

MINUTES OF THE REGULAR MEETING OF September 28, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, September 28, 2017 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 Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Robert Wheatley, Ms. Kimberly Hoey-Stevenson, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mrs. Jennifer Walls - Planning Manager and Mr. Jamie Whitehouse, Planner- absent.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Agenda. Motion carried 5-0

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the Minutes for August 10, 2017 as amended. Motion carried 5-0.

ADDITIONAL BUSINESS

Discussion regarding of the Comprehensive Plan

Ms. Cornwell advised the Planning Commission of the upcoming Planning Commission workshop meeting on Wednesday October 4, 2017 from 9:00 am to 2:30 pm; that they will be discussing transportation, future land use. The public workshop for the Comprehensive Plan will be held October 11, 2017 from 11:00 am to 7:00 pm at the Cheer Center in Georgetown.

Opportunity for public comment regarding Comprehensive Plan

None

OLD BUSINESS

2017-9 Lewes Shores Estates – Key Properties Group, LLC

This a Major Subdivision for the creation of a standard subdivision. The plan proposes to subdivide 81.05 acres +/- into 61 single family lots with a private roads and open space. The property is located on the west side of Hudson Rd. (Rd. 258) north of Eagles Crest Rd. (Rd. 258) Milton. Tax ID: 235-22.00-4.00. Zoning: AR-1 (Agricultural Residential District).

The Commission discussed this application which has been deferred since September 14, 2017.

Ms. Stevenson, moved that the Commission grant preliminary approval of Subdivision #2017-9 for Lewes Shores Estates - Key Properties, LLC for a 60 lot subdivision based upon the record made during the public hearing and for the following reasons:

1. The subdivision was previously approved as Lewes Shores Estates and identified as Subdivision #2005-30. That prior subdivision was never substantially underway, and that prior approval expired.
2. The applicant now seeks a preliminary approval of a nearly identical subdivision, but subject to current standards. In addition, the layout was changed to accommodate a

- modified 100-year floodplain boundary and the addition of a vegetated buffer around the site perimeter. The wetlands delineation was also confirmed as part of this application.
3. The subdivision is in compliance with the Sussex County Comprehensive Land Use Plan and the Subdivision Code. The applicant has to also addressed all of the items set forth on Section 99-9C of the Subdivision Code.
 4. The average lot size is 0.84 acres and the density is well below the permitted density of the AR-1 zoning.
 5. The subdivision promotes the orderly growth of Sussex County.
 6. The subdivision will be served by on site wells and septic systems.
 7. The subdivision will contain approximately 25 acres of open space.
 8. The subdivision will be a restricted residential development that will not adversely affect nearby uses or property values.
 9. The preliminary approval is subject to the following conditions:
 - a. There shall be no more than 60 lots within the subdivision.
 - b. The applicant shall prepare and record restrictive covenants governing the development and form a homeowners' association to be responsible for the perpetual maintenance of streets, roads, storm water management facilities, erosion and sediment control facilities and other common areas.
 - c. The storm water management system shall meet or exceed the requirements of the State and County.
 - d. All entrances shall comply with all of DelDOT's requirements.
 - e. There shall be no wetlands within any lot lines.
 - f. Street naming shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - g. The final site plan shall contain the approval of the Sussex Conservation District.
 - h. There is an existing graveyard within the project. Adequate parking must be provided and the graveyard must be maintained by the homeowners' association. This maintenance obligation shall be referenced in the restrictive covenants to the project and set forth on the final site plan.
 - i. Existing trees excluding what is needed for the construction of the roads, items in the right-of-way and stormwater management areas shall be maintained and any further removal of trees for the construction of the homes shall be left to the discretion of the homeowner.
 - j. There shall be a 50-foot buffer from any wetlands, as described by the applicant during the public hearing.
 - k. A 20 foot landscaped buffer shall be included around the entire perimeter of the property.
 - l. As stated by the applicant, sidewalks shall be included on at least one side of all streets.
 - m. This preliminary approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted upon it.
 - n. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously for Preliminary

approval of Subdivision No. 2017-9 for Lewes Shores Estates - Key Properties, LLC based on above reasons and conditions. Motion carried 5-0.

