

MINUTES OF THE REGULAR MEETING OF NOVEMBER 2, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, November 2, 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, and Mr. Jamie Whitehouse, Planner III.

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

OLD BUSINESS

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS.

Mr. Robertson stated that it was introduced a while ago; that it took what we currently have in our Code which is B-1, C-1, CR-1 and split it into several different Zoning Districts; that intent is that it would give more guidance and predictability to the public, County, and the Applicants on what type of land use applications would be applied to different parcels of land in different locations; that it also creates a Planned Commercial District which ties a site plan with the rezoning; that the Ordinance was the subject of several presentations from the County’s Consultant; that the Ordinance also includes a Use Table; that this is one of the things they wanted to do because there would be more Zoning Districts; that you could go to it and figure out what you want to do and what District you need to be in; that the Ordinance was introduced and then the Consultant made changes to the Table; that the proposed changes required changes to the Ordinance to make sure they matched up; that the staff went back and made more corrections; that what you have been provided is a red line version showing all the changes; that the changes are pretty extensive; that some of them were discussed but were not available in a comprehensive form during the public hearings before County Council or the Planning and Zoning Commission and that the Public has not had a chance to see them or review or comment on them.

Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried unanimously to table the Ordinance as introduced and reintroduce it as a new Ordinance in its revised form. Motion

carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed and he stated that the public hearing is on an Ordinance adopting the 2018 Comprehensive Plan for Sussex County, and repealing Ordinance #1980 which is the 2007 update to the Comprehensive Plan that was adopted June 24, 2008; that this is a two part process where the Planning and Zoning Commission makes a recommendation to County Council; that the hearing will be conducted as follows; that first the Director, which is Janelle Cornwell will give an overview of the entire process of drafting the Comprehensive Plan through tonight; that she will also describe the correspondence that have been received and those items of correspondence have all be made part of the record and consider by the Commission; that at that point will also ask that anyone who has any questions we will refer those to Ms. Cornwell or if she has any information that she would like to add in response to questions from the Commission; that then the Commission will likely have a brief discussion about Elements 3 and 4 of the draft plan which were not previously discussed in the prior Commission workshops; and that the Commission may also again have questions for staff at that time about the plan in general.

AN ORDINANCE ADOPTING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008

Ms. Cornwell stated that the process began well over a year ago, with four focus groups; that were related to Housing, Utilities, Conservation, Economic Development; that there were held in late summer, and early fall of 2016 for the Consultants to get to know a little more about the County; that there were interviews with the Planning Commission, County Council, and some select others there were identified by the County Council and Planning Commission; that in November through February three combined Planning Commission and County Council workshops were held; that as a results the path to move forward was to have the Planning Commission hold public workshops; that the Planning Commission held 19 public workshops; that the workshops took place on March 8, March 22, March 29, April 10, April 21, May 22, June 5, June 16, June 26, July 14, July 28, August 7, August 14, August 21, September 13, September 20, September 27, October 4, and October 18; that there was public comment taken at all the workshops; that there have been three sets of public meetings where the County went out to the community at 11 different locations; that they did five meetings in the fall of 2016; that the consultant worked with the County Council and the Planning Commission to provide additional information regarding the plan; that the second set of five meetings were held in the spring of 2017, which gave an update of what has been done and where they were going; that in the fall of 2017 there was one public meeting held at the Cheer Center in Georgetown; that there a presentation was done about the draft plan and given at three different times during the day; that there was plenty time of public comments; that every Planning Commission meeting since July 14, 2016, which there has been 32 normal scheduled public meetings, had an opportunity for public comment regarding the Comprehensive Plan on the agenda; that the Comprehensive Plan website had a place to sign up for an e-news, so you could get an update of upcoming events; that over 260 people signed up for the e-news; that we have taken over 390 comments, just from e-mails; that most of the comments received were on land use and transportation; that Staff provided all the comments to the Planning Commission members on

a regular basis; that most recent comments received are on the Planning Commission desk tonight; that the Planning Commission has gone over the 11 chapters; and that everything is active and on the website.

