

MINUTES OF THE REGULAR MEETING OF NOVEMBER 3, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, November 3, 2016 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Martin Ross, Mr. I. G. Burton, III, Mr. Doug Hudson, and Mr. Keller Hopkins with Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Ms. Janelle Cornwell – Planning and Zoning Director Appointee, and Mr. Daniel Brandewie – Planner II.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the Revised Agenda as amended by removal of Approval of the Minutes for October 27, 2016 and removal of Other Business Item for The Reserves for Final Site Plan. Motion carried 5 – 0.

Motion by Mr. Ross, seconded by Mr. Burton, and carried with four (4) votes to approve the Minutes for October 13, 2016 as amended. Motion carried 4 - 0. Mr. Hopkins not participating.

OLD BUSINESS

2016-1 – The Estates at Middle Creek Subdivision – BDRP, LLC

This is a major subdivision plan to subdivide 146.96 acres +/- into 314 single family lots with private roads and open space. The property is located on the north side of Angola Road approximately 2,210 feet east of John J. Williams Hwy. (Route 24). The property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 234-11.00-51.00, 54.00, 54.01, 54.02, 54.03 and 234-12.00-14.00.

The purpose of this item is to announce the receipt of the DelDOT TIS results.

The Planning Commission left the record open for 15 days to allow for written responses to the DelDOT TIS results.

C/U #2059 – Julie Norwood

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a beauty salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less. The property is located at the northwest corner of John J. Williams Hwy. (Route 24) and Retz Ln. (a private rd.) 911 Address: None Available. Tax Map I.D. 334-12.00-25.00.

The Commission discussed this application which has been deferred since September 22, 2016.

Motion by Mr. Burton and seconded by Mr. Ross to defer this application.

2016-13 – Barry N. Koch and Diane J. Koch

This is a Major Subdivision for the creation of a standard subdivision. The plan proposes to subdivide 31.743 acres +/- into 1 single family lot with a residual lot off an easement. The property is located on the south and east side of Koy Ln. and west of Green Rd. Tax Map I.D; 234-18.00-56.00. Zoning: AR-1 (Agricultural Residential District)

Mr. Wheatley and Mr. Robertson recused themselves. Mr. Jamie Sharp – Assistant County Attorney was present on behalf of the Commission for the application.

Mr. Burton stated that he would move that the Commission recommend approval of the Preliminary Subdivision 2016-13 Barry N. Koch and Diane J. Koch based on the record made during the public hearing and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1 which permits low density single family residential development. The proposed subdivision density of 1 lot consisting of 1.146 acres with a residual lot of 30.589 acres of land is significantly less than the allowable density.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings, and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This preliminary approval is subject to the following conditions:
 - a. There shall be not be further subdivision of this property without a public hearing.
 - b. The stormwater management system shall meet or exceed the requirements of the State and County.
 - c. All entrances shall comply with all of the DelDOT requirements.
 - d. The applicant shall record restrictions which require that the Lot Owner share in the expense of the perpetual upkeep of Koy Lane with others who have access to Koy Lane.
 - e. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
 - f. The Final Site Plan shall be subject to the review and approval of Sussex County.
7. The applicant is granted a waiver from the landscape buffer requirement.

Motion by Mr. Burton seconded by Mr. Ross and carried unanimously to grant preliminary subdivision approval. Motion carried 3-0 with Mr. Wheatley recused.

2016 – 17 – Donna Lee Smith and Teresa Lynn Smith

This is a Major Subdivision for the creation of a standard subdivision. The plan proposes to subdivide 63.64 acres + / - into 1 single family lot (0.90 ac. + / -) with a residual parcel of land. The property is located west side of Clendaniel Pond Rd., the north side of Fleatown Rd. approximately 218 ft. northwest of the intersection of said roads. Tax ID: 230-13.00-121.00. Zoning: AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that this is an application for the creation of one new parcel of land due to exceeding the number of parcels that can be subdivided off the original parcel of land; that comments were received from the Sussex County Engineering Department Utility Planning Division; and that the Office received a letter from Cory and Vicky Miller in opposition to the application noting concern about traffic, stormwater runoff and the changes to the character of the development.

The Planning Commission called for the applicant to come forward. No one came forward. The Planning Commission moved the item to the end of the agenda. At the end of the agenda the Planning Commission again called for the applicant to come forward. No one came forward.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to deny the preliminary subdivision application due to lack of representation. Motion carried 5-0.

2016 – 18 – Terry Sockriter Moore

This is a Major Subdivision for the creation of a standard subdivision. The plan proposes to subdivide 26.83 acres + / - into 2 single family lots with a residual lot. The property is located on the west side of Robin Hood Rd. approximately 314 ft. south of Cardinal Rd. and on the north side of Cardinal Rd. approximately 185 ft. west of the intersection of said roads. Tax ID: 532-14.00-36.00. Zoning: GR (General Residential District) & AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that this is an application for the creation of one new parcel of land due to exceeding the number of parcels that can be subdivided off the original parcel of land; that comments were received from the Sussex County Engineering Department Utility Planning Division; that the applicant is requesting a waiver from the 20 ft. forested landscape buffer.