C/U #2097 Christopher Lopez

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for automobile and truck sales, service, and repair to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.01 acres, more or less. The property is located on the east side of DuPont Blvd (Rt. 113), approximately 1,297 ft. south of Wood Branch Rd. 911 Address: 24487 DuPont Blvd., Georgetown. Tax Map I.D. 133-2.00-21.00

The Commission discussed this application which has been deferred since September 14, 2017.

Mr. Hopkins moved that the Commission recommend approval of Conditional Use # 2097 for Christopher Lopez for the expansion of an automotive service and repair shop approved as C/U 1901 and to allow truck sales and service based on the record made during the public hearing and for the following reasons:

1. This is an expansion of Conditional Use #1901 which permitted automobile service and repairs. This will also permit truck sales and service to occur on the site.
2. The site is located along U.S. Route 113, which is appropriate for this type of use.
3. The expanded Conditional Use will have no significant impact upon traffic.
4. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
5. The site is in a Developing Area and it is also near the Town of Georgetown.
6. The use will continue to provide a service to Sussex County residents and local businesses.
7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The Final Site Plan shall show all required parking areas for customers and for cars and trucks that are for sale. These areas shall be clearly designated on the site itself. No parking shall be permitted within the front yard setback.
 - B. There shall not be any outside storage of junked vehicles, automobile parts, equipment, tires, or other materials used to repair cars or trucks.
 - C. The only repair work allowed at the shop will be for automobiles, trucks, and farm equipment.
 - D. As proposed by the Applicant, the business will only be operated between the hours of 7:00 a.m. until 6:00 p.m. Monday through Friday, and 7:00 a.m. until 5:00 p.m. on Saturday.
 - E. There may only be one lighted sign on the property advertising the business, not to exceed 32 square feet in size on either side.
 - F. Any security lights shall be screened so that they do not shine on neighboring properties or roadways.
 - G. All loading areas and storage areas shall be screened with a 6-foot high privacy fence.
 - H. The area for a dumpster shall be located behind the building and shall be screened for view. Its location shall also be shown on the Final Site Plan.
 - I. All entrances, intersections, roadway improvements, and multi-modal required by DelDOT shall be completed by the applicant as required by DelDOT and within

- the time periods required.
- J. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with all applicable State and County requirements and shall be operated utilizing Best Management Practices.
 - K. As stated by the Applicant, there shall be no more than 5 cars or trucks on site for servicing at any one time.
 - L. The Final Site Plan shall allow for interconnectivity with adjacent properties if they are ever developed or redeveloped.
 - M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson, 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.

C/U #2099 Richard and Dawn Jamison

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a wedding venue within an existing barn on approximately 2 acres around the barn to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 49.12 acres, more or less. The property is located on the north side of Woodpecker Rd., approximately 600 ft. east of Green Briar Rd. 911 Address: 4647 Woodpecker Rd., Seaford. Tax Map I.D. 531-12.00-92.00 (portion of)

The Commission discussed this application which has been deferred since September 14, 2017.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2099 for Richard and Dawn Jamison for wedding venue and based upon the record made during the public hearing and for the following reasons:

1. The site is a 49.12 acre parcel of land owned by the applicants. The applicants intend to use a 1930s barn for the wedding events. This is an appropriate location for a wedding venue.
2. The use is an innovative re-use of the large historic barn on the property, and it promotes Sussex County's agricultural heritage.
3. The use will be limited in scope, and will not require any significant additional permanent structures on the property.
4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
5. The parking area proposed by the Applicant is approximately 24,000 square feet in size, which is adequate for this use.
6. The Applicants will reside on the property and maintain close control over the use and the site at all times.
 - A. All events shall end no later than 10:00 p.m.
 - B. Food and beverage service and music or similar entertainment is permitted.
 - C. No noise from the use shall be audible from the State Road right of way.
 - D. Portable toilet facilities may be permitted during any event as needed.
 - E. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.

- F. The interior drive and parking area shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.
- G. All entrance locations shall be subject to the review and approval of DelDOT.
- H. The Final Site Plan shall be subject to the review and approval of Sussex County Planning and Zoning Commission.

Motion by Mr. Wheatley, seconded by Ms. Stevenson, 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.