Mr. Robertson stated that the comments will be part of the record; and that all the comments will also be sent to County Council with whatever recommendation the Commission makes on the plan.

Ms. Cornwell stated that the comments that came through the Comp Plan website are actually also on the Comp Plan website; and that the ones that came in today are not on the website.

Mr. Ross stated that the only thing we had in the draft for public Planning Process Chapter Three was that Ms. Cornwell did add one page; that the page shows the dates of all the workshops; and that otherwise there were no changes; and that Ms. Cornwell stated that she changed the last part that said it went just went through PLUS, to recognize that the plan also goes through the State's Cabinet Committee.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to adopt the Planning Process Chapter 3 as a draft. Motion carried 5-0.

The Commission found that Rich Barraso, Mable Granke, Bonnie Ram, Sue Claire Harper, Gail Van Gilder, Howard Fortunato, Patricia Galu, Chuck Schonder, Valerie Faden, Jesse Vanderwende, Phoebe Cottingham, Bobby Horsey, Claire Simmers, Doug Motley, Dave Carey, and DJ Hughes spoke about the application; that Mr. Barraso stated that he represents Sussex Alliance for Responsible Growth (SARG); that they have a survey on their site and would like to go over the results of a survey that they run for the past four or five months; that the purpose of sharing the results with the Commission is that they have a lot of information from the public; that the survey invites people to come to the Comprehensive Plan website, that they provide them the 2008 plan; that they also provide all the goals and objectives as they come available as the proposed plan of 2018; that the survey is four questions; that 225 people responded to the questions; that there were 276 comments that they would like to add to the Commission's pool of comments; that public outreach was evident throughout the Comprehensive Plan update with countless opportunities for the public to participate in the process, in person and a well-designed and informative website dedicated to the County Plan; that the Planning Commission, County Planning staff and Council made the public feel welcome, were patient and fostered an environment for good exchange and dialogue; that the Sussex County Comprehensive Plan process did not do enough to clearly identify the weakness or underperforming 2008 Comprehensive Plan strategies; that the survey results indicate the public skepticism on what will be accomplished based on the action verbs used in many of the strategies i.e. consider-51, continue-48, encourage-27, promote-19, and explore-11; that the public has been clear that both the Commission and County Council need to exercise its authority to manage future development contingent on infrastructure improvements; that the public will demand modifying 2018 proposed strategies to ensure a greater degree of setting priorities and timelines and most importantly an annual accounting of progress or lack of progress toward County goals and objectives; that Ms. Granke stated that she has given the Commission several comments; that she still has concerns; that one or two staff members should attend a meeting on November 8th at DNREC regarding water; that coordination is needed between DNREC and DelDOT with regard

