

MINUTES OF THE REGULAR MEETING OF DECEMBER 14, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, December 14, 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, Ms. Kimberly Hoey-Stevenson, Mr. Robert Wheatley, with Mr. Jamie Sharp – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mrs. Jennifer Walls - Planning Manager 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

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Minutes for October 26, 2017, November 2, 2017 and November 16, 2017. Motion carried 5-0.

OLD BUSINESS

C/U #2107 Galbraith Development Group

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for mini-storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.21 acres, more or less. The property is located on the northeast side of Muddy Neck Rd., approximately 980 ft. of Beaver Dam Rd. 911 Address: Not Available. Tax Map I.D. 134-17.00-8.09

The Commission discussed this application which has been deferred since November 16, 2017.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hudson, moved that the Commission recommend approval of Conditional Use #2107 for Galbraith Development Group for a to operate a mini-storage facility and office based upon the record made during the public hearing and for the following reasons:

1. The use as a mini-storage facility is of public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
2. The County Comprehensive Plan designates this location as a Developing Area. The type of use proposed by the applicant appropriate within the Developing Area according to the plan.
3. The use is to be located along Muddy Neck Road, approximately 1,000 feet from the intersection of Beaver Dam Road. It is in an area where several residential communities and several businesses exist. This is an appropriate location.
4. There was testimony in the record that there is a need for mini storage in this area. There are several nearby deed-restricted residential developments and townhouse developments that have limitation on the amount of space available for storage within a home or lot. This use serves that need in a convenient location, avoiding the creation of additional

traffic on Route 26 and other area roadways.

5. There was testimony in the record from a licensed Delaware realtor that mini storage facilities do not negatively affect property values.
6. A mini storage facility generates less traffic than other commercial, retail, or residential uses on the site. As a result, this will not adversely affect traffic on the roadways.
7. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
8. This recommendation for approval is subject to the following conditions and stipulations:
 - A. As stated by the applicant, the maximum square footage of the storage building shall not exceed 46,350 square feet. Also, none of the buildings shall exceed 15 feet in height, and they shall be clad in earth-tone colors. These requirements shall be noted on the Final Site Plan.
 - B. There shall not be any building contractor's or subcontractor's offices or workshops within the project.
 - C. There shall not be any storage outside of the building at all. Including RV, boats, automobiles, or building materials.
 - D. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.
 - E. A landscape buffer shall be installed and planted along Muddy Neck Road and the border of the project. The buffer shall be sufficient to screen the mini storage facility from view from any adjacent residential property. A landscape plan for the buffer areas shall be included with the Final Site Plan.
 - F. The perimeter of the Storage area shall be fenced and gated. As stated by the Applicant, the fencing shall be decorative along Muddy Neck Road. The type of fencing shall be shown on the Final Site Plan.
 - G. There shall be only one lighted sign allowed on the site with no more than 32 square feet per side.
 - H. The driveway and parking areas outside of the storage buildings shall be paved.
 - I. Stormwater management shall be maintained on site, using Best Management Practices.
 - J. One office shall be permitted for security.
 - K. As stated by the Applicant, the hours of operation and access shall be between 7:00 am to 9:00 pm daily.
 - L. The Final Site Plan shall be subject to approval of the 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

2017-11 Stonewater Creek Phase 7 - Seven Branch, LLC

This is a cluster subdivision. The cluster subdivision is for the creation of 100 single family lots with private roads and open space. The property is located west side of Indian Mission Rd. (Rt. 5) across from Cannon Rd. (Rd. 307) Tax Parcel: 234-16.00-19.00, 19.02, 19.04, 19.05, 19.06, & 208.00 thru 277.00 Zoning: AR-1 (Agricultural Residential District).

The Commission discussed this application which has been deferred since November 16, 2017.

Ms. Cornwell stated this application as submitted is a new subdivision; that the existing Stonewater Creek is an expandable subdivision; that this is a new subdivision and they can ask for the cluster development; and they can tie into the existing development with amenities and other items.

