

MINUTES OF THE REGULAR MEETING OF November 17, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, November 17, 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. Doug Hudson, Mr. Keller Hopkins, Mr. I.G. Burton, III was absent, 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. Hudson, and carried unanimously to approve the Agenda as revised. Motion carried 4 – 0.

OLD BUSINESS

**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 Lane (a private road) 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.

Mr. Robertson reminded the Commission that the original conditional use for a cleaning service business on this site did not permit an entrance onto Route 24, only access to Retz Lane.

Mr. Hudson stated that he would move that the Commission recommend approval of Conditional Use No. 2059 for Julie Norwood for a beauty salon based upon the record made during the public hearing and for the following reasons:

- 1) The use is relatively small in nature, and will occur within the structure that currently exists on the site.
- 2) The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
- 3) There are other small businesses in the area which operate from properties and structures similar in nature to this one, including doctor's offices, a lamp store, a small seafood business and others. This use will be consistent with these other uses scattered throughout this area.
- 4) Although this property is in a subdivision, the documents in the chain of title to the property reference that it may be used for commercial purposes.
- 5) Several nearby property owners appeared in support of the application, and no parties appeared in opposition to it.
- 6) This recommendation for approval is subject to the following conditions:

- A. In addition to these conditions, the applicant must comply with the relevant conditions imposed by Conditional Use No. 1981, identified as Ordinance No. 2344, granted to Robert and Julie Norwood to operate an office for a cleaning service.
- B. This use as a beauty salon must occur within the structure that currently exists on the property.
- C. Access to the property must be from Retz Lane. There shall not be any direct access to the property or this use from Route 24. The entrance installed on Route 24 must be removed and landscaped to control the use.
- D. The Final Site Plan shall clearly show the parking areas and spaces set aside for this use as well as the parking areas and spaces set aside for the cleaning service office. Both uses shall comply with the parking requirements set forth in the Sussex County Zoning Code.
- E. As proposed by the applicant, there shall be no more than 4 stylists working within the salon at any one time.
- F. As stated by the applicant, the hours of operation shall be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, and 9:00 a.m. through 2:00 p.m. on Saturdays.
- G. Only one lighted sign, not to exceed 32 square feet per side, shall be permitted on the property. This single sign must be used to advertise the beauty salon business and the cleaning service.
- H. This conditional use is on the same property as Conditional Use No. 1981/Ordinance No. 2344 and Julie Norwood was identified as an applicant on both. Since no Final Site Plan has been submitted in the prior application at this time, the applicants shall submit a single Final Site Plan that consolidates this Conditional Use with Conditional Use No. 1981/Ordinance No. 2344. This consolidated 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. Ross, and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0. Mr. Hopkins did not participate since he was not a Commissioner during the public hearing.

#### PUBLIC HEARINGS

There were no public hearings scheduled for this evening.

#### OTHER BUSINESS

#### **Woodfield Preserves Revised Subdivision Plan**

Mr. Brandewie advised the Commission that this is a revised subdivision plan for Woodfield Preserves (Subdivision No. 2007-09) to allow for a revised street layout and for minor design changes including the reduction in the overall number of lots. The site consists of 195 +/- acres and will contain 253 single family lots with recreational amenities. The Planning Commission approved the plan on October 13, 2011 with 256 lots. The property is zoned AR-1 (Agricultural

Residential). The Tax Map parcel is 235-9.00-23.00. Staff notes that a time extension has been submitted to the Planning Office for consideration by County Council. Staff is waiting for agency approvals.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to grant Final approval of the Revised Subdivision Plan subject to the Staff receiving all agency approvals. Motion carried 4 – 0.

