's current zoning regulations; that an HVAC business is not listed as a possible permitted use in the RPC overlay zone in the Town; that in view of the possible annexation of the property into the Town in accordance with the Town's Comprehensive Plan and the existence of residential zoned property, already located in the Town's boundary, on two of the property's three sides, the Town's position is that the approval of the pending Conditional Use request will interfere with and place the land planning efforts of the Town in jeopardy; and that therefore The Town of Selbyville strongly opposes this request and respectfully requests that the Commission recommend denial of the application.

The Commission found that Ken Wood was present on behalf of Red Dog Plumbing and Heating and stated in his presentation that he is the owner and operator of the business; that he lives on the premises; that he purchased the property and home to live in and opened the HVAC business; that he has made many improvements to the property; that he stores materials and equipment in the garage; that he did receive a notice from the Planning and Zoning Department and immediately applied for this application; that a dumpster is maintained beside the garage and is somewhat hidden; that there is nothing standing around the dumpster; that he does have multiple signs on the premises; that he does not do any sheet metal work on the premises; that he has six employees, counting himself; and he has five business vehicles; that he has no intent to expand the business any further at this site; and that he realizes that he cannot be forced to be annexed into the Town.

The Commission found that there were no parties present in support of or in opposition to this application.

The Commission discussed the letter received from the Town of Selbyville.

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

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

C/U #2054 – UtiliSite, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an office, equipment storage, and parking for a construction company located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.0 acres, more or less. The property is located at the east of Robinsonville Road (Road 277), 800 feet north of Harts Road (Road 277A). 911 Address: 20721 Robinsonville Road, Lewes. Tax Map I.D. 234-6.00-9.01.

Mr. Lank advised the Commission that this application was filed on May 23, 2016 with surveys.

The Commission found that DelDOT provided a Support Facilities Report on December 22, 2015 which references that a traffic impact study is not recommended, and that the Level of Service of Robinsonville Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on August 10, 2016 which reference that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that off-site drainage improvements should not be necessary; that it may not be necessary for on-site drainage improvements; and that no tax ditches are affected.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 4, 2016 which reference that the site is located in the Angola Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Ms. Cornwell provided a staff analysis of the application and advises that based on the land use, surrounding zoning and uses the Conditional Use application requested could be considered consistent with the land use, surrounding zoning and uses.

The Commission found that the applicants provided several pictures of the property and letters voicing no objection to the proposal from Charlotte Hart, John Beaver, and John Murray.

The Commission found that Sharon Hart was present on behalf of UtiliSite, Inc. and stated in her presentation and in response to questions raised by the Commission that she resides on the property; that they started a small construction company in 2004, improved the site by creating a tree line around most of the perimeter in 2006, and built an open pole building/garage in 2007 to

store equipment and materials; that family members own the adjacent properties; that they have 10 employees; that they have two utility trucks and two dump trucks; that four of the employees come to the site, park, and then leave in the trucks to take equipment to the job sites; that the other employees go directly to the job sites; that most of their work is site work and utility work off site; that deliveries of materials and parts, etc. are taken to the job sites; that there are minimal deliveries to this location; that they do store some materials on the site, mostly materials that are left over from past projects; that they do intend to extend the tree line screening; and that there are several other businesses in the general area, and referenced lawn care, auto repair, and a beauty salon.

The Commission found that Charlotte Hart, the neighboring property owner, and John Murray, a neighbor, were both present in support of the application and stated that the applicants are good neighbors, maintain their property, and that the property does not appear to be a business.

The Commission found that there were no parties present in opposition to this application.

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

C/Z #1805 – MTC Properties, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 24.835 acres, more or less. The property is located at the east of Sussex Highway (U.S. Route 13), 0.25 mile south of Adams Road (Road 583). 911 Address: 14485 Sussex Highway, Bridgeville. Tax Map I.D. 530-14.00-24.00.

This application was withdrawn of August 4, 2016.