C/Z #1828 Coastal Club (a/k/a Marine Farm)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC (Medium Density Residential District – Residential Planned Community) to a MR-RPC (Medium Density Residential District – Residential Planned Community) to amend Change of Zone No. 1764 (Ordinance No. 1770) Conditions 17A and 17D to extend timeframe one year for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 373 acres, more or less. The property is located on the south side of Beaver Dam Rd. 911 Address: None Available, Lewes. Tax Map I.D. 334-11.00-5.00, 334-11.00-395.00 and 396.00

The Commission discussed this application which has been deferred since September 14, 2017.

Mr. Hudson moved that the Commission recommend approval of Change of Zone # 1828 for Coastal Club (a/k/a Marine Farm) to amend Change of Zone No. 1764 (Ordinance No. 1170) Conditions 17A and 17D to extend the timeframe by one year to complete certain work along Jimtown Road based the record made during the public hearing and for the following reasons:

1. Paragraph 17A of Ordinance No. 1770 required the developer to install sanitary sewer within the Jimtown Road right of way prior to May 22, 2017
2. Paragraph 17D of Ordinance No. 1770 required the developer to install sidewalks within Jimtown Road right of way prior to May 22, 2017.
3. The developer requested the one-year time extension prior to May 22, 2017, which was the original deadline for completing the work.
4. The developer testified that it has diligently been working towards an approved design of the sewer, sidewalk and roadway work with its engineers and representatives of the state and county agencies that have jurisdiction over the work.
5. The need for additional time is due to several factors, including:
 - A. There was only 19 months left to do the work, and not 3 years, by the time the County Council approved CZ #1764 (Ordinance No. 1770).
 - B. The complexity of needing to design what is essentially 70 feet of typical roadway improvements into a 50 foot wide right of way with DelDOT's approval.
 - C. DelDOT granted approval for the design on August 10, 2017, but also mandated that work could not commence until October 1, 2017.
6. The Applicant's contractor stated that the work can be completed prior to May 22, 2018.
7. For all these reasons, it is appropriate to grant a final time extension for the work covered by Conditions 17A and D of Ordinance No. 1770.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried 4-0 to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0. Mr. Hopkins recused himself.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

C/U #2100 Catherine Schultz

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a retail flower shop to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.35 acres, more or less. The property is located on the southwest side of Camp Barnes Road, approximately 425 feet west of Millers Neck Road. 911 Address: 36570 Camp Barnes Road, Frankford. Tax Map I.D. 134-19.00-117.01.

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

The Commission found that Catherine Schultz, owner was present on behalf of her application; that Ms. Schultz stated that she wants to relocate her flower shop to her residence; that she presently had the business on Rt. 1 for the past 32 years and the lease would be up in two years; that she lives at the entrance to the Wildlife Refuge; that 80 percent of the orders are call ins and internet orders; that she do weddings and floral holidays; that they do deliveries; that the truck leaves and comes back when done with the deliveries; that summer time is not a very busy time of the year; that the busy time will be in the off season (such as Christmas) etc.; that the driveway can fit eight to ten parking spaces; that the hours of operation are 9:00 am to 5:00 pm or 8:00 am to 4:00 pm; that currently the hours are 8:00 am to 4:00 pm due to school and sports; that the driver would be in and out; that the only foot traffic would be wedding consultations; that she would like a sign; that a mini-van delivers supplies which comes on Monday, Wednesday, Thursday, and Friday around 10:00 am; that there will be two employees; that she does not grow any flowers on site; and that there used to be a few home businesses in the area.

The Commission found that James Mullican Sr. was in support to the application; that he has known Catherine since 2001; that she is very conscientious person; that she is very well organized; that he is a delivery driver; and that she keeps waste neat and orderly. The Commission found no one in opposition of the application.

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

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

C/U #2101 1st State Paving

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for storage of construction equipment and vehicles to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 6.61 acres more or

less. The property is located on the east side of Iron Branch Road (Road 331), approximately 2,500 feet northeast of Main Street in Dagsboro. 911 Address: 31005 Iron Branch Road, Dagsboro. Tax Map I.D. 233-11.00-17.00 (portion of)

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from Sussex Conservation District, Public Works Utility Planning Division, DelDOT, one letter of opposition and one letter of support.

