

THE MINUTES OF THE REGULAR MEETING OF OCTOBER 11, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, October 11, 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 of Planning & Zoning, Mr. Jamie Whitehouse – Planning & Zoning Manager, and Ms. Samantha Bulkilvish – Planner I.

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

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to approve the Minutes September 13, 2018 as revised. Motion carried 5-0.

OLD BUSINESS

2018-13 Anchors Run – Insight Development Company, LLC

A cluster subdivision to divide 132.71 acres +/- into 265 single family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The properties are on the east side of Beaver Dam Road, approximately 500 ft. south of Hopkins Road and across from Stockley Road Tax Parcels: 234-6.00-19.00 and 20.01. Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which has been deferred since September 13, 2018.

Mr. Hudson stated that there were concerns from neighbors in the previous meeting regarding drainage; that the neighbors had been dealing with existing drainage and wastewater issues for a long time; that they are reasonably concerned about how this project will impact these existing problems; that he had listened to everyone's comment during the hearing and has considered all the information in the record and that several things are apparent; that first the proposed subdivision does comply with the requirements of the Subdivision Code; that he is also satisfied that this project will actually improve the water and drainage problems in this area; that a lot of the current problems occur because of the topography and soils on this property; that as of right now there is nothing on the property to treat and direct the flow of water; that water flows onto nearby parcels and has been a problem for years; that with the development on the property would include a stormwater management system that would be designed with the approval of Sussex Conservation District; that this engineered system will collect the water on the site and send it to an appropriate discharge spot; that it would improve the drainage problems that have existed in this area for years; that this will benefit the adjoining neighborhood; that during the public hearing it was also shown that the Subdivision to the north has an existing on-site wastewater system that is in poor shape; that they saw from aerial photos the patch work of disposal areas that have been

used to keep this system running; that those wastewater disposal areas have also contribute to the overall drainage problems in the area; that as part of this project there will be a sewer pipe line provided to the adjacent development connecting to the County sewer; that will eliminate the failing system and its patch work disposal areas; that this is an improvement for the residents of that subdivision and the environment; that there are some concerns about the roundabouts; that for good or bad DelDOT controls the use and design of these roads and intersections and in that case DelDOT are looking into the design and installation of the roundabouts and the entrances to the developments; that they were worried that this would require acquisition of property by other people to construct the roundabouts; that the northern roundabouts will be in the current right-of-way or on the property of this development; that southern roundabout at Stockley Road would require part of another property to construct and there was testimony in the record that this land will be purchased by the developer to accommodate the roundabout; that for the specific designs of these roundabouts or any design for that matter, DelDOT will have the final say; that there were also public concerns about the woods located on the property; that the Applicant has designed the project to protect a lot of the existing woods and the Commission should hold them to that promise; that he is going to require them to show that area as being undisturbed on the Final Site Plan and require that the developments recorded restrictions provide that the woods are not touched; and that after giving all this consideration he is prepared to make a motion in favor.

Mr. Hudson moved that the Commission grant Preliminary Subdivision Plan approval for Subdivision 2018-13 for Anchors Run – Insight Development Company, LLC based upon the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a cluster subdivision within the AR-1 Zoning District. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
2. The proposed subdivision will have 265 lots on approximately 132.71 acres. This results in a density that is within the permitted density in the AR-1 Zone.
3. The proposed AR-1 cluster subdivision is consistent with nearby uses in the area, which include several residential developments.
4. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
5. The project will be served by central sewer and water.
6. The development complies with the Sussex County Comprehensive Plan and as a low density, single family dwelling subdivision.
7. There are no state or federal wetlands located on the site.
8. There will be active recreational amenities within the project, including a clubhouse and pool.
9. The subdivision represents a design that is superior to a standard $\frac{3}{4}$ acre lot subdivision in many ways. Approximately 65 acres, or 40% of the site, will be open space. Included in this area is a large forested area in the southeast corner of the site that will be preserved. The project is also designed with a 40-foot buffer around the perimeter adjacent to the other properties. This buffer will consist of the required 20-foot forested buffer and an additional 20-foot landscaped buffer. The cluster design takes into account a stormwater management design that will help reduce drainage and runoff issues that have been a challenge for this

entire area for years. The cluster design, with smaller lots sizes, will also be connected to central sewer. This design allows the connection of an adjacent on-site system to connect into the County system which will further improve groundwater and stormwater issues that have existed in this area for years.

10. This preliminary approval is subject to the following;
 - A. There shall be no more than 265 lots within the subdivision.
 - B. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, buffers, stormwater management facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. As stated by the Applicant, this system shall be designed to improve the overall stormwater and drainage conditions in this area, and significantly reduce existing runoff from this parcel onto adjacent subdivisions. The Final Site Plan shall contain that approval of the Sussex Conservation District for the design and location of all stormwater management areas erosion and sedimentation control facilities.
 - D. A forested buffer of at least 20-feet in depth shall be installed along the entire perimeter of the project. As stated by the Applicant, there shall be an additional landscaped buffer of at least 20-feet on the interior of the forested buffer. This additional landscaped buffer shall not be required along the boundary with Beaver Dam Road. The Final Site Plan shall contain a landscape plan for all of these areas.
 - E. As stated by the Applicant, the large forested area in the southeast corner of the site shall be preserved. This preservation requirement shall be clearly noted on the Final Site Plan. The recorded Restrictive Covenants for this community shall also require that this area shall remain forested in the perpetuity.
 - F. The development shall comply with all DelDOT entrance and roadway improvement requirements.
 - G. The subdivision shall be served by central sewer provided by Sussex County.
 - H. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
 - I. No lots shall contain any wetlands and the Final Site Plan, and the Restrictive Covenants shall contain the required "Wetlands Notice".
 - J. The development shall be served by its own on-site active amenities such as a pool and clubhouse. As stated by the Applicant, the clubhouse shall be at least 3,500 square feet in size, and the pool shall be at least 1,500 square feet in size.
 - K. The developer shall complete all amenities prior to the issuance of the 100th residential building permit.
 - L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - M. Sidewalks shall be installed on both sides of all internal streets in the development.
 - N. Deliveries of dirt, fill or other similar materials shall only be made to or from the site between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Construction activities on the site shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 4:00 p.m. on Saturday. There shall not be any construction activities on Sundays.

