

MINUTES OF THE REGULAR MEETING OF OCTOBER 12, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, October 12, 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 II.

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 September 14, 2017 and September 28, 2017. Motion carried 5-0.

ADDITIONAL BUSINESS

Discussion regarding of the Comprehensive Plan

Ms. Cornwell stated that the public hearing for the Comprehensive Plan before the Planning and Zoning Commission will be held on November 2, 2017 at 6:00 pm, in Council Chambers, that Mr. Robinson stated that there is an amended mobility chapter; and that Ms. Cornwell stated that the next workshop is October 18, 2017.

Opportunity for public comment regarding Comprehensive Plan

None

OLD BUSINESS

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.

The Commission discussed this application which has been deferred since September 28, 2017.

Mr. Hudson, moved that the Commission recommend approval of Conditional Use #2100 for Catherine Schultz for a retail flower shop based upon the record made during the public hearing and for the following reasons:

1. The applicant stated that she has an existing flower business that she desires to relocate to her home. She has stated that there are very little on-site retail sales, as most of her business involves off-site events and deliveries.
2. The business is small nature, with only the owner and two employees.

3. Deliveries to and from the business are small in nature, typically from a minivan or similar vehicle.
4. Because there is very little walk-in traffic, and the number and type of deliveries is small, the use will not adversely affect roadways or traffic.
5. Given the size of the business, the small number of employees, and the off-site nature of the product sales, the use will not have any negative impact on neighboring properties.
6. There was testimony from a neighbor in favor of the application, stating that the use has no adverse effect on his property, and that he supports the application.
7. The floral shop is desirable for the general convenience and welfare of the area.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
 - a. The applicant shall comply with any DelDOT requirements associated with the use.
 - b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.
 - e. The failure to abide by these conditions shall result in the termination of this Conditional Use.
 - f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Wheatley, 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 #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)

The Commission discussed this application which has been deferred since September 28, 2017.

Mr. Hudson moved that the Commission recommend approval of Conditional Use # 1201 for 1st State Paving for parking and storage of construction equipment based on the record made during the public hearing and for the following reasons:

1. This use is limited in nature. The applicant only seeks to park or store equipment associated with his paving company on the site. There are no parking activities on the site, and there will not be any paving material stored or deposited at the site.
2. The site currently has a conditional use approval for a retail gun shop and gunsmithing. This limited use will have no impact upon that use.
3. The use as location for parking and storage of equipment will not require extensive deliveries to or from the site, and the use does not generate a significant amount of traffic.

4. The limited parking and storage of vehicles and equipment on this site, which was formerly used as a chicken farm, is similar to the parking and storage of equipment used in agricultural operations on the site.
5. With the conditions and limitations placed upon the use, it will not have an adverse impact upon traffic, roadways or properties.
6. The use will continue to provide a service to Sussex County residents and local businesses.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to the parking and storage of vehicles associated with the company. No more than ten vehicles or pieces of equipment may be parked or stored at any one time.
 - B. As stated by the applicant, the vehicles and equipment shall not be cleaned of paving materials on this site. That shall occur entirely off-site.
 - C. As stated by the applicant, no maintenance work on the vehicles or equipment shall occur on the site.
 - D. No materials associated with the paving company (such as asphalt, concrete, sand, aggregate or similar materials) shall be dumped or kept on the site at any time.
 - E. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.
 - F. The use shall only operate between the hours of 7:30 am and 6:00 pm, Monday through Saturday.
 - G. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.
 - H. The failure to abide by these conditions shall result in the termination of the conditional use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, 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/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.

The Commission discussed this application which has been deferred since September 28, 2017.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2102 for Arturo Granados-Gonzalez for a concrete form business with equipment storage and based upon the record made during the public hearing and for the following reasons:

1. The property was previously used for storage purposes. This is a continuation of that type of use. The property is also located along Route 26, which is an appropriate location for

this limited type of use.