Mr. Hopkins stated the original Phases 1 through 9 were approved in 2003 for 708 lots; that the original development amenities were built later; that 140 more or less of lots were carved out to become part of Pelican Point; and that by adding the 30 lots, they are still only 600 lots using the amenities instead of the original 708.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hopkins, moved that the Commission recommend approval for Subdivision # 2017-11 for Stonewater Creek Phase 7- Seven Branch, LLC based upon the record made at the public hearing and for the following reasons:

1. The Applicant is seeking approval of a 100 lot clustered subdivision within the AR-1 zone. It is a stand-alone subdivision adjacent to the Stonewater Creek development, although the two will share amenities and roadways. It is the site of a previously approved 70 lot standard subdivision with less open space than what is proposed under this cluster design.
2. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
3. The proposed subdivision will have no more than 100 lots on 60.29 acres. This results in a density of approximately 1.66 lots per acre, which is less than the maximum density permitted in the AR-1 zone.
4. The prior subdivision on this site only had 18.81 acres of open space, or 31.2% of the site (not including the wastewater treatment facility and disposal areas). This cluster design significantly increases the amount of open space, with 24.4 acres, or 40.5% of site as open space. It also includes additional buffering from the wastewater treatment areas and the existing lots in the adjacent Stonewater subdivision.
5. This cluster subdivision on this site will not have an adverse impact on the neighboring properties or area roadways. It is consistent with other residential development in this area. Also, the entrance to this has been designed according to DelDOT standards and will align with Cannon Road. It will provide a secondary point of access to the adjacent Stonewater Creek subdivision.
6. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has favorably addressed the requirements of Section 99-9C of the Code.
7. I am satisfied that this project is a superior design than a standard subdivision, as required by the cluster ordinance. For example, (a) it provides for the preservation of 40.5% of the site as open space, which is greater than the standard subdivision; (b) there are buffers of at least 50 feet from all wetlands, which is more than what is required by Code; (c) that there is greater buffering between lots in this subdivision and the existing lots next to it; (d) nearly all lots have direct access to open space; and (e) a greater number of existing trees are preserved.
8. The project will be served by central water and sewer.
9. The development complies with the Sussex County Comprehensive Plan as a low density, single family dwelling subdivision.

10. This preliminary approval is subject to the following:
 - A. There shall be no more than 100 lots within the subdivision.
 - B. The lot owners shall be members of the 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 sediment 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. This buffer area may include existing vegetation. The Final Site Plan shall contain a landscaped plan for these areas.
 - F. As proffered by the Applicant, sidewalks shall be installed on both side of the streets in the site.
 - 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 be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried four (4) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-1.

C/Z #1832 MDI Investment Group, 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 Lewes and Rehoboth Hundred, Sussex County containing 6.86 acres, more or less. The property is located on the southeast side of Shady Rd., approximately 130 ft. northeast of Plantations Rd. 911 Address: Not Available, Lewes. Tax Map I.D. 334-6.00-511.00 and 334-6.00-512.00The

The Commission discussed this application which has been deferred since November 16, 2017.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hopkins, moved that the Commission recommend approval of Change of Zone #1832 for MDI Investment Group, LLC, for a change of zone from AR-1 to MR based on the record made

during the public hearing and for the following reasons:

1. The project is located in the Environmentally Sensitive Developing Area according to the County Comprehensive Land Use Plan. MR Zoning is appropriate in this Area according to the Plan.
2. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
3. The property is surrounded by land that is occupied by multifamily housing and office uses. In addition, there is an adjacent property that was rezoned to MR with a conditional use to allow multifamily development. It is also in an area near Route One commercial corridor and nearly across from DelDOT's new transit center. The rezoning is consistent with other zoning and land uses in the area.
4. The rezoning to MR will not have an adverse impact on neighboring properties or the community.
5. MR zoning is appropriate for this site because Medium Density development is appropriate in areas where central water and sewer are available. In this case, sewer service will be provided by Sussex County and adequate wastewater capacity is available. Water service will be provided by a publicly regulated water company.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried four (4) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-1.

C/U #2106 MDI Investments Group, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family units (52 townhomes) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 6.86 acres, more or less. The property is located on the southeast side of Shady Rd., approximately 130 ft. northeast of Plantations Rd. 911 Address: Not Available, Lewes. Tax Map I.D. 334-6.00-511.00 and 334-6.00-512.00

The Commission discussed this application which has been deferred since November 16, 2017.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hopkins, moved that the Commission recommend approval of Conditional Use #2106 for MDI Investment Group, LLC for multi-family dwellings in an MR Medium Density Residential District based on the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 52 single family duplex-type structures on 6.86 acres, for a density of approximately 7.58 units per acre. By comparison, the density on the adjacent Arbors of Cottagedale MR multifamily development is 9.29 units per acre.
2. The property is surrounded by other multifamily residential development as well as business and commercial uses and a DelDOT transit center. This project is consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area

according to the Plan.