- O. A revised Preliminary Site Plan either depicting or noting these conditions shall be submitted to the Office of Planning and Zoning.
- 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. Hopkins and carried unanimously to grant Preliminary approval for the reasons stated. Motion carried 5-0.

Ord. # 18-11 – Permitted Densities

An Ordinance to amend Chapter 115, Article III, Article IV and Article XXV of the Sussex County Code in relation to the calculation of permitted density.

The Planning Commission discussed the application which has been deferred since September 13, 2018.

The Commission held a discussion on the proposed Ordinance; that the Planning Commission only has the ability to make recommendations for changes; that they do not agree with the reduction of density; that the Ordinance may help with the water being cleaner and creating more open space but they do not think it is necessary to reduce density to achieve this; that they also need to look at this in conjunction with the cluster development Ordinance; and that they also need to consider the farmers and the impact it will have on them.

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

2018-14 Dennis L. & Sharon K. Shockley

A standard subdivision to divide 57.7 acres +/- into 1 single family lot to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County. The property is lying on the west side of Edgewood Avenue, approximately 862 ft. southwest side of Taylor Mill Road, approximately 611 ft. east of Discount Land Road. The proposed parcel will be off of Edgewood Avenue Tax Parcel: 232-6.00-63.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which has been deferred since September 27, 2018.

The Commission held a discussion on the proposed application; that Mr. Robertson stated this is a one lot subdivision; that to build a house on this lot which is part of a 57 acre parcel; that they may not actually need the subdivision; that the Planning Commission thought that the Applicant might be able to withdraw the subdivision and just apply for the permit; that Ms. Cornwell stated that she has talked with the Applicant's granddaughter and that for a number of reasons, they would like to subdivision to continue and go forward and for the Planning Commission to consider for the creation of the new lot; and that Mr. Robertson stated they need to know who owns the road and maintains it.

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

C/U #2141 Miller's Tree & Outdoor Services (David Miller)

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a tree cutting business to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 0.81 acre, more or less. The property is lying on the north side of Whitesville Road, approximately 0.3 mile southeast of Russell Road. 911 Address: N/A. Tax Parcel: 532-16.00-14.01 (portion of).

The Planning Commission discussed the application which has been deferred since September 27, 2018.

Ms. Wingate moved that the Commission recommend approval of Conditional of Use #2141 for Miller's Tree and Outdoor Services (David Miller) for a tree cutting business based on the record made during the public hearing and for the following reasons:

1. The property is a .81-acre parcel located on Whitesville Road. It is primarily surrounded by wooded and agricultural areas.
2. The Applicant has stated his business is mostly conducted offsite. This primarily just the central location for keeping the applicant's equipment.
3. The Applicant is relocating an existing tree service to this property. This property is conveniently located to serve the needs of customers in both Maryland and Delaware.
4. There will be no retail sales from the property, and the use is limited in nature. With the conditions and limitations placed upon it, the use will not adversely affect neighboring properties, roadways or traffic.
5. There was testimony in support of the application from the property owner adjacent to the site.
6. The use is an agricultural-type use and it is consistent with the underlying AR-1 zoning of the property.
7. The business provides a service to a wide variety of Sussex County residents, farmers and businesses. This intended use is also of a public or semi-public character that will benefit the residents, farmers and businesses of Sussex County.
8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a tree cutting business. No other business shall be conducted from the site, and no vehicles associated with any business shall be parked on the site.
 - B. No retail sales shall be conducted from the site.
 - C. No mulching, chipping, shredding or grinding of any materials, including the dyeing of mulch or similar materials, shall occur on the site.
 - D. As stated by the applicant, no sign shall be permitted.
 - E. The hours of operation shall be limited to 6:00 am through 6:00 pm, Monday through Friday and 7:00 am through 2:00 pm on Saturday. No hours on Sunday.
 - F. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

- G. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- H. Any stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location any required stormwater management areas.
- I. There shall not be any dumping on the site, and a single dumpster permitted on the site shall be screened from the view of neighboring properties and roadways.
- J. The Final Site Plan shall clearly show all areas where cut timber may be stored, and these areas shall be clearly marked on the site itself.
- K. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself.
- L. All equipment and vehicle maintenance and repair shall occur indoors.
- M. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

C/U #2142 RH Orr, LLC, C/O Ribera Development, LLC

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family units (135 townhouses) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 47.7177 acres, more or less. The property is located on the east side of Central Avenue., approximately 0.22 miles north of Old Church Cemetery Rd. 911 Address: 34365 Central Avenue, Frankford. Tax Parcel: 134-16.00-39.00.

The Planning Commission discussed the application which has been deferred since September 27, 2018.

Ms. Wingate moved that the Commission recommend approval for Conditional Use #2142 for RH Orr, LLC c/o Ribera Development, LLC for multi-family dwellings (135 townhouses) in a GR General Residential District based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 135 townhouses on 47.71 acres, for a gross density of approximately 2.83 units per acre. This is less than the permitted density of 4 units per acre in the GR District.
2. This GR property is in an area where other residential development has occurred, including the large Forest Landing MR-RPC development and other single family and multi-family developments. This project is consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan.

4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The project will have 36.08 acres of open space, including preservation of approximately 20 acres of the existing trees. The design also provides protection to the Hall Family Cemetery on the site.
6. The project was favorably supported by the residents and HOA of the adjacent Forest Landing development.
7. Although this is a Conditional Use, the items set forth in Section 99-9C of the Subdivision Code have also been favorably addressed by the applicant.
8. The development will be served by central sewer provided by Sussex County.
9. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 133. The two units located closest to Central Avenue shall be eliminated to reduce the impact of this development upon properties across Central Avenue and to create greater separation of the development from the Central Avenue right of way.
 - B. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall have active and passive amenities including a swimming pool and pool house. All amenities shall be completed prior to the issuance of the 75th residential building permit in the project.
 - D. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any off-site upgrades necessary to provide service to the project. The connection to the existing County sewer along the northern boundary of this site shall be made by directional drilling under the wetlands. No open trenching or disturbance of the wetlands shall occur as part of the sewer connection.
 - E. The project shall be served by central water to provide drinking water and fire protection.
 - F. Interior street design shall meet or exceed the Sussex County street design requirements.
 - G. As proffered by the Applicant, there shall be sidewalks on both sides of all streets and roadways.
 - H. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffers areas. The landscape plan shall clearly designate all existing forested areas that will be preserved.
 - I. As stated by the Applicant, there shall be landscape buffer of at least 50 feet along the northeastern common boundary with Forest Landing. There shall be a 20-foot landscaped buffer along the eastern common boundary with Forest Landing. The developer shall also use every effort to keep existing vegetation or install landscaping along the entire Central Avenue frontage of the property to screen the development from the roadway and properties across from it. These buffer areas shall be shown within the landscape plan submitted as part of the Final Site Plan.
 - J. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between the hours of 7:00 am and 6:00 pm, Monday through Saturday.
 - K. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.