2. There will be no retail sales or similar business conducted from the site. It will only be used for storage of concrete forms and equipment.
3. The applicant has stated that all work is performed offsite, and that there will not be any dumping or storage of concrete or similar materials on the site.
4. The use does not require any regular deliveries during the day. The only traffic is in the morning and afternoon when employees take the equipment to offsite job locations.
5. With the conditions and limitations of this approval, the continuation of the use of the site for storage purposes will not adversely affect neighboring properties, roadways or traffic.
6. The applicant has stated that his company provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
7. This recommendation is subject to the following conditions;
 - A. This use shall be limited to the applicant's concrete form business with equipment storage. No retail sales or other business shall be conducted from the site.
 - B. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.
 - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - D. The hours of operation shall be limited to 7:00 am through 6:00 pm, Monday through Saturday.
 - E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - F. A fence with landscaping shall be constructed along the perimeter of the site. The fencing and landscaping shall be shown on the Final Site Plan.
 - G. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - H. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.
 - I. As stated by the applicant, there shall be no dumping or storage of concrete or similar materials on the site. Also, all trucks and equipment shall be cleaned off-site.
 - J. All maintenance of vehicles and equipment shall be performed indoors.
 - K. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
 - L. All concrete forms shall be stored in a location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the Final Site Plan.
 - M. All encroachments shown on the Preliminary Site Plan shall be eliminated.
 - N. The Final Site Plan shall be designed to allow interconnectivity with adjacent properties along Route 26.
 - O. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
 - P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Wheatley, 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.

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).

The Commission discussed this application which has been deferred since September 28, 2017.

Mr. Hopkins moved that the Commission grant preliminary approval for Subdivision 2017-10 for Compass Point – Samuel L. Brenner, Trustee & John David Vincent based upon the record made during the public hearing and for the following reasons:

1. The applicant seeks approval of 277 single family lots with private roads. It has entrances from both Sweetbriar Road and Hudson Road.
2. The applicant is seeking approval of a clustered subdivision within the AR-1 zone. The property is also partially within the Environmentally Sensitive Developing Area, which is also permits a cluster development design. The lots have a minimum area of 7,500 square feet as permitted by code. The average lot is 8,627 square feet.
3. The proposed subdivision with 277 lots results in a density that is permitted in the AR-1 zone.
4. This subdivision on this site will not have an adverse impact on the neighboring properties or area roadways. It is also consistent with surrounding development including the Vincent Overlook MR-RPC with a density of approximately 2.81 lots per acre.
5. 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.
6. I am satisfied that this project is a superior design under the cluster subdivision ordinance in that it provides for the preservation of 60.61 acres of open space, including 14.56 acres of active open space.
7. The project will be served by central water and sewer.
8. The development complies with the Sussex County Comprehensive Plan as a low density, single family dwelling subdivision.
9. This preliminary approval is subject to the following:
 - A. There shall be no more than 277 lots within the subdivision.
 - B. The developer shall form a HOA 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. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - D. The Applicant shall maintain as many existing trees as possible. The undisturbed forested areas shall be clearly shown on the Final Site Plan.
 - E. A forested or landscaped buffer of at least 20 feet in depth shall be installed along the entire perimeter of the project. In addition, no structure shall be constructed within 50 feet of the common boundary with the Wallo property. The Final Site

- Plan shall contain a landscaped plan for the 20 foot buffer area.
- F. As offered by the Applicant, sidewalks shall be installed on both sides of all of the internal streets in the site. There shall also be walking trails throughout the development's open space areas to connect with the centrally located clubhouse facilities.
 - G. The subdivision shall be served by a central sewer system.
 - H. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
 - I. Street design shall meet or exceed Sussex County standards.
 - J. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - K. 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. through 5:00 p.m., Monday through Friday.
 - L. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - M. The Final Site Plan shall provide for interconnectivity with adjacent properties in the event that they are developed in the future.
 - N. Any street lighting within the development shall be downward screened.
 - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to approve the Preliminary Subdivision (2017-10) for Compass Point – Samuel L. Brenner, Trustee & John David Vincent based on the above reasons and conditions. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

C/U #2103 Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a recreation facility, office, caretaker house, equine-assisted therapy and stables to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 9.38 acres, more or less. The property is located on the west side of Harbeson Rd., approximately 463 ft. south of Diamond Farm Rd. 911 Address: 17170 Harbeson Rd., Milton. Tax Map I.D. 235-26.00-17.14

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis, exhibit booklet, comments from Sussex Conservation District, results from the DelDOT Service Level Evaluation stating a TIS is not required and 14 letters of support.

