



Planning & Zoning

Agendas & Minutes

MINUTES OF A SPECIAL MEETING OF NOVEMBER 30, 2005

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, November 30, 2005 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Acting Chairman Wheatley presiding. The following members of the Commission were present: Mr. Gordy, Mr. Johnson, Mr. Smith, and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director and Mr. Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the Agenda as circulated.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Minutes of November 9, 2005 and the Minutes of November 17, 2005 as circulated.

OLD BUSINESS

C/Z #1581 – application of **GEORGE C. COVERDALE** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying northeast of Route One, 700 feet northerly of Road 265A (Old Mill Road), to be located on 40,000 square feet, more or less.

The Commission discussed this application which has been deferred since October 27, 2005.

Mr. Johnson stated that he would move that the Commission recommended that this application be denied based on the record of the public hearing and since necessary agency permits for the construction were not obtained prior to construction, since no stormwater management approval was obtained prior to construction, since the building permit was issued for a private garage, and since the presentation made by the Applicant on the deed presented was different from the deed recorded.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 4 – 0.

C/Z #1592 – application of **J & Y PARKER FAMILY, L.P.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, land lying southwest of Road 334 (a.k.a. Route 20), 450 feet southeast of Road 333, and being more particularly described as Lots 76, 77, and 78 of Houston Acres Subdivision, to be located on 3.52 acres, more or less.

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The Commission discussed this application which has been deferred since November 17, 2005.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Subdivision #2004 – 18 – application of **MILTON BRUNNER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 45.72 acres into 33 lots, located north of Road 496 (Phillips Landing Road), 1,180 feet east of Broad Creek.

Mr. Abbott advised the Commission that this is the final record plan for a 32-lot single family subdivision; that the Commission granted preliminary approval on March 3, 2005 for 33 lots; that preliminary approval was granted with 13 conditions and these conditions have been addressed; that the record plan complies with the subdivision ordinance; and that all agency approvals have been received.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the record plan as a final. Motion carried 4 – 0.

OTHER BUSINESS

Nassau Grove MR/RPC
CZ #1552 Final Record Plan – Road 265

Mr. Abbott advised the Commission that this is the final record plan for a 244 unit single family detached residential planned community; that the Commission approved the master plan on April 14, 2005; that the final record plan is the same as the master plan; that the final record plan complies with the conditions of approval, the zoning code, and the subdivision code; and that all agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the record plan as a final. Motion carried 4 – 0.

Coastal Club MR/RPC

CZ #1554 Master Record Plan – Road 285

Mr. Abbott advised the Commission that this is the master record plan for a 630-unit residential planned community; that the site is zoned MR/RPC and was approved by the County Council on April 19, 2005 with 18 conditions; that the conditions of approval are referenced on the master plan; that there are 412 single-family lots and 218 townhouse/condo units proposed and permitted; that the recreational amenities include a

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pool, clubhouse and tennis courts; that the developers are requesting front yard setbacks of 20 feet and side and rear yard setbacks of 10 feet for the single family lots; and 20 foot front yard setbacks with a front and rear yard aggregate of 40 feet, side yards of 10 feet and 40 feet between buildings for the multi-family units; that central sewer and water are proposed; that the intent of the master plan is to show how the project will be developed; and that final approval of the project or phases will be subject to the review and approval of the Commission.

Rich Polk advised the Commission that the entrance to Jimtown Road has been removed and that that area will remain as open space.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the master plan. Motion carried 4 – 0.

Cedar Lake

CU #1624 Site Plan – Road 358

Mr. Abbott advised the Commission that this is the preliminary site plan for a 64-unit multi-family project; that the Conditional Use was approved by the County Council on November 15, 2005 with 16 conditions; that there are 10 buildings with 6 units each and 1 building with 4 units proposed; that the setbacks, building lengths and building separations meet the requirements of the zoning code; that 192 parking spaces are required and provided; that there are 128 open parking spaces and each unit has an attached garage that faces inwards; that the recreational amenities include a pool, restrooms, equipment shed, 2 shuffle board courts and a tennis court; that sidewalks are provided on both sides of all streets; that Sussex County will provide central sewer and Sussex Shores Water Company will provide central water; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all agency approvals.

Mr. Kautz advised the Commission that the developers, Sussex County Engineering and DelDOT should work together in finding a solution for the multi-modal path to continue across the pump station site that adjoins this site.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary with the stipulations that the applicants, Sussex County Engineering and DeIDOT work together in completing the multi-modal path and that final approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

Oak Creek Subdivision
Amended Record Plan – Road 274

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Mr. Abbott advised the Commission that this is an amended record plan to delete 2 lots (lots 98 and 134) within the Oak Creek Subdivision and to combine the area with the recreational and open area; and that this area will be used for parking for the community pool and parking.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the record plan as amended. Motion carried 4 – 0.

Americana Bayside MR/RPC
Phase 6B Preliminary Site Plan – Route 54

Mr. Abbott advised the Commission that this is the preliminary site plan for 67 multi-family units; that there are 5, 12-plex buildings, 1, 4-unit building, and 1, 3-unit building proposed; that the preliminary plan is the same as the approved master plan; and that final approval would be subject to the review and approval by the Commission upon receipt of all agency approvals.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary. Motion carried 4 – 0.