- L. The applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping stormwater management facilities, erosion and sediment control facilities and other common elements.
- M. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- N. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- O. The developer, and the HOA or Condo Association shall protect and preserve the Hall Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum. Parking shall also be provided for visitors to the cemetery. Access to the cemetery shall be shown on the Final Site Plan.
- P. The applicant shall coordinate with the Indian River School District to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
- Q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved with the conditions and stipulations stated in the motion. Motion carried 4-1.

C/U #2144 William Caldwell

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a tree company operation to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 2.5851 acres, more or less. The property is located on the south side of Greely Avenue, approximately 376 ft. and 461 ft. east of N. Old State Road. 911 Address: 18576 Greely Avenue, Lincoln. Tax Parcels: 230-5.20-55.00 and 56.00.

The Planning Commission discussed the application which has been deferred since September 27, 2018.

The Commission held a discussion on the proposed application; that Mr. Hopkins has concerns with a pile of wood in that area for months at a time and even years; that it would put a lot burden on the Planning Staff to police the property; that Ms. Stevenson stated that in the past people had dumpsters and kept their trash cleaned up; that they could make that a stipulation and the applicant could not store the wood there anymore; that the applicant did state that he did use some of the wood for his own purposes; that Mr. Wheatley stated that when specific conditions are placed, that the burden falls to the neighbors to police the property because they do not have a lot of staff go out and be proactive; that they do enforcement and it is mostly complaint driven which forces the neighbors to be the complainers and the enforcers; and that Ms. Stevenson stated she has concerns about the noise; that there is no reason for a fire siren to be going off.

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

C/Z #1856 Melissa and Nate Walker

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.08 acres, more or less. The property is lying on the on the east side of John J. Williams Highway (Rt. 24), approximately 0.38 mile south of Hollymount Road. 911 Address: 22935 John J. Williams Highway, Millsboro. Tax Parcel: 234-17.00-35.00.

The Planning Commission discussed the application which has been deferred since September 27, 2018.

The Commission held a discussion on the Zoning Code; that the new Commercial Zoning Ordinance and its associated districts were created to try achieving smaller, more specified zoning districts and they are trying to get away from having so many conditional uses; that they are try to get more people to pursue changes of zone to the new Districts so it would be easier for property owners or businesses to operate without the restraints of a conditional use; and that it would be easier for the County to administer the Zoning Code in the long term.

Motion by Mr. Hudson, 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.

C/U #2145 105 Seagull Drive, LLC

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family units (2 duplexes) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.169 acre, more or less. The property is lying on the north side of Seagull Drive, approximately 100 ft. west of Coastal Highway (Route 1). 911 Address: 38737 Seagull Drive, Dewey Beach. Tax Parcel: 334-23.06-10.00.

Ms. Cornwell advised the Commission that submitted into the record were the staff noted that this is for two units and not for four units, staff analysis, site plan, results from DelDOT Service Elevation, and exhibit booklet, comments from the Sussex County Engineering Department Utility Planning Division. Four letters in opposition were read into the record.

The Commission found that Mr. Mark Davidson, with Pennoni Associates was present on behalf of the application; that Mr. Davidson stated the owners also own land within the area; that the property is adjacent to the town of Dewey Beach; that there are condominiums on the north side of this property; that this is an application for a Conditional Use in a MR (Medium Density Residential District); that the property is approximately .17 acres in size; that the Conditional Use is for a multi-family dwelling and it is for one single family attached dwelling, two units; that is

all that would fit on the property per Code; that the parcel was once two parcels; that both parcels together are 7,350 square feet; that one of the parcel is approximately 35 feet wide and the other parcel is 75 feet wide and are old parcels; that this is a superior design, rather than try to fit a building on 35 foot wide lot; that adjacent to left side of this property, has two houses on the parcel; that is part of the community called Indian Beach Community; that is a subdivision that was created in 1944; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing District Overlay Area which is a growth area; that they would exceed the minimal requirement and will have 3,630 square feet to be able to have two units on this property; that they would meet the minimal requirement for parking spaces; that the units would have two car garages within each unit; that each floor would be approximately 1,300 square feet and the total for each unit would be 5,500 square feet; that the property is in character with the area; that Sussex County serves both water and sewer to the property; that DelDOT did not require a TIS; that there are no wetlands on the property; that the property is in a flood zone and would comply with the Flood Code; that there are none known historic or natural features on this site; and that building would meet the architectural style and size of the surrounding structures in the area.

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

The Commission found that Mr. Richard Abbott, Attorney representing Mrs. Patricia and Mr. Jay Richards, Mrs. Patricia Richards, and Ms. Carol Mertes-Smith spoke in opposition to the application; that Mr. Abbott stated that Seagull Drive is only 12 feet wide; that the road is crushed seashells and is only 10 feet wide in shells; that it is a dead end street; that the end of the street does flood; that they have concerns with precedent of multi-family in the area; that there is almost exclusively single family in the area; that they have concerns with the land use; that this is a transition zone from high density to low density; that they would prefer single family detached development maintained; that Ms. Richards stated there are two full residents and the rest are seasonal; that Ms. Mertes-Smith stated the property was purchased the property in 1949; that there were originally three single family lots; that they know of no other duplexes in Indian Beach and the proposed is out of character; that she has concerns with the private clam shell road and the two owners that maintain the road; that the duplex will only increase the traffic and has concerns with maintenance of the road; that there are concerns with flooding; and that Mr. Davidson stated there is no known maintenance agreement for the road.