The Commission found that Mark Davidson, with Pennoni Associates, Scott Swingle, Tom Pete, Kelly Boyer, and Georgia Truitt, all Board Members of Professional Association of Therapeutic Horsemanship International, were present on behalf of the application; that Mr. Davidson stated that Southern Delaware is one of 850 PATH (Professional Association of Therapeutic Horsemanship International) accredited facilities in the world and the only such organization in Sussex and Kent County; that Sussex County, Delaware is home to 1,750 children and more than

28,000 adults with disabilities; that since 1988 they have operated out of leased properties; that they would like to establish permanent home to allow for better partnerships; that in 2014 they found a site and the caretaker moved on to site for 24 hour care; that the property is approximately 9.3 acres; that there are 26,000 square feet of buildings on site; that there is an indoor riding arena; that the property is now owned by the applicant; that they are a non-profit organization; that the property is located on Route 5 and that they are not seeking to change the use of a farm; that the property is located in a Level 4 in the State Strategies; that the land is in a Low Density area; that a TIS was not warranted; that there are two existing wells on the site; that the site is served by an on-site septic system permitted by DNREC; that the hours of operation are 7:00 am to 10:00 pm, Monday through Sunday; that they would like a 32 square foot sign; that all lighting will be downward; that the dumpster will be screened from view; that there is no adverse impact on the neighboring properties; that there is no interconnectivity between parking lots; that Ms. Truitt spoke that Saturday is the busiest day with about 25 people; that when they have horse shows they might have up to 50 people which includes parents with their children; that they have horseshows twice a year; that most of the activities are held indoors in the riding area; that there is a fulltime farmhand, three instructors, volunteers, and 65 clients that they work with; that their goal is to have 100 to 150 clients a week; and that they have summer camps and a veterans program.

The Commission found that Jessica Hudson, Alyssa Hudson, Paul Reiger, and Joe Conaway were in support of this application; that Ms. Jessica Hudson spoke that her daughter participates in the program and has gotten a lot of help and has gotten strength; Ms. Alyssa Hudson spoke that she enjoyed her experienced at the site; that when they ride they are independent, fearless and free; that Mr. Reiger spoke that he is 100 percent in favor; that he has questions if there was a Conditional Use or a variance on the property previously; that he has questions about a Special Use Exception vs. a Conditional Use; that he had a question with the issue of the height of a fence; that Mr. Conaway spoke that the project is overdue; and that he is 100 percent in support of it.

The Commission found that there was no one in opposition to the application.

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

Mr. Hopkins moved that the Commission recommend approval of Conditional Use # 2103 for Southern Delaware Therapeutic and Recreational Horseback Riding Inc. for a recreation facility, office, caretaker house, equine-assisted therapy and stables based upon the record made during the public hearing and for the following reasons;

1. This property has existed as a horse farm for decades. This use will be consistent with that prior use, and the AR-1 zoning of the property.
2. The use will provide a much needed and much appreciated, therapeutic riding facility for children and adults with disabilities.
3. There was dramatic testimony from a young participant of the facility, who stated "when we ride we are free". Based on this type of testimony, it is clear that the use is desirable for the health, safety & welfare of the residents of Sussex County.
4. There is a need for this type of use in Sussex County. There was testimony in the record that there are approximately 1,750 children with disabilities and 28,000 adults with disabilities in Sussex County. There is no other therapeutic riding facility in the area.