Bayshore Plaza II
Preliminary Site Plan – Route 24

Mr. Abbott advised the Commission that this item was deferred at the November 9, 2005 meeting; that the site plan is for 31,875 square feet of retail area located on 5.92 acres; that the site is zoned C-1; that 1 building contains 9,375 square feet and the other building contains 22,500 square feet; that the setbacks meet the requirements of the zoning code; that 160 parking spaces are required and that 253 spaces are proposed; that there are 11 spaces located within the front yard setback that need a waiver from the Commission; that 6 loading spaces are proposed; that access to this site is from Route 24 and cross access easements have been provided to the adjoining parcels; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that there are not any wetlands on the site; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Pret Dyer advised the Commission that 15 feet of right of way has been dedicated to DelDOT; that a 5 foot grass area, a 5 foot sidewalk, and a 10 foot landscape area have been provided; that the parking layout was designed based on the book Models for Better Development; that DelDOT has approved the entrance plan; and that they are ready to begin construction.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action.

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Motion carried 4 – 0.

Cheryl Normandeau
Preliminary Site Plan – Route 12

Mr. Abbott advised the Commission that this is a preliminary site plan for a 2-story 1,800 square foot office building located on 7,205 square feet; that the site is zoned C-1; that 1,600 square feet will be used as office space; that the setbacks meet the requirements of the zoning code; that 8 parking spaces are required and provided; that 7 spaces are located within the front yard setback and need a waiver from the Commission; that Sussex County will provide central sewer and water will be from an on-site well; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Cheryl Normandeau was present and advised the Commission that the adjoining sites have parking located in the front yard setback.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals and to grant a waiver for the parking to be located within the front yard setback. Motion carried 4 – 0.

K & K Management
Preliminary Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 4,495 square foot warehouse located on 28,250 square feet; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that the proposed height of the warehouse is 24 feet; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Myron Edwards of Klebe Homes and John Murray of Kercher Engineering were present and advised the Commission that access to the site is from an existing right of way along

the southern property line; that the warehouse will be for storage of materials; and that no fabrication will be conducted at this site.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

Millsboro Professional Building
Preliminary Site Plan – U.S. Route 113

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Mr. Abbott advised the Commission that this is a preliminary site plan for a 6,120 square foot office building located on 1.23 acres; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that 31 parking spaces are required and proposed; that a portion of 1 parking space and a portion of the loading space is located within the front yard setback and need a waiver from the Commission; that on-site septic and well are proposed; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals and to grant a waiver for the parking and loading space to be located within the front yard setback. Motion carried 4 – 0.

Subdivision #2004 – 59 – Donald K. Miller
Request for a Rehearing

Mr. Abbott advised the Commission that this is a request for a rehearing on a subdivision application that was denied due to a lack of a record in support of the application; that no one was present for the public hearing; that the surveyor referenced himself as the applicant on the application form; that the owner of the site is Debbie Brittingham; that she sent a letter requesting a rehearing since the surveyor did not notify her of the public hearing date; and that if she were notified of the hearing, she would have been present.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the request for a rehearing with the stipulation that another application fee be submitted prior to the scheduling of a hearing. Motion carried 4 – 0.

Subdivision #2003 – 34 – Williams Creek Estates
Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the Commission granted preliminary approval on March 11, 2004 and granted a time extension on February 3, 2005; and that this is the second request for an extension.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve a one-year time extension. Motion carried 4 – 0.

Subdivision #2004 – 11 – Byewood
Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the Commission granted preliminary approval on January 13, 2005; and that this is

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the first request for an extension.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve a one-year time extension. Motion carried 4 – 0.

Edward Ralph
Lot and a 50' Right of Way – Road 504

Mr. Gordy advised the Commission that he would not participating in reference to this item.

Mr. Abbott advised the Commission that this is a request to create a 50-foot right of way to serve as access to a 40,000 square foot lot; that the owner proposed to create the 50-foot right of way over an existing farm road and create a lot for his granddaughter.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve this request as submitted since there is an existing farm road located where the right of way will be created. Motion carried 3 – 0 – 1.

Uhland Pepper
2 Lots and a Right of Way – Road 88

Mr. Abbott advised the Commission that this is a request to create 2, 1-acre lots with access from an existing right of way; that the Commission approved this request on February 10, 2004 with the understanding that the right of way would be 50-feet; that now the owner cannot obtain the additional land needed to make the right of way 50-feet; that the 50-foot right of way would be across his lands only; and that the subdivision code requires all lots to have access from a minimum right of way of 50 feet.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action. Motion carried 4 – 0.

Mary Catherine Hopkins

Parcel and 50' Easement – Road 257

Mr. Abbott advised the Commission that this is a request to create a 2.0-acre parcel with access from a proposed 50 foot easement; that this request was denied on October 20, 2005; that it was reconsidered at the November 9, 2005 meeting and was deferred; that the staff inspected the site on November 8, 2005 and found that there is not any farm road, lane culvert, etc. existing; and that if the owner wants to create the lot and easement as presented, an application for a major subdivision should be required.

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Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to deny the request as submitted since there is not an existing farm lane or road where the proposed easement would be located. Motion carried 4 – 0.

Meeting adjourned at 4:20 p.m.