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

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

C/U #2146 Jose Carillo

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an indoor/outdoor soccer facility to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 9.67 acres, more or less. The property is lying on Speed Street, that is on the west side of Marshall Street, approximately 1,655 ft. north of Johnson Road. 911 Address: 19008 Speed Street, Lincoln. Tax Parcel: 330-15.00-10.00.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, comments from the results from DelDOT Service Elevation, Sussex Conservation District,

and Sussex County Engineering Department Utility Planning Division.

The Commission found that Mrs. Diana Carillo was present on behalf of the application; that Mrs. Carillo stated they purchased the property with a warehouse to use as an indoor soccer facility and an outdoor facility; that the building has had many uses which include an old cannery, cheerleading gym, baseball facility, and paint place; that she has talked with the neighbors and they are okay with it; that there would be one outdoor field; that they would have a couple of games at night and then Saturday in the am; that it mostly adults right now; that they have outdoor lighting on the building; that there would not be any night play outside; that the building is about 17,000 square feet; that the hours of operation are 10:00 am to 10:00 pm, Sunday through Saturday; that they would like a lighted sign; and that there would be 10 cars per game and the games last about 1 ½ to 2 hours.

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

The Commission found that Mr. William Fox spoke in opposition to the application; that Mr. Fox stated that a similar use had previously been considered by the church and it was defeated; that he has concerns with traffic; and that he has concerns with the public outreach.

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. Motion carried 5-0.

C/U #2148 Sussex Farms, LLC C/O Samuel Connors

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for ministorage with caretaker residence and office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.31 acres, more or less.

The property is lying on the northwest side of John J. Williams Highway (Route 24) approximately 697 ft. southwest of Mount Joy Road. 911 Address: 26750 John J. Williams Highway, Millsboro. Tax Parcel: 234-29.00-19.00

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

The Commission found Mr. Larry Fifer, Attorney, Mr. Sam Connors, owner of Sussex Farms, LLC and Mr. Kevin Smith, with The Kercher Group were present on behalf of the application; Mr. Fifer stated the property is located near the intersection of Route 24 and Mount Joy Road; that the proposed use is for a residential, office and self-storage; that the mini storage with an office is consistent with the area uses; that Mr. Connors stated he proposes a commercial self-store for all the items that residents are not allowed to have in a HOA; that there would be no outdoor storage; that they are proposing to build three buildings; that hours of operation would be 6:00 am or 7:00 am to 7:00 pm or 8:00 pm; that there would be a total of 26 units; that the units would be 500 square feet a piece and each door would be 12x14; that there would be minimal lighting for security on the east side; that the fencing would be black with vinyl coating and similar to the current fence; that his office is there and there would be no contractor uses; that he would like a lighted

sign; and that it is not possible to provide interconnectivity because there is a parcel between his parcel and the gas station.

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

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

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

C/U #2150 Leo Sweeney

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a lawnmower and small engine repair business to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.83748 acres, more or less. The property is lying on the northeast side of Cedar Creek Road (Route 30) approximately 0.788 mile north of Jefferson Road (SCR. 38) 911 Address: 10449 Cedar Creek Road, Lincoln. Tax Parcel: 230-21.00-12.01 (portion of).

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

The Commission found that Mr. Leo Sweeney was present on behalf of his application; Mr. Sweeney stated he has lived at the site for 33 years; that he has run the business for the last 10 years; that the hours of operation are 8:00 am to 5:00 pm, Monday through Friday and 8:00 am to 12:00 pm on Saturday; that he could have up to 30 mowers on the site at a time; that all the repairs are done inside his shop; that he has no employees; that he does pick up and deliver the mowers and some are dropped off; that he would like to keep his existing sign; that he has approximately 30 junk mowers he uses for parts; that he will take the scraps two times a year; and there is no overgrowth at the property.

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

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

Ms. Stevenson moved that the Commission recommend approval of CU #2150 for Leo Sweeney for a lawnmower and small engine repair business based upon the record made during the public hearing and for the following reasons;

1. The applicant lives on this property and has conducted this small business from his property for years.
2. The use is very nearly a permissible home occupation.
3. The use is small in nature. It does not generate a lot of traffic and it will not adversely affect the neighborhood.
4. The use as a lawnmower and small engine repair facility is a service to Sussex County residents from a convenient location.
5. No parties appeared in opposition to this application.

6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a lawnmower and small engine repair business. There shall not be any automobile, truck or large equipment repairs on the site.
 - B. The hours of operation shall be from 8:00 am to 5:00 pm, Monday through Friday and 8:00 am to 12:00 pm on Saturday. There shall not be any Sunday hours.
 - C. The existing sign shall be permitted to remain.
 - D. All repairs and maintenance shall occur inside of a structure.
 - E. Any new security lighting shall be downward screened so that it does shine on neighboring properties or roadways.
 - F. All junk and permanently inoperable lawnmowers or engines shall be screened from view.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

C/Z #1858 OA Oaks, LLC (Ashton Oaks)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a HR-1 – RPC High Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.8455 acres, more or less. The property is lying on the northeast side of Zion Church Road (Route 20), approximately 0.27-mile northwest of Bayard Road (SCR. 384). 911 Address: 36161 Zion Church Road, Frankford. Tax Parcel: 533-11.00-82.00.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, site plan, staff analysis, comments from the Sussex Conservation District, and the results from DelDOT Service Elevation, Sussex County Engineering Department Utility Planning Division. Two letters are in support of the application and were read into the record.