to how we address sea level rise as well as the protection of our public well heads and our water quality; that we are not a rural County but only portions of the area and that needs to be taken into consideration; that the priority should be increasing road capacity; that what are the consequences for the decisions by County Council; that intergovernmental coordination is important; that Ms. Ram spoke about the Economic Development chapter; that there were no references to wind and solar; that both of these are the fastest growing economy and job creator; that they are cheaper energy sources than fossil fuels; that they need to focus on energy resources; that Ms. Harper stated that Jennifer Clemens who is the Chair of Energy Technologies for Del Tech Community College spoke at the League Women Voters meeting on November 1st; that the graduates of these programs have 100 percent job placement in renewable jobs; that the starting salaries in these positions start between \$30,000 to \$40,000 upon graduation; that the Economic Development chapter needs to focus on development of energy saving jobs created but also for the potential for people to stay within the County; that there are not enough students at the Georgetown Campus for all four programs; that Ms. Van Gilder stated that she agrees with the others and thank you for giving her opportunity to speak; that she submitted some Byways revisions and added recommendations to help byways; that she added some things to improve the Byways Program; that she thinks it is important in the Byways write up that we let Sussex County residents know that there is an opportunity for people to implement other Byways; that she recommended to add a conservation plan to preserve open space, parks, and agricultural lands etc.; that she wants to preserve the Great Marsh and sees that as part of a conservation plan; that it is good that sea level rise and flooding are in the plan; that flooding and evacuation in the coastal areas should be part of the plan; that there should be better stormwater regulations; that the TID portion in the plan needs to be stronger; that they should pull out priorities and emphasis on what you are doing to the plan and where we are headed; that Howard Fortunato spoke that he represents the HBA (Home Builders Association); that in the section of housing there was one section that talked about facilitating and helping non-profit developers to supply more affordable housing; that there are some affordable projects that for profit developers do; that new homes pay their own way; that each new home that is built creates 4.25 jobs the year that it is built; that the Future Land Use Chapter 5 provides greater density for builders if they voluntarily protect natural resources; that Ms. Galu stated that she wanted to thank the Commission for what they do for the community; that she appreciates all the work that is done in putting this Comprehensive Plan together; that she thanks them for holding so many public hearings and forums with ample opportunity for input; that there was another meeting scheduled tonight to discuss the Route 54 corridor; that a master plan for southeast Sussex County is needed; that the master plans should determine the population size and development projects that can be supported by the land; that a Comprehensive Plan should improve the current roads before approving new developments; that they recommend that the project approval process be amended so that when a project is presented to the Planning and Zoning and public comments are received, that the developer must make changes and bring the plan back to Planning and Zoning for its final approval before going to County Council; that will ensure consistent and professional review of all the projects; that they recommend that once a project is approved it is built within 36 months; that how will they evaluate the plans; that Mr. Schonder stated that according to the demographics chapter of the Comprehensive Plan, the 50-69 age group grew 69 percent between 2000-2013 and the 85 plus age group will increase by 25 percent by 2045; that the creation of a senior transit guide and tool kit for transportation options for residents and visitors is a good idea; that ride sharing is a good idea; that MIC (Mobility Improvement Committee) that he didn't quit understand and needs more information; that he would like them

to consider the Senior Community on the MIC group; that transportation is one of the top three to stay in home; that he thanks the Commission; Ms. Faden stated that she lives in the ESDA and has concerns with scrutiny being applied to these developments; that she wants more scrutiny applied, especially to new developments; that Mr. Vanderwende stated that he likes the idea of the Ag Business areas; that this will benefit him and allow companies to grow and prosper in the County; that if we can keep Agricultural profitable that is the best way to preserve farm land and open space; that Ms. Cottingham stated that how and where will the County accommodate population growth, and will the roads be able to handle the transportation; that there needs to be a transportation committee to keep up and not rely on DelDOT for analysis; that there needs to be better coordination with DelDOT and land use; that private residential developments should be required to have bigger setbacks; that interconnectivity and emergency road connections can help reduce problems that we have during emergency times; that the Future Land Use Chapter could be rewritten to show more coordination; that in the Mobility Chapter she found that direct and forward looking view; that she likes that there is going to be an active committee that will steer this area of transportation of roads; that Mr. Horsey stated he wanted to thank you for the time they put forth in this process; that there is a large part of Sussex County that has already been preserved; that when is enough is enough to be preserved; that Chapter 6.2-3 map is a water way map and does not believe it to be accurate; that in Chapter 6.3 the 100 year floodplain restrictions states no buildings are permitted in the 100 year floodplain and would like the Commission to reconsider that section; that forested buffers also has a bullet point that he would like the Commission to reconsider that section to preserve natural resources; that one thing that should be added in the Conservation chapter is water regulation and education of homeowners on irrigation management; that to remember our property rights; that he does not want the growth to stop; that Ms. Simmers stated that she looked into Chapter 5; that she has concerns with the words that were used and the Commission should consider something more positive; that they should reevaluate the 20 foot buffer zone as it is not specific on the plan; that the plan is clear; that Mr. Motley stated that he thinks there is an opportunity for further emphasis on public and private partnerships; that the current programs and affordable housing are not necessarily working and there is an opportunity to enhance the dialogue; that the County has the opportunity to foster partnerships with existing businesses, ex. between agricultural and tourism and agricultural industries from farm to tables; that there is opportunity to enhance education for trades and there are plenty of jobs; that he suggests to broaden several references in the plan, specifically "entry level jobs" broaden to state "all jobs"; that throughout the plan there is reference to the age distribution within the County and he thinks it is a great resource; that there are a lot of companies out there targeting the older population; that there is opportunity to broaden the industrial references to include office and medical office; that Mr. Carey stated that he has concerns with private property rights and data collection such as the Delaware Wildlife Action Plan; that he does believe in protecting the environment and conserving open space; that he also believes in private property rights; that he has had issues with people trespassing on his properties; that he respectfully requests that the Sussex County Planning and Zoning Commission to insert the following language in the 2018 draft of the Sussex County Comprehensive Plan in Chapter 6 under Conservation "Sussex County respects the private property rights of all land owners in Sussex County"; that Mr. Hughes spoke that he thanks you all for your effort for putting the Comp Plan together; that the Mobility Element is not a new issue; that focus needs to be on land use and economic development and getting higher paid jobs in eastern Sussex so kids to go away to college and be able to come back and have jobs; that the DelDOT maps do not reflect the traffic problems; that a mobility committee needs to be formed