5. The use will not generate a lot of traffic on area roadways and it will not adversely affect neighboring properties.
6. This recommendation is subject to the following conditions;
 - A. The hours of operation shall be 7:00 am until 10:00 pm, Monday through Sunday.
 - B. All entrances, intersections, or other improvements required by DelDOT shall be completed by the applicant as required by DelDOT.
 - C. One lighted sign shall be permitted. The sign shall not exceed 32 square feet per side.
 - D. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. Any dumpsters shall be screened from view of neighboring properties or roadways.
 - F. The failure to abide by the conditions shall result in the termination of this conditional use.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County 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/Z #1829 Theresa Elizabeth Murray Irrevocable Trust

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a GR (General Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County containing 5.58 acres, more or less. The property is located on the west side of Cedar Neck Rd., approximately 475 ft. north of Hickman Rd. 911 Address: None Available. Tax Map I.D. 134-9.00-70.00

Ms. Cornwell advised the Commission that submitted into the record were a survey, exhibit booklet, staff analysis, comments from Sussex Conservation District and results from the DelDOT the Service Level Evaluation stating a TIS is not required.

The Commission found that Dennis Schrader, Attorney with Morris James Wilson Halbrook & Bayard, LLP and Ellen Magee were present on behalf of the application; that Mr. Schrader spoke in reference to the items in the exhibit booklet; that the property is on Cedar Neck Road, north of Hickman Road and near a grocery store, and the VFW; that the property is in a Low Density area and in the ESDA; that the property is 5.58 acres; that if this application is approved they will provide an appropriate site plan; that the property is currently used for residential and trailer storage and includes small campers, boats and it is being done under Conditional Use #478; that the proposed use is for a mini-storage; that it has a water supply on site; that the sewer is served by Sussex County; that the Delaware State Police will be the primary responder; that the property is located in the Millville Fire Company district; that there are no known wetlands on site; that Ms. Magee states that her mother lives on the site and is OK with the Change of Zone request; that the boat, and travel trailers have been on-site for a long time; that they want to put a mini-storage on the site, there is a demand and need for it in the area; that the others in the area are full; that her mom will to continue to live there in the home and use it as the office; that there is no impact on traffic; that this is a similar use as is now on-site; that there is no impact on the neighborhood; that they need a Change of Zone for financing and using the site as a CR-1 use; that a TIS was not required from DelDOT; and that there is a staff analysis and findings in the

exhibit book.

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

The Commission found that John Hickman and Jim Romig were in opposition of the application; that Mr. Hickman stated that his house faces the site; that trailers have been on-site; that area is residential and not intended for storage; that there is no need and don't need any more traffic; that the property is not maintained; that there is no fence around the property; that he has concerns with the lights; that the rezoning and proposed use is not pleasing to the area; that Mr. Romig spoke that a Conditional Use to a Change of Zone allows for more uses; that he has concerns with crime and with potential wetlands in the back of the properties; that there is commercial zoning across the street; that there has been a decline on sales of properties in the area; Ms. Stevenson stated that there could be many uses with a Change of Zone; that the site plan can determine if there are wetlands and address site plan items; and that Mr. Wheatley spoke that there is other commercial zoning in the area.

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.

There was a consensus of the Commission to a combined public hearing on C/Z #1827 and C/U #2098, that application of Fenwick Commons, LLC and that each application would be voted on separately.

C/Z #1827 Fenwick Commons, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR (Medium Density Residential District) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County containing 13.33 acres, more or less. The property is located at the southwest corner of Lighthouse Rd. (Rt. 54) and Sand Cove Rd., and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: None Available. Tax Map I.D. 533-19.00-52.00

C/U #2098 Fenwick Commons, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for a multi-family (62 duplex units) structure to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres, more or less. The property is located at the southwest corner of Lighthouse Rd. (Rt. 54) and Sand Cove Rd. and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: None Available. Tax Map I.D. 533-19.00-52.00

Both of these applications were consolidated into a single public hearing.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation that stated a TIS is not required, site plan, exhibit book, PLUS letter, and six letters of opposition.