OTHER BUSINESS

Kaisy's Restaurant

Revised Final Plan

Ms. Cornwell advised the Commission that this is a revised final site plan. The Planning Commission approved the final site plan on April 28, 2016 for a 4,300 SF mixed use two story building. The revised final site plan is for a 2,410 SF mixed use one story building. The apartment and office on the second floor were removed and the first floor was redesigned for the proposed restaurant with a small area for retail/office. The site is located off of Clay Rd. The tax parcel is 335-12.00-5.13. The property is zoned C-1. The site complies with the required number of parking spaces and other items of the code. Staff is in receipt of revised agency approvals.

There was a brief discussion regarding the changes between the previously approved final site plan and this site plan.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the revised final site plan. Motion carried 5-0.

Tidewater Landing – 2013-2 Final Subdivision Plan

Ms. Cornwell advised the Commission that this application is to for approval of a Final Subdivision Plan for the Tidewater Landing Subdivision. This subdivision contains 213 single family lots situated on 162.95 acres and is to be served with central water and sewer with private roads and amenities. A Revised Preliminary Plan was approved by the Planning Commission on April 9, 2015. This Final Subdivision Plan contains minor revisions from the approved Preliminary Plan including a reduction in existing forest cover, expanded stormwater management facilities, moving recreational amenities to a central location and altering the location of several lots due to on-going remediation efforts on a portion of a the site. The property is located off of Robinsonville Road and is zoned AR-1 with cluster zoning. The tax parcel is 234-6.00-90.00. Staff is in receipt of all agency approvals. There is an issue with the 20 ft. landscape buffer around the perimeter of the site. The preliminary subdivision plan indicated that the portion north of the entrance along Robinsonville Road would be a reforested area. The final plan no longer shows the reforested area and does not show the required 20 ft. landscape buffer. The applicant would like the Planning Commission to consider the woodlands being preserved over 400 ft. from Robinsonville Rd. to be considered the landscape buffer.

There was discussion regarding the twenty (20) foot landscape buffer along Robinsonville Rd. and the Planning Commission recognized Tom Ford, LandDesign, Inc. that he stated that the Planning Commission has the ability to recognize other features to meet the requirement of the twenty (20) foot landscape buffer.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to defer the application until the August 25th Planning Commission meeting. Motion carried 5-0.

Saddleridge – MR-RPC Revised Final Site Plan

Mr. Brandewie advised the Commission that this is a Revised Final Site Plan for the Saddle Ridge RPC development. The Planning Commission granted approval of the Final Site Plan on Oct. 29, 2015. The Developer is requesting approval to make minor adjustments to the size and width of the lots although the number of single family lots remain the same at 81 lots. The amenities shown on the preliminary plan will come back to the Planning Commission as a separate Site Plan. The property is zoned MR (Medium Density Residential District). The property is located off of John J. Williams Hwy. (Rt. 24), west of Mulberry Knoll Rd. The tax parcel is 334-18.0-40.00. Staff is in receipt of all agency approvals.

There was discussion regarding the proposed stub street and the Commission recognized Mr. Frank Kea, Solutions IPEM, and he stated that the stub street is for the pump station and the other stub street is to provide frontage for the lots that are located along that portion of the road.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the revised final site plan. Motion carried 5-0.

The Grove – C/U #2028

Preliminary Site Plan

Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of 61 townhouses as a condominium development on a 14.79 acre tract, located off Lighthouse Rd. (Rt. 54). The property is zoned MR, Medium Density Residential, and was approved in 2015 for a Change of Zone and Conditional Use (C/Z #24321, C/U 20280-Cauthen Ventures DE). The tax parcel ID number is 533-12-100. This preliminary plan is substantially consistent with previous submissions. Staff is waiting for agency approvals.

Motion by Mr. Hudson, seconded by Mr. Johnson and carried unanimously to approve the preliminary site plan with final site plan approval by staff upon receipt of agency approvals. Motion carried 5-0.