to waste time and get funding down here in Sussex County; that Sussex wants to come up with some of its own funding and the state needs to match those funds; and that the State needs to start spending a fair share down state.

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

Mr. Robertson stated that Chapter 4 is a restatement of the goals, objectives and strategies; that it is a duplication of what is already listed throughout each element of the plan; that originally the thought was to have it in one spot; that it adds bulk to the plan; that if you looked at Chapter 4 you wouldn't get the benefit of the context of the rest of the element; that it really provides explanation and support for why there is goals and objectives in the first place; and that the question is whether we need it or not.

Mr. Wheatley moved that the Commission delete Chapter 4, which is a duplicate listing of all the goals, objectives and strategies that are already listed in each chapter; that if they are separated like this from their respective chapters, they are out of context and do not have the substance of each chapter to further support or explain them; that it also adds unnecessary bulk to the plan; and that the remaining chapters will also need to be renumbered.

Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried unanimously to delete Chapter 4 which is a summary of all the strategies, goals, and objectives and to renumber the subsequent Chapters and move them up. Motion carried 5-0.

Ms. Stevenson stated the vision statement should be up front, so that it stands alone.

Mr. Ross stated that we have extensive public comments; that not only from our consultants, staff and all the members of public; and that the public record will be forwarded to the County Council.

Ms. Stevenson moved that the Commission recommend that Council adopt the 2018 Comprehensive Plan for Sussex County, and repeal Ordinance #1980 adopting the 2007 update of the Comprehensive Plan. This recommendation is based upon the following reasons, and with the following recommendations.

1. There has been a great deal of work that has gone into this plan. This includes many public workshops throughout the County, and 19 individual workshops by the Commission to draft every aspect of the plan.
2. There has been a lot of public participation in the drafting process, with public comments at every workshop and meeting held by the Commission during this process, as well as during tonight's hearing, this public comment has all been taken into account in drafting the plan.
3. All of the information contained in the record, including testimony and written comments received as part of the public hearing, will be forwarded to County Council as part of its review and adoption of the plan.
4. While this is an update to the prior plan, the Commission has looked closely at every element to determine what has worked and what needs to be changes. This plan reflects all of that work.
5. In this process, the Commission has taken a deeper look into areas of the plan than ever before. For example, this includes expert testimony from population experts, detailed

information about Economic Development, information from the Center for the Island Bays, substantial input from our County Engineer, and very useful information from Affordable Housing Organizations in the County. There has also been organized participation by several citizens groups during the process. And, the Commission, with the public and DeIDOT, really spent a lot of time analyzing traffic issues that affect the County. This plan reflects all of that work and input.

6. Sussex County's Consultant, McCormick Taylor, has provided guidance and advice throughout the planning process, and supports the draft. McCormick Taylor's efforts are reflected in the plan.
7. The plan represents a fair and balanced approach and guidance for issues facing Sussex County now and in the future.
8. This motion for approval is subject to the following deletion of Chapter 4, and the renumbering of the remaining Chapters.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend the adoption of the draft 2018 plan. Motion carried 5-0.

Meeting adjourned at 7:46 p.m.