The Commission found that Gene Bayard, Esquire of Morris James Wilson Halbrook and Bayard, LLP and Ken Christenbury, with Axiom Engineering were present on behalf of the application; that Mr. Bayard spoke that the area has transitioned over 12 years from a low density to a medium density residential area with over 1,200 homes from 2005 to 2017; that an application in a B-1 district of 3 acres and 12.3 acres for MR-RPC was approved last year for 4.8 units per acre; that the Change of Zone is in character of the area and with the Comprehensive Plan; that there are no site development issues; that there is water and sewer in the area; that there no traffic issues per DeIDOT; that it is a single parcel; that is a one phase project; that the applicant made the decision not to apply for a MR-RPC classification, instead to apply for a MR application with a Change of Zone with a Conditional Use; that MR will give the County more control of approving a project; that there are a lot of MR-RPC's in the area along with B-1 and C-1 uses; that Mr. Christenbury spoke that the site is a soybean field with woods; that there is a cemetery on site and it will be protected; that a DeIDOT report did not require a TIS; that the first site plan submittal initially showed 62 units; that there will be a multi-modal path to connect a bike trail; that the wetlands are on the east side of Sand Cove Road; that the project went from 62 units down to 52 units to create better access for the cemetery and the amenities; that there will be 20 foot buffer around the cemetery and keep the existing woodlands in that area; that a ESDA report was prepared; that Artesian will provide water and the County will provide the sewer; that per a report from Mr. Otter regarding the cemetery they redesigned to allow for easier parking to the amenities and the cemetery; that a fence will be put up around the cemetery; that this application accompanies a Conditional Use application; that it complies with 99-9C; that it will have a 20 foot forested buffer around the perimeter; that they have preserved 60 percent of the forest; that they may be able to keep a 100 year old red oak tree; that the stormwater pond will be located in the front; that the existing site is an agricultural field and uses manure as fertilizer; that going to single family will reduce pollution; that they will comply with the Sussex Conservation District; that DeIDOT will make improvements to the intersection; that the developer will make additional improvements through Right-of-Way dedication; that will have a deceleration lane and no left turn lane; that a pedestrian trail will connect to the Bayside trail; that this will have no negative impact on values or schools; that this project is no longer a 62 unit development; that there is a 14 foot dedication from the corner to the first 100 feet and the rest of the property has a ten foot dedication; that on Sand Cove Road there is a 15 foot dedication for the entire front and a 19 foot dedication for the first 76 feet; that there will be a ten foot wide multi-modal path and will be built by the client; that the distance from Route 54 to the entrance to the project is approximately 250 feet to 300 feet; that a TIS and TOA were not required; that the amenities will be done by the 26th Certificate of Occupancy; that this project is a thoughtful design and it has been scaled back; that it is 41 percent of open space not including the stormwater pond and including two acres of preserved proposed trees; that this project is density is 3.90 units per acre; that a 185 foot long deceleration lane is on Sand Cove Road; that DeIDOT is working on the intersection and the applicants not sure what plans they have for the intersection; that a sliver of land on the east side of Sand Cove Road with a ditch will help with drainage; that the drainage will head south away from Route 54; that the ditch is five to six feet deep and will not impact surrounding properties; that there will be one entrance and exit; that they could look at interconnectivity but believe people don't want it; that the interconnectivity is only for emergencies and will be addressed; that they are comparing density to just one phase in America Bayside which is the Melson property phase.