**Thermo King on Sussex Hwy.  
Final Site Plan**

Mr. Brandewie advised the Commission that this is a final site plan for the expansion of an existing truck service and repair business located at 36550 Sussex Highway (U. S. Route 13). The Planning Commission granted preliminary plan approval on June 19, 2016. Applicants will construct a new 9,600 square foot service building with an accessory parking lot for trailers. It is served with on-site water. A new septic sewer system will be installed on the site. The property is zoned C-1 (General Commercial). The Tax Map Parcels are: 532-13.00-62.00 and 62.01. The plan proposes parking to be located within the front yard setback that shall be subject to the approval of the Planning Commission. The parking within the front yard setback is along Allen Mill Road and is a pre-existing condition. A Lot Line Revised Plan will be recorded prior to Final Plan signatures by staff. Staff has all agency approvals.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to grant final approval of the site plan allowing the parking in the front yard setback, and requiring that a Revised Lot Line Survey be recorded prior to the staff granting final approval of the Final Site Plan. Motion carried 4 – 0.

**Delaware Botanic Gardens (C/U No. 1965)  
Amendment to Conditions of Approval**

Ms. Cornwell advised the Commission that this is a request to amend a condition of approval for Conditional Use No. 1965. The applicants are seeking relief from Condition No. 1 that requires a landscaped berm and heavy vegetation to be provided on the perimeter of the site for screening purposes. The applicant originally proffered the berm and landscaping to help screen the items from the surrounding properties. Based on their revised design they no longer believe the berms are necessary as there are fewer and smaller buildings and the walking trails and gardens are further from the property lines and road. The area adjacent to the parking area will be screened by the existing trees on site.

Motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to approve the requested amendment (deletion of Condition No. 1). Motion carried 4 – 0.

**Delaware Botanic Gardens (C/U No. 1965)  
Revised Preliminary Site Plan**

Ms. Cornwell advised the Commission that this is a revised preliminary site plan for the Delaware Botanic Gardens to be located on Piney Neck Road. The Planning Commission approved the Preliminary Plan on August 13, 2015. The use required a Conditional Use. The Planning Commission recommended approval at their meeting on September 12, 2013 and the County Council approved the Conditional Use on October 8, 2013. The Council granted a six-month time extension and the site shall be required to be substantially underway by April 2017, otherwise it shall expire. This plan is revised to reflect smaller buildings with reduced impervious surfaces and parking lot modifications. The Tax Map Parcel: 233-6.00-116.10. Staff is waiting for agency approvals.

Motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to approve the Revised Preliminary Plans. Final approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

### **Bayside Exteriors Preliminary Site Plan**

Mr. Brandewie advised the Commission that this is a preliminary site plan to construct a 4,400 square foot building to contain an office and storage space on a 0.5 acre +/- site. The site will also contain a five space parking lot which requires the Planning Commission to authorize its location within the front yard setback. The property will be served by public water and sewer. The property is located at 32172 Nassau Road. Tax Map Parcel: 334-5.00-73.00. Staff is awaiting agency approvals.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to grant preliminary approval of the site plan. Final approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

### **Showfield – Amenity Area Plan Preliminary Site Plan**

Mr. Brandewie advised the Commission that this is a preliminary site plan for the construction of a 4,000 square foot clubhouse, swimming pool, and a 39 space parking lot associated with the Showfield Subdivision located off of Gills Neck Road. The amenities have access to Snow Juniper Lane (a private street). The Tax Map Parcel: 335-8.00-51.00, 46.00 (part of) and 53.02. The property is zoned AR-1 (Agricultural Residential). Staff is in receipt of all agency approvals.

Motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to grant Preliminary and Final Site Plan approvals since all agency approvals have been received. Motion carried 4 – 0.

### **Coastal Club – Land Bay 6 Preliminary Site Plan**

Mr. Brandewie advised the Commission that this is a preliminary site plan to construct 21 single family lots and 63 townhouses on fee simple lots as a part of the Coastal Club development. A

walking trail is also provided as part of this section. The property is zoned MR-RPC (Medium Density Residential – Residential Planned Community). The Tax Map Parcels are 334-11.00-5.00, 5.01, 5.02, 5.03, 311.00, 393.00, 395.00, 396.00. Staff is waiting for agency approvals.