4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The proposed density is within the allowable density in the MR District, and it is less than the density of an adjacent approved, but not yet built, multifamily development.
6. The project will have approximately 60% open space.
7. The development will be served by central sewer provided by Sussex County.
8. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 52.
 - B. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.
 - E. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - F. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7am and 6pm Monday through Saturday.
 - G. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - H. The applicant shall form a condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
 - I. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
 - J. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - K. The applicant shall coordinate with the local School District to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
 - L. As stated by the Applicant, there shall be a shared entrance and interconnectivity with the adjacent wellness center property.
 - M. 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 four (4) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-1.

PUBLIC HEARINGS

Mr. Sharp described how the public hearings are processed.

2017-12 Frederick B. & Darlene M. English

This is a standard subdivision. The standard subdivision proposes to subdivide 37.34 acres into four (4) single family lots with private roads and open space. The property is located west side of Old Stage Road (Rd. 461) and south of Laurel Road (Rt. 24). Tax Parcel: 332-2.00-76.00 (part of). Zoning: AR-1 (Agricultural Residential District).

Mr. Ross recused himself.

Ms. Cornwell advised the Commission that submitted into the record were comments from Sussex Conservation District, Delaware Electric Coop, DNREC Division of Air Quality, DNREC Division of Fish and Wildlife, Mapping and Addressing and Public Health Department

The Commission found that Frederick English was present on behalf of the application; that Mr. English stated they want to divide 37 acres into four lots; and a soil feasibility test has been done.

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

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

Mr. Wheatley, moved that the Commission grant preliminary approval of Subdivision 2017-12 for Frederick & Darlene English, based upon the record made during the Public Hearing and for the following reasons:

1. This subdivision seeks to create 4 single family lots from a 37.4 acre parcel.
2. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
3. The land is zoned AR-1 which permits low density single family residential development. The Proposed subdivision is significantly less than the allowable density in the AR-1 District.
4. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
6. The proposed subdivision will not adversely affect traffic on area roadways.
7. The Applicant is granted a waiver from the landscape buffer requirement.
8. This preliminary approval is subject to the following conditions:
 - A. There shall be no more than 4 lot within the subdivision.
 - B. All entrances shall comply with all of DelDOT's requirements.
 - C. The Final Site Plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the Preliminary Subdivision (2017-12) with a waiver request for Frederick B. Darlene M. English for the reasons stated. Motion carried 4-0-1.

C/U #2108 Bella Terra, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential

District) for a landscape business with outdoor storage and a retail garden center to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 39.004 acres, more or less. The property is located on the west side of Spicer Rd., approximately 370 ft. south of Milton-Ellendale Hwy. 911 Address: 13482 Spicer Rd., Ellendale. Tax Map I.D. 230-27.00-70.00

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from Sussex Conservation District, and conceptual site plan.

The Commission found that Michael Schimmel was present on behalf of the application; that Mr. Schimmel stated the company has grown; that he used a seven acres parcel down the road which has a conditional use; that he has purchased this land and wants a conditional use for a landscaping business and retail garden center; that he was to starting growing plants, shrubs, trees, etc.; that he would like to open a retail garden center along with the landscape business; that the use does exist; that they have 45 to 50 employees now and expect another 20 or more employees for the retail center; that they intend to grow most of the items and bring in other items; that the hours of operation for the retail center are 7:00 am to 7:00 pm Monday through Saturday; that they are closed on Sunday; that the retail center would be open on Sunday; that they have a snow removal operation which will have different hours depending on weather; that approximately 20 acres of the property is wooded and 20 acres of the property has been cleared; that they plan to leave the woods; that they would like a 32 square foot sign; that there will be approximately 50 parking spaces for the retail center; however, start off with 20 parking spaces; that there are 30 parking spaces for the landscaping business trucks; that there is no chipping or mulching on the site; that the proposed hours of operation of the landscape business is 6:00 am to 8:00 pm; that this will allow for closing of the store in the evening and staff to pick up equipment in the morning; that they have 15 trailers; that they will have 50 employee parking spaces; that some of the employees have company vehicles, reducing the number of personal vehicles on site; that they will store mulch for use and sales; that they have an in house mechanic and all the work is done indoors; and that the hours of operation for the landscaping business is Monday through Saturday 6:00 am to 8:00 pm and the retail center will be Monday through Sunday 6:00 am to 8:00 pm.

The Commission found that no one spoke in favor of or in opposition to the application.