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

The Commission found that Christopher W. Magee, Ed Waysz, and Barbara Shamp spoke in opposition to the application; that Mr. Magee stated that the hundred year old meadow has a cesspool from the old house and nobody has dug it up; that they have concerns with drainage; that the tax ditch is three and a half feet deep; that there is a severe drainage issue with the tidal ditch; that the farm field is a buffer for the water to go in; that the tax ditch is feeding all that water from the development and backups; that there are concerns with the pond and that his produce will get wet which will hurt his business; that there are tractors and other ag equipment on the road; that Mr. Waysz stated that Sand Cove Road is not big enough and only 12 feet wide; there they have concerns with the traffic; that when is enough, enough; that Route 54 won't be increased to capacity; that Ms. Shamp stated that she attended a DelDOT meeting and people were angry about the new Royal Farms and DelDOT stated it won't cause any traffic problems; that she can't get out of her development for two and a half months from Thursday to Sunday night; that Hurricane Sandy flooded Route 54 and couldn't get out for 3 days; that there has been two 1000 year storms since Hurricane Sandy that lasted less than 24 hours; that when Route 54 is flooded, people will not be able to evacuate.

At the conclusion of the public hearings, the Commission discussed these applications.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration for Change of Zone 1827. Motion carried 5-0.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration for Conditional Use 2098. Motion carried 5-0.

OTHER BUSINESS

Reddenwood Phase II (2016-12)

Final Subdivision Plan

Mrs. Walls advised the Commission that this is a Final Subdivision Plan for a standard subdivision of 53.39 acres +/- into 41 single family lots with open space. Planning & Zoning Commission approved the Preliminary Subdivision Plan on August 25, 2016. The final plan complies with the County Zoning and Subdivision codes and staff is in receipt of all agency approvals. The property is located southwest of the Redden Wood subdivision, south of Neptune Rd., approximately 265 ft. southwest of White Oak Dr. Tax ID: 135-7.00-12.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the final subdivision plan. Motion carried 5-0.

The Farm at Truitt Homestead Assisted Living Facility (S-17-30)

Final Site Plan

Mrs. Walls advised the Commission that this is a Final Site Plan for 88 residential units with a maximum of 120 bedrooms and related services, rehabilitation and community space on a portion of a 23.47 acres parcel of land accessed from Shuttle Road. The Board of Adjustment

approved a special use exception for an assisted living facility (#11896) after a hearing on December 19, 2016. The Planning & Zoning Commission approved the Preliminary Site Plan on June 8, 2017. The plan complies with the conditions of approval and the County's zoning code. The Planning Office has received agency approvals. The property is zoned MR. The tax parcel is 334-19.00-3.00.

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

Stockley Materials (CU 2024)

Revised Site Plan

Mr. Whitehouse advised the Commission that this is a revised site plan for landscape bulk material retail sales and storage on a 1.65 acres parcel of land. Planning Commission recommended CU 2067 for approval on February 23, 2017 as an adjustment to property lines for a use previously approved in CU 2024, with conditions set forth in Ordinance 2417. The Site Plan complies with the County Zoning code and staff is in receipt of all agency approvals. The property is located on the south side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.3 miles southwest of Coastal Hwy (Rt. 1). The property is zoned AR-1. The Tax parcel is 334-5.00-192.00.

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

Oyster House Village (C/U 1642)

Preliminary Site Plan

Mrs. Walls advised the Commission that this is a revised Preliminary Site Plan for the construction of 30 condominium homes (multi-family) with site improvements to be located off Oyster House Road, along the west side of Lewes Rehoboth Canal. A three (3) year extension of time was granted on July 19, 2016 by Sussex County Council from June 13, 2016, based on recordation dates of legal documents required by the Courts to settle previous litigations. On November 03, 2005, the Planning & Zoning Commission recommended approval for C/U 1642, subject to six (6) conditions. The revised plan meets the County requirements for a preliminary site plan. The property is zoned AR-1. Tax Parcel ID: 334-19.08-42.00. Staff is awaiting agency approvals.

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

Vineyards at Nassau Valley Phase 3 (S-17-39)

Preliminary Site Plan

Mrs. Walls advised the Commission that this is a Preliminary Site Plan for the construction of 108 apartments, 56 condominiums, 25 single family lots, and amenities located off Lewes Georgetown Highway (Rt. 9). The preliminary site plan complies with County Zoning Code. This is Phase 3 of a multi-phase development. An updated parking calculation is included as part of this phase. The property is zoned C-1 (Commercial). Tax Parcel ID: 334-5.00-152.06. Staff

is awaiting agency approvals.