The Commission found that Mr. Jim Fuqua, Attorney with Fuqua, Willard, and Schab, Mr. Preston Schell, Principal of the applicant and Mr. Zac Crouch, with Davis, Bowen, and Friedel were present of behalf of the application; that Mr. Fuqua stated there was an exhibit book submitted that contains the applicant's PLUS response, the Environmental and Public Facilities report and a section 99-9C report; that also submitted for the record was a copy of the Market Assessment; that this is an application to rezone a 14.84 parcel of land from AR-1 to HR-1-RPC; that the proposed development will consist of six buildings containing of a total of 178 apartment units; that there would also be recreational amenities; that the density of the development is the permitted density of the HR-1 District; that this an application for HR-1 zoning with an RPC overlay; that the property is located in the State Spending Strategies Level 3; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area which is a growth area; that the property is located near a mix of residential area and is a growth area under the 2008 Comprehensive Plan; that the property remains in a growth area under the 2018 Comprehensive Plan; that the nature around the site is a mixture of farmland, woods, residential development and commercial uses; that there are several parcels to the west of the site that zoned C-1 or CR-1; that

there is a small parcel that borders this site and is zoned B-1; that there is a parcel across the street that is zoned B-1; that the property located directly across from this site was approved in 2008 as a Conditional Use for a health care and medical offices and that Conditional Use permitted up to six buildings containing 102,000 feet of floor area and that was Conditional Use 1704; that the facility has not been built and is assumed to have expired; that the proposed development will be served by central water and fire protection provided by Artesian Water Company; that the site is located in the Sussex County sewer district; that an eight inch sewer service connection has been extended to the site; that the 178 unit apartment community is attended to create a modern, safe, affordable and fair housing options for the residents in the area; that with the focus on providing housing opportunity for the workforce; that workforce housing is generally understood to mean affordable housing for households with an income that is insufficient to secure quality housing in a reasonable proximity to the work place; that the Sussex County Council attempted to address the problem in Sussex County by in enacting the affordable price rental units Ordinance in 2008 and no affordable rental housing has been created as a result of that Ordinance; that he read into the record several County documents that confirm that what he is representing is clearly established by the County's own documents and supports the basis of the proposed project; that the first document was taken from the Sussex County website and it addresses the County's affordable priced rental unit Ordinance; that it states in December 2008, the Sussex County Council approved the Sussex County Rental Program (SCRП); that the SCRП was created because of the significant lack of affordable rental housing in the County since no affordable renting house has been created as result of the Ordinance due largely the change of the market which fell in 2008; that Sussex County Council amended the Ordinance in hopes of encouraging stronger participation in the SCRП; that in 2017 Housing Alliance Delaware reported that there are approximately 18,194 rental households in Sussex County; that faces a severe shortage of affordable rental units; that further Housing Alliance Delaware indicates that it would take 85 hours of the minimum wage work to afford a two bedroom apartment at fair market rate; that based on the most recent Department of Labor data, the fastest growing jobs are in the lowest paying sector of service industry; that new development is not adequately addressing the rental housing needs of the County's low and moderate income residents workforce; that without an adequate supply of affordable rental housing in close proximity to employment and town centers, the County's workforce must commute a great distant for work; that not only the long commutes had a negative effect on the environment and transportation but commuting also comes with high fuel costs; that the second document recites the Governmental Findings and Declaration of Public Policy that was enacted by the Sussex County Council as part of the affordably priced rental Ordinance; that these are Sections 72-17 and 18 of the Sussex County Code; that these sections explain the housing problem; that in Section 72-17, the Sussex County Council hereby finds that a shortage exists within the County for housing, for residents with low and moderate incomes; that specifically the Council finds that it is well known that Sussex County rents had inflated far beyond the ability of an average wage earner to pay; that the Council finds that new development is not adequately addressing the rental housing needs of the County's low and moderate income residents and workforce; that without influencing this trend, the local employers will have a difficult time maintaining an ample workforce; that without an adequate supply of affordable rental housing in close proximity to employment and town centers, the County's workforce must commute a great distant for work; that not only do long commutes have negative effect on the environment and transportation but commuting also comes with higher fuel expenses; that given the proper incentives the private sector possess the necessary resources and expertise to provide the type of affordable rental housing needed in Sussex County; that in Section 72-18 it states the Sussex County Council hereby declares it to be the Public Policy

of the County to encourage the creation of the full range of housing choices conveniently located in suitable living environments for all incomes, ages and family sizes; that the Council encourages the production of affordable rental units to meet the existing and anticipated further employment needs in the County; that a shortage of affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan; that they encourage developments in growth areas as defined within the County's most current Comprehensive Plan and areas of opportunity as defined by the Delaware State Housing Authority to include minimal percentage of affordable rental units on public water and sewer systems; that the final documents are from the 2018 update to the Sussex County Comprehensive Plan as the Commission spent over a year creating the plan and it has been revised and reviewed by the County Council; that the Comprehensive Plan has been submitted to the State for Plus comments; that the comments have been received; that a public hearing before County Council will take place and then send it to the State for certification; that Chapter 8 of the 2018 Comprehensive Plan addresses housing; that it states the housing vision is to ensure the provision of decent, safe affordable and fair housing opportunities to improve communities and quality life of residents of Sussex County; that Section E.1 is the over view that Sussex County is the fastest growing County in the State; that full-time and seasonal residents continue moving to Sussex County to take advantage of low real estate taxes and high quality of life; that this influxes fuel, prosperity in the County's real estate market, hospitably industry, and related economic sectors; that however most housing on the eastern side of the County is new and often unaffordable to low income families, seasonal employees, entry level workers, or recent college graduates; that Sussex County strives to accommodate the housing needs of all its residents; that Section 8.21 is housing affordability and it states that strong demand for housing has driven home prices and apartment rentals up compared to previous years; that Sussex County low to moderate income households are hit the hardest by these pricing increases due to the prosperity between the slower rise and household incomes as compared to increases in the overall cost of living; that the shortage of affordable housing remains a problem for low to moderate income households in Sussex County including many with full-time year round jobs; that the housing market in the eastern Sussex County is the fastest growing and the most expensive housing market in the State; that almost half the homes in eastern Sussex County are valued at more than \$300,000; that as eastern Sussex County is a tourism hub and relies on workers and the service and retail industry; that according to the Delaware State Housing Authority the housing needs assessment of Delaware's strongest industries are, health care, tourism and retail; that as many low and moderate wage workers creates a demand for workforce housing; that report found that there is a shortage of housing affordable for workers in these industries that are in the high growth areas of eastern Sussex County; that as a result, these workers are required to commute further distances from western Sussex County where housing is more affordable; that leads to increase in transportation cost and creates dependency on automobile travel; that for many workers in Sussex County that rental cost may also be a challenge and there is affordable gap for renters in Sussex County; that the average rental cost of a two bedroom apartment in Sussex County aligns with a median hourly wage of \$ 18.98; that many service industries professionals receive median hourly wages less than \$ 18.98 making rental housing less affordable to employees in those industries; that according to Delaware Housing Coalition 2016 report stated the a minimum wage worker would have to work 94 hours per week in order to afford a two bedroom fair market rent apartment in Sussex County; that referring to the Sussex County Rental Program, that 2018 Comprehensive states the County recognizes that without an adequate supply of affordable rental housing in close proximity to employment and town centers, that the County's workforce will commute a great distance for work; that Sussex County passed the SCRP Ordinance in 2008; that the SCRP was created because