The Commission found that Evan Matnard, were present on behalf of the application; that he is the owner of a small local business; that they previously parked on job site and had issues with vandalism; that a friend allowed him to park his items on site and in exchange for maintenance; that the hours of operation are 7:30 am to 5:30 pm or 6:00 pm., that there is no business being done on the property; that there is no office or customers; that he has four to five employees; that come in the morning to pick up the equipment vehicles and leave at the end of the day; that there is one guy that picks up everyone in one vehicle and it is the only vehicle there during the day; that they do small driveways; that the hours of operations are Monday thru Friday and maybe a Saturday every once in a while; that there is no maintenance done on the site; that there is no materials on the site; that there is a small 6 wheeled dump truck, small paver, small roller, skid loader, 25 to 26 foot long trailer, extra bucket, and five to six pieces of equipment total stored on the site; that the trucks are cleaned at the site; that no materials will be stored on the site; that they bring the materials from an asphalt plant or stone plant to maintain the driveway and parking area; that there will be no backing up, or back up alarm on the trucks; and that they have not considered a sign.

The Commission found that there was no one in support of the application or 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.

C/U #2102 Arturo Granados-Gonzalez

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a concrete form business and equipment storage to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 0.6889 acre, more or less. The property is located on the north side of Vines Creek Road, approximately 190 feet west of Townsend Road. 911 Address: 30639 Vines Creek Road, Dagsboro. Tax Map I.D. 233-12.00-17.02.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, survey, comments from the Sussex Conservation District, Public Works Utility Planning Division, DelDOT, one letter in support and one letter of opposition.

The Commission found that Mr. Arturo Granados-Gonzalez was present on behalf of the application; that he does concrete construction; that he would like to use this site to keep tools and equipment safe; that there is no retail; that the work is done at other sites; that they leave at

7:30 am and return at or after 5:30 pm; that they meet at the shop every day at 7:15 am; that there is no in and out of the site during the day; that they work Monday thru Friday and a few Saturdays; that the encroachments have been fixed on the property; that he has 12 employees; that some come to the site and the others go directly to the job site; that he has five to six trucks, that he has a dump truck, two skid loaders and a mini excavator; that the equipment is stored outside under a carport; that a 40' by 60' building is used to keep tools and a concrete pump; that they don't bring concrete on site; that the forms are stored outside in the back between the fence and pole building; that they do have deliveries on-site once a month and they are kept inside; that they do change the oil in the trucks, but they can send them somewhere else; that four or five of the employees park on-site; that forms are used frequently but kept on the trailer; that the aluminum forms are brought back to the site because of stealing; and that he would like a sign.

The Commission found that Frank Miranda spoke in support to the application; that he has 25 years in the Sussex county building industry; that the property has been a storage building; that the Traffic Impact Study was not needed and land use is consist with the property; that this use would be reasonable; that he has known Mr. Granados-Gonzalez for ten years and he is hardworking, dependable, honest, fair and does a good job; that he is a good person; and that the conditional use is good for the building industry.

The Commission found that Baldwin Tuttle spoke in opposition to the application; that he is the President of Point Farm Home Owners Association; that he is with 200 feet from the property in question; that there has been a number of accidents; that there is no shoulder on Vines Creek Road; that he has concerns with traffic, safety, and number of close calls; that the trucks come and go; that the traffic backs up; that this use will not help; that there has been storage in the past; that now there is a house built, pole barn, and additions; that that the area is a farm community and residential community; that the development has been there for 30 years; that there is a lot of traffic from this community; that is not safety and not appropriate; that they did not take a vote by the residents; that the board of directors made a decision to be here to be against this application; that there are many concerns about loud noises from the site; that this does not create a new problem; and they found out about the application from a another neighbor.

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

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

2017-10 Compass Point – Samuel L. Brenner, Trustee & John David Vincent

This is a Cluster Subdivision for the creation of 277 single family lots with private roads and open space. The property is located east side of Hudson Rd. (Rd.258) on approximately 135.54 acres south of Sweetbriar Rd (Rd. 261) Tax Parcel: 235-27.00-18.01 Zoning: AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit book site plan, comments from Public Works Utility Planning Division, Sussex Conservation District, DNREC, and PLUS comments.