The Planning Commission recognized that Mr. Steven Adkins, Adkins Land Surveying represented the application; that the property is land hooked across the street; that there are over 20 acres across Cardinal Rd. and they are looking to split the parcel to the south into two parcels of land; that they have maxed the number of minor subdivisions lots along the road frontage; that Mr. Adkins submitted a plan into the record further showing the overall parcel of land.

The Planning Commission recognized that Mr. John Teal, Mike Hurley, Kevin Hurley, Rose Richardson, John Chandler, and Terry Moore spoke in opposition to the application due to concerns with stormwater runoff, flooding, drainage, traffic and quality of life. Mr. Teal submitted photos into the record showing flooding issues.

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

Mr. Ross stated that he would move that the Commission grant preliminary approval of 2016-16 Lands of Terry Sockriter Moore based on the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1 which permits low density single family residential development. The applicant is seeking 2 lots of 160 acres each, which complies with the requirements of the AR-1 Zone.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This preliminary approval is subject to the following conditions:
 - a. There shall be no more than 2 lots within the subdivision. Any further subdivision of the residual land shall require a major subdivision with a public hearing.
 - b. All entrances shall comply with all of DelDOT's requirements.
 - c. A waiver of the vegetated buffer requirement is appropriate for these two lots.
 - d. The final site plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Ross, seconded by Mr. Burton, and carried four to one to approve the preliminary subdivision with the conditions stated. Motion carried 4 – 1 with Mr. Wheatley voting against the motion.

OTHER BUSINESS

The Reserves-Clubhouse Final Site Plan

Mr. Brandewie advised the Commission that this is a Final Site Plan for the construction of a pool, clubhouse, pavilion, play area and a 20 space parking lot on a 3.1 ac. +/- parcel within The Reserves residential development. The site also contains an above ground propane storage tank area. The building consists of 3,322 square feet. The subdivision is located off Woodlawn Avenue near Ocean View. The property is zoned MR-RPC. The tax parcel is 134-12.00-468.13. The Planning Commission approved the Preliminary Site Plan on May 12, 2016. Staff is in receipt of all agency approvals.

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

The Estuary – Recreational Amenities Preliminary Site Plan

Ms. Cornwell advised the Commission that this is a preliminary site plan for the recreational amenities for the Estuary subdivision (2005-64). The amenities plan includes a 9,200 SF

community building, tennis courts, pool with pavilion a walking path and site improvements. The Planning Commission reviewed the preliminary subdivision plan on September 28, 2006. The development has been developed in phases. The subdivision is under construction. The property is zoned AR-1. The tax parcel is 134-19.00-116.00. Staff is awaiting approvals from the Sussex Conservation District. Staff is in receipt of approval from the Office of the State Fire Marshal.

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

East Coast Cleaning Service Business (CU 1981) Preliminary Site Plan

Mr. Brandewie advised the Commission that this is a Preliminary Site plan for the establishment of a cleaning service using an existing 20' by 30' accessory building which will contain an office and the cleaning business. This use is subject to a Conditional Use (CU 1981). The Planning Commission held a public hearing on March 13, 2014. County Council approved the Conditional Use on April 8, 2014. The property is zoned AR-1. The property is located at 34428 Retz Lane. The tax parcels are 334-12.00-25.00 and 26.00. Staff is now in receipt of all agency approvals and it could be considered for both preliminary site plan and final site plan.

Motion by Mr. Burton, seconded by Mr. Hudson and carried unanimously to approve the preliminary site plan with final site plan subject to the Planning Commission. Motion carried 5-0.

Bay Crossing Phase 4 Request to amend Condition of Approval

Ms. Cornwell advised the Commission that this is a request to amend the Landscape Plan. The Final Plan approved by the Planning Commission included street trees throughout the development. The plan is before the Planning Commission as the development is a RPC. The Planning Commission approved the Final Plan on September 11, 2003. The developer of Phase 4 and a majority of property owners within Phase 4 are asking the Planning Commission to allow for the removal of the street trees around the stormwater management pond and to allow for trees and plants to be planted in and around the stormwater management pond. Staff is in receipt of letters in support of the change from 49 out of the 60 owners within Phase 4. Staff is in receipt of correspondence from the Sussex Conservation District stating they have no objection to the removal of the street trees and replace with other plantings in and around the stormwater management pond.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to approve the request to removal of the street trees around a portion of the stormwater management pond along the north side within Phase 4 and plant the area with other plants, shrubs and trees within that area. Motion carried 5-0.

ADDITIONAL BUSINESS

Discussion regarding Comprehensive Plan

Ms. Cornwell advised the Commission that there is a combined workshop between the Planning Commission and County Council on November 15, 2016 at the West Complex at 1:00pm to discuss the next steps, results of the first round of public meetings regarding the Comprehensive Plan with the consultant.

Opportunity for public comment regarding Comprehensive Plan

None

2017 Planning Commission Meeting Schedule

Ms. Cornwell advised the Commission that the County Council dates are still being finalized and that if there are any concerns please let staff know.

Meeting adjourned at 6:55 p.m.