of significant lack of affordable rental housing in the County; that the SCRPP provides incentives for developers to construct affordable rental units through tools such as density incentive and expedited review; that as a result of the housing market collapsed of 2008 and 2009, the program did not receive many applications; that the County recently amended the program in 2016 to reflect real world market applications; that some of the changes included reducing required percentage of affordable units set aside from 15% to 12.5%; that although the County did not receive any applications since the changes of the Ordinance went into effect; that the County is working to promote the program; that Section 83.5 states that Sussex County has an affordable housing support policy and supports the development of affordable housing in Sussex County; that the policy defines what the County considers to be affordable housing and affordable rental housing projects; that County also provides letters of support to developers of affordable housing projects seeking financing opportunities the project qualifies under the definition defined in the policy; that support letters for affordable rental housing projects will only be authorized if the project is proposed in an area of opportunity as defined by the Delaware State Housing Authority; that these areas of opportunity are considered areas of strong high value markets with new affordable housing opportunities that should be supported; that the Delaware State Housing Authority provides an online map available to its website and the user may view the areas of opportunity in Sussex County; that the goals stated in the new plan state the County is committed to assuring that residents have access to safe decent and affordable housing; that Goal 8.1 states to ensure the provision of safe and decent housing for County residents; that Goal 8.2 states to ensure that diversity of housing opportunity are available to meet the needs of residents of different ages, income levels, abilities, national origins, and household configurations; that Objective 8.21 is to increase affordable and fair housing opportunities in the County; that Strategy 8.21.3 is to explore ways to incentives private developers to provide more multi-family and affordable housing opportunities; that Objective 8.22 is to work with private and public agencies to increase affordable rental and home ownership opportunities; that Objective 8.23 is to facilitate and promote land use policies that enable an increase the supply of affordable housing in area with adequate infrastructures; that Strategy 8.231 is to promote increasing affordable housing options and including the supply of rentals near job centers; that Goal 8.3 is to affirmatively further housing choices in Sussex County; that the first three strategies under the goal state is to evaluate current County Code on an ongoing bases to determine if any regulatory barriers exist that in key the development of multi-family and affordable housing to continue to collaborate with developers through the County Planning Office pre submission meeting to support the expansion of affordable housing and to promote the use of Delaware State Housing Authority area of opportunity maps of making land use decisions and identifying housing strategies for different areas of the County; that the applicant will designate 36 of the apartment units as restricted units for 30 years; that those units will be available for residents who meets specific qualifications; that the qualifications would include being employed in Sussex County for a minimum of one year and occupying that unit as their principal residence and having a gross household income equal or less than 70% of the area median income; that those qualifying tenants that work in Sussex County, live here as their primary residence would pay rent that is no greater than 30% of their gross household income; that the restricted or workforce housing units will be fully integrated in the community; that they will not be any different in external or internal appearance from the market rate units; that the 36 workforce units will make up 20% of the total number units in the 178 unit community; that the applicant would be subject to annual audit reporting to the County confirming that the conditions of qualifications are being met; that they are requesting a RPC to allow for conditions to be placed on the approval of this application; that this project would meet the housing needs of the County;

that there is no Federal, State or County aid or payment associated with this project; that the Delaware State Housing Authority states that they support this application; that the site is in close proximity to many services, markets and employment opportunities available in the coastal resort area where there is a lack of rental houses; that this proposed site is located in an opportunity area designated by the Delaware State Housing Authority opportunity maps; that road improvements were done to Route 54 as part of the Americana Bayside development; that the applicant is permitted to pay an area wide study fee; that DelDOT will require a Right-of-Way dedication to provide a 40-foot Right-of-Way from the center line of Zion Church Road; that applicant will also be required to establish a 15-foot permanent easement along the Right-of-Way across the property frontage on Zion Church Road; that the site entrance design will be required to conform to DelDOT standards and DelDOT reserves the right to require a TOA; that the stormwater management facilities will be designed and constructed in accordance with DNREC regulations and will be reviewed and approved by the Sussex Conservation District; that the system will use Best Management Practices; that there are 2.12 acres of non-tidal wetlands located along the rear of the site; that the site would provide a minimum 40-foot buffer along the wetland line; that no buildings would be constructed in the flood zone area; that there are none known historical or endangered species on the site; that the site is located in the Indian River School District; that fire services will be provided by the Roxana Volunteer Fire Company; that there would be six residential buildings and each building would be four stories in height and not to exceed 52-feet; that the buildings would have elevators; that five of the buildings will contain 30 units each, comprised of eight, one bedroom units, 14, two bedroom units, and eight, three bedroom units; that the six building would contain 28 units and it would be six, one bedroom units, 14, two bedroom units, and eight, three bedroom units; that the six building will be surrounding a center core of the site and that will be the site of the large stormwater retention area and the recreation area; that the recreation amenities would include a community clubhouse with a minimum size of 2,600 square feet; that the building would contain a meeting room, office, bathrooms, changing rooms, and a fitness room; that there would be an outdoor swimming pool and deck, a playground, walking trail, and an enclosed dog park; that the parking would be located along both sides of the entire drive and in close proximity to each of the buildings; that there would be 297 parking spaces and including 14 handicap accessible spaces; that there would be a 20-foot buffer along the boundary of the site; that there is approximately 4.9 forested acres existing on the site and only .18 acres would be removed and 96% of the woodlands would be preserved; that there will be an on-site management during business hours; that this create a large scale rental residential housing development with superior living environment which achieves the stated goals of the Comprehensive Plan; that these units would create a housing option for lower and moderate income residents in an area and 36 of these units would be destined as workforce housing units; that applicant is proposing conditions requiring the applicant to place a private deed restriction on the property stating that in the event the RPC is declared void by the County, the permitted density of the HR-1 Zone parcel could not exceed 2.178 units per acre which is the current AR-1 density; that Mr. Schell stated the market rate is between 80 and 100% Area Median Income (“AMI”); that the houses are being sold at 150 to 200% AMI; that the market rents would be less than Beach Plum Dunes; that the market rate for the units are \$1,200 a month and that would restrict the rents to about \$1,000 a month; that current rental program does not work on the eastern side of the county; that the 36 units will be a mix of one, two, and three bedroom units and if they drop below the 36 units of the rent restricted units, the next available unit would have to go to somebody making 70% of AMI or less; that they cannot have empty units and if they do not have a discounted renter available, they would have to be able to rent at market rate; that they are trying to take a percentage of each product type in the