The Commission found that James Fuqua, with Fuqua, Willard, Stevens and Schab, PA, and John Richardson, and Chris Flathers, with Morris Ritchie Associates were present on behalf of the application; that there was a PLUS response, TIS review letter and EIS; that this request is for a 277 single family lot cluster subdivision with a recreational amenities on 135.5 acres; that there is agricultural use and some wooded area along the southerly boundary; that the south side of the property borders Oak Ridge subdivision and across the street is Vincent Overlook which is MR-RPC; that there are other subdivisions to the south along Sweetbriar Road; that Sussex Consortium is south of this property; that the land is zoned AR-1; that a cluster subdivision of 7,500 square feet is permitted if the site is served with central water and sewer; that 71 percent of this site is in a rural area and 29 percent is in ESDA area; that Vincent Overlook and the Sussex Consortium are in the growth zone; that this site is not in the ESDA because it was in AG Preservation at the time in 2006; that it came out of Ag Preservation in 2008; that the subdivision had similar curvy lines to Vincent Overlook; that the difference between the two subdivisions is that Vincent Overlook is 2.8 density and Compass Point will have 2.04 units per acre; that the water and sewer will be provided by Artesian Water Company; that there are no wetlands on site per study; that the property is located in Zone X per the floodplain; that DNREC stated that there are a few environmental concerns with the site; that there are no known historical or archeological sites; that the sediment and stormwater will comply with Sussex Conservation District and Best Management Practices (BMP's); that the site is mostly cleared land; that the young forest area has been selectively cleared lately; that they will keep 11 acres of the wooded area to maintain the buffer; that this property is in the Lewes Fire District, Delaware State Police Troop 7, and Cape Henlopen School District; that a TIS was prepared by Traffic Group Inc. and was approved on September 8, 2017 by DelDOT; that the looked at 16 intersections that were identified by DelDOT; that the developer will be responsible for the main entrance, right and left turn lanes, left turn lane into the development, a thru lane, a right turn lane with a thru lane all off of Sweetbriar Road; that a second entrance off of Hudson Road will have to be built to DelDOT requirements; that DelDOT is not asking for improvements on Cave Neck Road, Hudson Road, and Sweetbriar Road intersections because those intersections are currently being evaluated by DelDOT for a capital project that will address operational and capacity issues; that the capital project will begin soon; that the developer is to modify Route 1 and Hudson Road intersection to limit access by installing channelized and curb islands; that the minimum lot size is 7,500 square feet; that the largest lot is 14,875 square feet; that the average lot size is 8,627 square feet; that over all density is 2.04 lots per acre; that all lots are adjacent to community open space; that the site will have 60.61 acres of open space; that there will be a community center which is a minimum size of 2,400 square feet, a swimming pool, deck area, playground, and an open field play area; that there will be a walking trail system; that the streets will be private; that there will be sidewalks on both sides of the street, curb gutters and street lights; that the main entrance is off of Sweetbriar Road will be a Boulevard type of entrance; that lots will setback from the road to allow for a large vista area; that a 25 to 50 foot buffer between the proposed lots and adjacent residential and agricultural land uses; that berms will be used when practical; that new trees will be planted in median, along streets, and open spaces; that a landscape plan will be submitted as part of the final site plan review; that the plan will be constructed in six phases of approximately 46 lots in each phase; that the recreational amenities will be required to be completed prior to the issues of the 150th building permit; that this subdivision is a permitted use under the Sussex County Zoning Ordinance; that the subdivision is in character with numerous other residential developments that are located within close proximity to this site; that the design complies with

Subdivision and Zoning Ordinance; that the pool will be an outdoor pool; that will they be able to have interconnectivity to the adjacent farm land; that Ms. Stevenson had concerns with safety, she would like them to look into interconnectivity for emergency services; that a bus stop will be provided; that they will look into a centralized mail box location; and that 14.56 of active open space will be provided.