There was a discussion regarding the application that Ms. Stevenson stated that she would like to see interconnectivity on the site for emergency access; that the stub street for emergency access could go to the parcel to the north; that the Commission found that Zac Crouch from Davis, Bowen, and Friedel, stated that it becomes a legal issue with the whole thing since this is an easement for condos; that Mr. Wheatley stated that it is still an access and the ability for emergency access to adjacent parcels; and that the interconnectivity is for emergency access use only.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the preliminary site plan of the Vineyards at Nassau Valley Phase 3 with condition for interconnectivity be required with parcel 334-5-153.00 to the north with final site plan showing the location of the interconnectivity and final site plan approval by the Planning and Zoning Commission. Motion carried 5-0.

Burton's Pond (2016-14)

Amend Conditions of Approval

Mr. Whitehouse advised the Commission that this is a request to amend three Conditions of Approval. On January 26, 2016, Planning & Zoning Commission granted Preliminary Site Plan Approval for Burton's Pond, a major cluster subdivision for 158.75 acres +/- into 265 single family lot with private roads and open space. The request seeks to either amend or remove condition No's 11 and 19. Condition 11 requires the relocation of the amenities and a parking lot to be constructed for access to Burton's Pond. Condition 19 requires the parking lot at Burton's Pond to be available to the public. The request also seeks to revise the wording of condition No. 14 to allow 4 years for recreational amenities to be built, instead of 2 years. The property is located on the southwest corner of Hollymount Rd. and John J. Williams Hwy. (Rt. 24). Tax ID: 234-17.00-17.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to approve the amendments of conditions of approval. Motion carried 5-0.

Burton's Pond (2016-14)

Revised Subdivision Plan

Mr. Whitehouse advised the Commission that this is a revised Preliminary Subdivision Plan for a cluster subdivision. The plan proposes to subdivide 151 acres +/- into 265 single family lot with private roads, open space. On January 26, 2016, Planning & Zoning Commission granted Preliminary Subdivision Approval. The applicant has amended the site layout and amenities building, and has requested to amend conditions of approval. The revised subdivision plan complies with the County code for preliminary subdivision plans. The property is located on the southwest corner of Hollymount Rd. and John J. Williams Hwy. (Rt. 24). Tax ID: 234-17.00-17.00. Zoning: AR-1 (Agricultural Residential District). Staff is awaiting agency approvals.

Motion by Mr. Hudson, seconded by Wheatley, and carried unanimously to approve the revised subdivision plan. Motion carried 5-0.

Lewes Shore Estates (aka Winsmore Landing) (2017-9)

Amend Condition of Approval

Mrs. Walls advised the Commission that this is a request to amend a Condition “A” as approved by Planning Commission on September 28, 2017. Condition “A” states there shall be no more than 60 lots within the subdivision. Staff notes that a revised application was received on August 11, 2017 with a revised subdivision plan showing 61 lots, which was presented during the Public Hearing. The applicant requests to amend the condition to limit the number of lots in the subdivision to 61. The property is located 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).

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the condition of approval. Motion carried 5-0.

Blessings Greenhouse (CU 2071)

Amend Conditions of Approval

Ms. Cornwell advised the Commission that this is a request to amend two (2) conditions of approval as recommended by Planning Commission. Specifically, the applicant requests to amend Condition F, regarding hours of operation; and Condition G, for clarification on the buffer. The applicant is also requesting to amend Condition M that requires a Public Hearing and the Commission may require a Public Hearing for this request.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried 4-0 to deny request to amend certain conditions approval and require a public hearing before Planning and Zoning Commission and Sussex County Council for consideration to amend the conditions of approval. Motion carried 4-0. Mr. Hopkins recused.

Meeting adjourned at 8:34 p.m.