project and try to have the 36 restricted units represent those percentages; that they would try to have a full-time superintendent living on the site; that they have talked to DART about a transit service and about a subsidize a route; that they will come up with a transportation alternative if there is no DART route; that this would be part of their audit to make sure they are consistently marketing and looking for the 70% and qualified tenants and they work with a third party to consult and finding the tenants and also to do the audits; that the intent is to follow the workforce and market rate; that the difference between low income is anything below 60% AMI and workforce is 60 to 120% AMI; that they are providing more units that are restricted and that they are not being restricted down to 50% AMI; that SCRP uses 25% of income which is unusual; that most programs nationwide, HUD and the Comprehensive Plan reference 30% of income; that they are trying to capture all housing of the housing expenses within that 30%; that in 2018 the gross household area median income for Sussex County is \$68,900; that the formula would be $68,900 \times .7$ is what the people need to be earning; that to calculate the rent, you would have to take the 70% $\times 3$ and that is how you can pay annually towards the rent; that all the of the 178 units would be a restricted rental unit at some time; that they would following the guide lines that are currently in the SCRP; that the market rate for a one bedroom apartment is \$875, and \$1,475 for the three bedroom and two bath unit; and that is all workforce housing with 36 restricted units and that there is not 36 workforce housing units and the others are market units.

The Commission found that Mr. Scott Karmnera, with Sol Del Concepts and the Delaware Restaurant Association, Mr. Tyler Berl, manager of Community Development for Housing Alliance Delaware and was previously called the Delaware Housing Coalition, Ms. Tish Galiu and Steve Montgomery spoke in favor to the application; that Mr. Karmnera stated he is in support of the workforce housing; that he has 1,200 employees and about 1/3 qualify for workforce; that 1/3 of the employees are seasonal and live further west and had to get a job due to transportation; that Mr. Berl stated he is in support of the affordable housing in all of its forms; that workforce house is a major need; that a two bedroom rental the wage would have to be \$17.31; that about 4,000 households in range that are in cost burdened; that there is an affordable housing crisis in the County; that Ms. Galiu stated the workforce housing is important; that Mr. Montgomery stated that there is a need for workforce housing in the County; and that it is tough getting people to stay in Sussex County and find a place to live.

The Commission found that Mr. Lionel Weeks, Mr. Jack Cain, Ms. Diane Huber, Mr. Rick Evans, Ms. Bonnie Granger, Ms. Melissa Pape, Howard Goldhammer, Mr. Jeff Baranowski, Mr. Charles Moore, Ms. Nancy Sikes, Mr. Robert Sikes, Mr. Ray Austin, Mr. Joe Ayres, Mrs. Anna and Mr. Gary Meiklejohn, Mr. William McBeth, Ms. Vicky Gershenson, Mr. David Pape, Ms. Robin Malascalza, and Mr. Larry Austin, spoke in opposition to the application; that Mr. Weeks stated that the only thing that would separate their community is Baston Branch; that they have paid a premium for wooded lots; that he has issues with the HR-1 zoning in this location; that he is not opposed to the affordable housing; that he likes the wildlife in the area; that he has concerns with property values; that Mr. Cain stated he likes being surrounded by wetlands and single family dwellings; that he has concerns with tall buildings and property values; that Ms. Huber stated she has concerns with flooding; that she has concerns with traffic; that she does not want apartments next door; that Mr. Evans stated this is out of character for this area; that he has concerns with traffic; that the use is needed; that Ms. Granger stated they are surrounded by single family; that it is out of character for the area; that a traffic transportation study is needed and that he has concerns; that Ms. Pape stated she has concerns with the value of her property; Mr. Goldhammer stated he

has concerns with safety; that he has concerns with flooding; that he has issues with density; that Mr. Baranowski stated he has concerns with traffic; that Mr. Moore stated he has concerns with aesthetics and wildlife; that he has concerns with traffic, noise and lighting; that Ms. Sikes stated she has concerns with traffic; that this is out of character with the area; that Mr. Sikes stated he has concerns with aesthetics and the building height; that Mr. Austin stated he does not want this in his back yard; that he has concerns with traffic; that affordable housing is needed in the County; that Mr. Ayres stated he has concerns with aesthetics; that Mrs. and Mr. Meiklejohn stated this is not a good fit for the area; that they has concerns with the lot size; that they have concerns with traffic; that Mr. McBeth stated he has concerns with property values; that Ms. Gershenson stated she has concerns with traffic and noise; that Mr. Pape stated why does it have to be in this location; that Ms. Malascalza stated she has concerns with taxes; and that Mr. Austin stated this is out of character for this area.

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

Motion by Ms. Wingate, seconded by Mr. Hopkins, and carried unanimously to defer action and keep the record open for 15 days to receive written comments and to allow time for the staff to solicit comments from Milford Housing Development Corporation and Sussex County Community Development. Motion carried 5-0.