The Commission found that Beth Dorman, Chris McDonough, Geri Ludlam, and Jeannie Briley-Wallo, spoke that they were not in opposition to this application; that there are concerns with traffic and it has gotten worse; that from Route 1 to Hudson Road is the road used to go to Long Neck; that there are lots of accidents at the intersection; that the infrastructure does not support the road and there are no shoulders on the road; that there are speeding cars; that there is lots of growth in the area; that there are currently no trees at the back of Oak Ridge subdivision; that maybe to consider to shield the street lights; that there are concerns with noise, views, and considering screening with landscaping; that there are concerns with the safety of a retention pond; that there are some concerns with flooding; that the Oak Ridge development is over 20 years old and are two acre lots; that Mr. Fuqua spoke that the lights will be directional and keep away from other developments; that there will be a forested buffer and are ok adding more trees; that the infiltration basins are typically dry; that there were questions about trees; that there were concerns with the curve on Hudson Road; that there were concerns with what type of trees; that there are concerns with the pump station and the location of the pump station which is located near Sweetbriar Road; that there are concerns with traffic; that there are concerns with what DelDOT is planning; that there are concerns when it is very dangerous for the horse farm and would like a buffer to keep the horses calm;

The Commission found that Stephen Wallo was in opposition to this application; that he had concerns with the buffer; that he would like a 60 foot buffer; that he has a concerns with visual and noise; that he would like a berm put in like Vincent Overlook; that he strongly opposes this application; that he has issues with the entrance off of Hudson Road; that a 20 foot buffer is not acceptable; that he owns eight acres; that three of acres are with horses and three lots of pastures.

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

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration and to inquire about the public notice concerns. Motion carried 5-0.

OTHER BUSINESS

Lewes Crossing Phase 8 (2016-4)

Final Subdivision Plan

Mrs. Walls advised the Commission that this is a major subdivision plan to subdivide 19.52 acres +/- into 42 single family lots with private roads and open space. The subdivision will be part of Lewes Crossing and will have access off of Frances Ann Street. The property is located on the south side of Beaver Dam Road approximately 1,436 feet west of Salt Marsh Boulevard. Planning Commission granted preliminary subdivision approval on April 28, 2016. The final plan complies with the County's Zoning and Subdivision ordinances. The property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 334-5.00-222.01. Staff is in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to approve the final site plan. Motion carried 5-0.

Belle Terre (Phase1) (2016-15)

Final Subdivision Plan for Phase 1

Mrs. Walls advised the Commission that this a Major Subdivision for cluster subdivision. The preliminary plan proposed to subdivide 123.75 acres +/- into 269 single family lots with a private road and open space. Planning Commission granted preliminary approval for the subdivision plan on December 22, 2016. The applicant has submitted a Final Subdivision Plan for Phase 1 only to create 141 lots out of the total proposed. The Phase 1 plan complies with the County's Zoning and Subdivision ordinances and staff is in receipt of applicable agency approvals. The property is located southwest of Dorman Fam Ln., approximately 1,000 ft. southwest of Mulberry Knoll Rd. (Rd. 284), approximately 1,800 ft. southeast of Cedar Grove Rd. (Rd. 283) and approximately 1,200 ft. northwest of John J. Williams Hwy. (Rt. 24). Tax ID: 334-12.00-17.00, 18.00, 19.00 and 20.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to approve the Final Site Plan for phase 1. Motion carried 5-0.

Americana Bayside Village C Phase 2 (RPC)

Final Site Plan

Mrs. Walls advised the Commission that this is a Final Site Plan for the construction of forty-six (46) single family dwellings with site improvements for Village C- Phase 2 within the Americana Bayside development. The phase complies with the Zoning Ordinance. Planning Commission granted preliminary approval for this Phase on June 25, 2015, and final approval for Village C, The Point amenities on August 24, 2017. The property is zoned MR (Medium Density Residential District) and is part of a RPC. The tax parcel is 533-19.00-301. Staff is in receipt of agency approvals.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve the final site plan. Motion carried 5-0.

Salt Pond Plaza (RPC)

Revised Final Site Plan

Mrs. Walls advised the Commission that this is a revised Final Site Plan for Salt Pond Plaza (MR-RPC) for the construction of a 20' by 50' gas pumps with canopy and reduction in retail "A" from 11,523 sq. ft. to 9,226 sq. ft. The site is located at the intersection of Fred Hudson Road and Cedar Neck Road. Planning Commission granted preliminary approval of the revised site plan on May 11, 2017. The plan complies with the County's Zoning Ordinance. The parcel is zoned MR-RPC. The Tax Parcels are 134-13.00-88.11, 88.12, and 88.05. Staff is in receipt of all agency approvals.

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

Meeting adjourned at 8:30 p.m.