Motion by Mr. Ross, seconded by Mr. Hopkins, and carried unanimously to grant preliminary approval of the Preliminary Site Plan for Land Bay 6. Final approval shall be subject to the approval of the Planning and Zoning Commission upon receipt of all agency approvals. Motion carried 4 – 0.

**AutoZone on Coastal Highway  
Preliminary Site Plan**

Mr. Brandewie advised the Commission that this is a preliminary site plan for a new AutoZone Store #6778 to be located at 17649 Coastal Highway near Lewes. The plan proposes to construct a 6,800 square foot building with a 28 space parking lot. The Board of Adjustment granted a variance at their meeting on November 7, 2016 to reduce the CHCOZ landscape buffer. The plan does show parking within the front yard setback that requires approval of the Planning Commission. The property is zoned C-1 (General Commercial) and is located in the Combined Highway Corridor Overlay Zone. The Tax Map Parcel is 334-6.00-4.01. Staff is waiting for agency approvals.

There was discussion regarding the application and Mr. Ross suggested that this site offered an opportunity for interconnection with the commercial parcel to the rear that should be explored as part of the site design.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to grant approval of the Preliminary Site Plan for AutoZone with parking within the front yard setback. Motion carried 4 – 0.

**Lands of Barry Dukes  
Minor Subdivision with a 50 ft. Easement**

Ms. Cornwell advised the Commission that this is a minor subdivision to create two (2) parcels of land off of a new 50-foot easement. The new easement will go over an existing driveway. The easement is on an adjacent parcel of land. The two lots exceed the minimum acreage requirement and exceed the minimum frontage requirement. The properties are zoned AR-1 (Agricultural Residential). The Tax Map Parcels are 232-8.00-5.04, 232-8.00-5.01, and 232-8.00-5.05. Staff is awaiting approval from the Office of the State Fire Marshal and DelDOT.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to grant approval of the minor subdivision. Final approval shall be subject to the staff receiving approvals from the Office of the State Fire Marshal and DelDOT. Motion carried 4 – 0.

**Lands of Gundry Farms, LLC  
Minor Subdivision with a 50 ft. Easement**

Ms. Cornwell advised the Commission that this is a minor subdivision to create one (1) parcel of land off of a 50 ft. easement. The new easement will go over an existing driveway. The lot exceeds the minimum acreage requirement and exceeds the minimum frontage requirement. The property is zoned AR-1 (Agricultural Residential). The Tax Map Parcel is 531-18.00-278.00. Staff is awaiting approval from the Office of the State Fire Marshal and DelDOT.

Motion by Mr. Ross, seconded by Mr. Hopkins, and carried unanimously to grant approval of the minor subdivision. Final approval shall be subject to the staff receiving approvals from the Office of the State Fire Marshal and DelDOT. Motion carried 4 – 0.

#### ADDITIONAL BUSINESS

##### **Discussion regarding the Comprehensive Plan**

Ms. Cornwell gave a summary update of the activities taking place on the Comprehensive Plan.

Mr. Ross suggested that some of the Elements of the 2008 Comprehensive Plan could be updated with current data, referencing specifically the Parks and Recreation Element and the Historic Preservation Element.

##### **Opportunity for public comments regarding the Comprehensive Plan**

Sue Claire Harper of Rehoboth Beach was present and stated that she sees Sussex County developing similar to Long Island in the 1950s where open truck farms were paved over and developed; that she has some concerns: Connectivity – projects should be improved with streets built to State standards with connectivity between adjoining projects to reduce traffic congestion; that emergency vehicles stuck in traffic is an example and a concern; that every developer should integrate low and moderate housing in areas of higher density; that impact fees should be eliminated when low and moderate units are spread throughout a development; that projects should not be clear cut of all trees and replaced with shrubs since it does not provide oxygen or beauty; that trees taken down of a certain diameter should be replaced with native trees of a certain diameter, not fully growth trees being replaced with seedlings; that the visual blight of billboards should be reduced and/or eliminated and trees and shrubs should be planted along Route One, rather than billboards.

Meeting adjourned at 6:55 p.m.