OTHER BUSINESS

Estuary – Phase 2 (2005-64)

Final Subdivision Plan

Ms. Bulkilvish advised the Commission that this is a Final Subdivision Plan for Phase 2 of the Estuary Subdivision for 131-lots as part of a 631-lot cluster subdivision within the Environmentally Sensitive Developing District Overlay Zone. Access to Phase 2 of the subdivision would be from the Phase 1A to the north-east. Preliminary Subdivision Plan approval was granted by the Planning and Zoning Commission on September 28, 2006. The Final Subdivision Plan complies with the Zoning and Subdivision Code and all conditions of approval. Zoning: AR-1 Agricultural Residential Zoning District. Tax Parcel: 134-19.00-115.00. Staff are in receipt of all Agency Approvals.

Motion by Mr. Hudson seconded by Ms. Stevenson and carried unanimously to approve the Final Site Plan. Motion carried 4-0. Ms. Wingate abstained.

S-17-48 – Bayshore Plaza, Parcel A

Final Site Plan

Mr. Whitehouse advised the Commission that this is a Final Site Plan for a 3-story, 43,695 sf., 79-bedroom hotel building with associated 172-space car parking area with associated 4,000 sf. retail building with access from John J. Williams Highway (Rt.24). At its meeting of January 11, 2018, the Commission approved a Preliminary Site Plan for a 74-bedroom hotel with a total of 176 car parking spaces and a 4,000 square footage retail building. The scheme has been amended to remove the conference facility within the hotel, increase the bedrooms by five (5) and reduce the number of parking spaces by four (4). It is proposed that the retail building be built as a separate phase. At its meeting of January 11, 2018, the Commission approved a waiver to allow parking in the front yard setback. The Final Site Plan also includes proposed parking within the front yard

setback. A landscape buffer is also shown to be provided to the eastern edge of the site between the car park and the site boundary. The applicant states this would be comprised of existing trees. Mr. Whitehouse stated that there is no buffer or fence proposed between the car park and the apartments on the opposite side of Shore Plaza Blvd, but staff could work with the applicant to ensure that any plans provide a means screening vehicle headlight as part of any Final Site Plan that is to be stamped. Tax Parcel: 234-23.00-269.19. Zoning: C-1 (General Commercial Zoning District). Staff are in receipt of all required Agency approvals.

Motion by Mr. Hudson, seconded by Mr. Hopkins and carried unanimously to approve the Final Site Plan. Motion carried 4-1.

The Woodlands Subdivision (2005-49)

Revised Amenities Plan

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

Motion by Mr. Hudson, seconded by Ms. Stevenson and carried unanimously to approve the Revised Amenities Subdivision Plan. Motion carried 5-0.

Liberty East and Liberty West (F.K.A Welsh Run) (2005-74)

Revised Preliminary Subdivision Plan

Mr. Whitehouse advised the Commission that this is a Revised Preliminary Subdivision Plan for Liberty East and Liberty West 296-lot cluster subdivision formerly known as “Welsh Run”. Preliminary Subdivision Plan approval was granted by the Planning & Zoning Commission at its meeting of December 14, 2006, subject to conditions. Final Subdivision Plan approval for 124 single-family lots within the east side of Welsh Run was granted by the Commission at its meeting of December 13, 2012. A change in the name of the entire subdivision to “Liberty” was administratively approved on May 6, 2016. The Subdivision Plan has since been revised, and it is now proposed that Liberty East contains 117 single-family lots, and amenities, and that Liberty West contains 179 single-family lots, for a total of 296-lots. It is proposed that there is a tot lot on the west side of Hollyville Road and a clubhouse and pool on the east side of Hollyville Road. Zoning: AR-1 (Agricultural Residential Zoning District) and GR (General Residential Zoning District). Tax Parcel: 234-15.00-40.00 and 234-15.00-40.01.

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

Liberty East and Liberty West (F.K.A Welsh Run) (2005-74)

Preliminary Amenities Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Amenities Plan for Liberty East and Liberty West 296-lot cluster subdivision formerly known as “Welsh Run”. The Amenities

Plan includes a 3,670 S.F clubhouse, swimming pool and 44-space car parking area. The Preliminary Amenities Plan complies with the Zoning Code, and all conditions of approval. Staff are awaiting agency approvals. Zoning: AR-1 (Agricultural Residential Zoning District) and GR (General Residential Zoning District). Tax Parcel: 234-15.00-40.00 and 234-15.00-40.01.

Motion by Ms. Stevenson seconded by Ms. Wingate and carried unanimously to approve the Preliminary Amenities Plan with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

Scott Randall Witzke

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for Scott Randall Witzke (CU #2401) for Retail Auto Sales on a 10 Ac parcel of land located off Delmar Rd. (Rt. 54). The Planning Commission approved the Conditional Use June 7, 2016. The submitted Preliminary Site Plan complies with all conditions of approval, and the Zoning Code. The Preliminary Site Plan meets the requirements for Final Site Plan approval. Tax Parcel: 532-19.00-7.00. Zoning AR-1 (Agricultural Residential Zoning District). Staff is in receipt of all agency approvals.

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

RKJ Properties (CU #2132)

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for a proposed hair studio in an existing 800 sf. building with parking as part of Conditional Use #CU 2132. The Conditional Use was approved by County Council on July 31, 2018 with conditions. Tax Parcel: 335-12.06-58.00. Zoning District: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

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

S-18-64 - Black Hog Village

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for a small commercial center with six buildings totaling 22,368 sf. in addition to an existing pest control business that will be relocated to another portion of the property located off New Road (SCR 266). There is proposed parking and other site improvements and the applicant is working with DelDOT on their proposed intersection improvements for New Road and Nassau Road, which may involve an interconnection being incorporated into the site design. Tax Parcel: 334-5.00-76.00. Zoning District: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals.

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

Seabrook (2008-16) (FKA Deerbrook)

Preliminary Amenities Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Amenities Plan for a proposed pool, pool house, and other site improvements located within Seabrook. The Subdivision Plan was approved by the Planning Commission on June 23, 2016. The Preliminary Amenities Plan complies with the Zoning Code and all conditions of approval. Staff are in receipt of all agency approvals and the Amenities Plan may therefore be approved as a Final Amenities Plan. Tax Parcels: 234-23.00-112.00, 134.00, & 135.00. Zoning District: GR (General Residential Zoning District)

Motion by Ms. Stevenson seconded by Ms. Wingate and carried unanimously to the Preliminary Amenities Plan and Final Site Plan. Motion carried 5-0.

Meeting adjourned at 10:17 p.m.