Lands of James and Sallie Wharton on Kings Crossing Road

Minor Subdivision

Ms. Cornwell advised the Commission that this is a request for a minor subdivision to create one parcel of land with 3.154 ac. and a residual with 6.849 ac. The parcel was created in 1978 with frontage along both Kings Crossing Rd. and Little Hill Rd. The road frontage along Little Hill Rd. is 51 ft. Typically the Planning Commission will allow for the creation of a parcel off a 50 ft. easement with the proposed parcel having 100 ft. of frontage along the easement. This minor subdivision is not proposing an easement. When easements are created the easement will go over an existing driveway. There is no existing driveway off of Little Hill Rd. Staff is looking for guidance from the Planning Commission regarding the proposed subdivision.

There was discussion regarding the request for a minor subdivision and the Commission's ability to approve the request.

Motion by Mr. Ross, seconded by Mr. Burton and carried unanimously to deny the minor subdivision as the applicant has other options to pursue to create the subdivision. Motion carried 5-0.

Lands of Roger P. Edwards off Camp Arrowhead Road

Minor Subdivision with a 50 foot easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of one parcel of land with 1.2 ac. and the residual of 1.8 ac. The minor subdivision will create a 50 ft. easement over the existing driveway. The easement will also provide access to a landlocked parcel at the end of the easement. Any further subdivision shall require a major subdivision. Staff is awaiting approval from DeIDOT.

Motion by Mr. Hudson, seconded by Mr. Ross and carried unanimously to approve the minor subdivision with 50 ft. easement with final approval by staff upon receipt of approval from DelDOT. Motion carried 5-0.

Lands of Ponderosa Acres, LLC on U.S. Route 113
Minor Subdivision with a 50 foot easement

Ms. Cornwell advised the Commission that this is a minor subdivision for the creation of one parcel of land with 3.3 acres and the residual. It also proposes to expand the existing 50 ft. easement. Any further subdivision shall require a major subdivision. Staff is awaiting approval from DelDOT.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the minor subdivision with final approval by staff upon receipt of approval from DelDOT and any further subdivision requiring a major subdivision. Motion carried 5-0.

Lands of Sposato – C/U #1446
Request to Amend a Condition of Approval

Ms. Cornwell advised the Commission that this item was deferred at the July 28th meeting for further discussion. Staff included the minutes from the meetings in which the application was discussed. This is a request to amend Condition #4 of CU 1446. The Conditional Use is for a landscape business with equipment storage. The Planning Commission recommended approval of the Conditional Use on March 14, 2002. The County Council approved the use on April 9, 2002. Condition #4 states that “there shall be no grinding of mulch on site”. The applicant is requesting to allow for grinding yard waste into recyclable compost twice yearly.

There was discussion regarding the application.

Motion by Mr. Burton, seconded by Mr. Hudson and carried unanimously to amend Condition #4 to state that mulching may occur twice a year for 7-10 days Monday through Friday from the hours of 8:00am to 4:30pm and the applicant shall inform the Planning Office prior to commencing mulching operations. Motion carried 5-0.

ADDITIONAL BUSINESS

Discussion regarding Comprehensive Plan

Ms. Cornwell advised the Commission that the dates and locations for the first round of public meetings has been finalized (Monday September 26th, Tuesday September 27th, Thursday September 29th, Tuesday October 4th and Wednesday October 5th); that there will be a meeting in each Council District (Lewes, Seaford, Millville, Georgetown and Millsboro); that staff is looking to confirm the time from 4:30pm-7:00pm; that the website is up and the dates will be added to the website in the future; that the format is an open house with a presentation running in the background with activities for the public and the ability to talk to staff; that staff was still working on moving forward with the Conservation Focus Group and there was discussion

regarding the focus group; and that a summary of the interviews were provided to the Council and Commission.

Opportunity for public comments regarding Comprehensive Plan

Mr. Dave Jaeger spoke and had questions about the notice of the ability for the public to speak during the meeting; that Mr. Wheatley stated that the opportunity for public comment has been on the agenda for several meetings and will be on the agenda during the Comprehensive Plan process.

Meeting adjourned at 8:55 p.m.