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

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2109 Quakertown Wellness Center

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a holistic treatment center including massage, acupuncture, and chiropractor to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.55 acre, more or less. The property is located on the southeast side of Savannah Rd., approximately 0.85 mile east of Wescoats Rd. 911 Address: 1204 Savannah Rd., Lewes. Tax Map I.D. 335-8.14-49.00 and 335-8.00-35.00

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

The Commission found that Kim Furtado was present on behalf of the application; that Ms. Furtado stated that the business has been in operation since 2001; that they were operating their practice about five doors down the street; that they are an established center that provides wellness services; that are asked to moving their practice and found this location; that they have practitioners ranging from massage therapy, acupuncture, naturopathic medicines and natural healings; that the hours of operation are 7:00 am to 9:00 pm Monday through Saturday; that all the work is by private appointment; that most appointments are between 9:00am and 5:00pm; that there are some classes or meditation classes in the evening; that are some workshops on Saturday; that there are some Sunday classes or treatment session; that there will be one 32 square foot lighted sign per side; that they will have trash pick-up, using residential containers, and there will not be a dumpster on the site; that there will be a buffer on the southwest of the property; that they offered a living hedge but the owner wants a fence and they are willing to install a fence; and that they will have parking; that they will comply with all DelDOT requirements; that they will do a site plan; that the use is consistent with other medical uses along the road; and that she submitted 25 letters of support in addition to the 65 letters of support that were already submitted.

The Planning Commission found that Rev. Sue Grier and Athena Aldridge spoke in favor of the application; that they have worked with the center; that that this was a good location; that this would create a lot of new jobs; and that they have community support and it is a good location for a healing center.

The Commission found that no one spoke in opposition of the application.

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

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

C/Z #1835 HKLS, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a B-1 (Neighborhood Business District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 4.484 acres, more or less. The property is located on the southwest corner of Plantations Rd. and Cedar Grove Rd. 911 Address: Not Available, Lewes. Tax Map I.D. 334-12.00-51.00

Ms. Cornwell advised the Commission that submitted into the record were a site plan, exhibit booklet, 3 letters of support, comments from the Sussex Conservation District, staff analysis, and staff would amend the staff analysis due to the Board of Adjustment granted approval for an assisted living facility adjacent to this property; therefore, the change of zone could be consist with the uses in the neighborhood.

The Commission found that Robert Gibbs, Esquire of Morris James Wilson Halbrook and

Bayard, LLP, three of the four members of HKLS, LLC, and Ring Lardner with Davis, Bowen and Friedel were present on behalf of the application; that Mr. Gibbs stated that the property is zoned AR-1 and is vacant that the proposed zoning classification is B-1; that this property was previously granted an conditional use for medical offices in 2009; that the project did not go forward; that the intent of the property is for the use of general business and professional offices as permitted in the B-1 Zoning District; that this is an Environmental Sensitive Developing Area and Mixed Residential Area per the Future Land Use plan in the 2008 Comp Plan; that it is in the a Level 2 in the State Strategies; that the use is consistent with the strategies and land use; that DelDOT previously granted a letter of no objection in 2009 for the prior application; that a Service Level Evaluation was completed for the new application and the results are in the file; that a TIS was not required for the rezoning; that the property does not contain any federal wetlands, it is not in any floodplain and no known historical places; that the property is served by Sussex County sewer and Tidewater Utilities for water; that Plantations Road is beginning to develop for economic growth; that the Board of Adjustment just granted a Special Use Exception for an assisted living facility on the adjacent property; that this property is located at the new intersection of Plantations Rd. and Cedar Grove Rd.; that this an ideal use for the site; that there is mixed use holistic center, Plantations Park Community Center, Metropolitan Community Church of Rehoboth and an Sussex County Paramedic station in the area; that there is another pending rezoning to B-1 in the area; that Lowes in at the other end of Plantations Rd.; that the Beebe Complex is located on Route 24 and plans to expand and this would be consistent with that use; that there are many different zoning districts in the area; that is could help reduce the need to go out onto Rt. 1 for services; that Mr. Lardner state that the primary access would be off of Cedar Grove Rd.; that DelDOT left an entrance off of Cedar Grove Rd. when the intersection was redesigned; that there could be access off of Plantations Road depending on discussion with DelDOT; that there has been some discussion about the possibility of interconnectivity with the potential assisted living facility; that this would be reviewed as part of the site plan if the Change of Zone is approved; that Mr. Gibbs stated that the propose of the B-1 Zoning District is consistent with the area and would be a permitted use the area; and that there is a cemetery in the area that will be delineated.

The Commission found that no one spoke in favor of or in opposition to the application.

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

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/Z #1836 Softball World, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Georgetown Hundred, Sussex County containing 8.00 acres, more or less. The property is located on the south side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.79 mile east of Sand Hill Rd. 911 Address: 22518 Lewes-Georgetown Hwy., Georgetown. Tax Map I.D. 135-15.00-82.00 (portion of)

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, survey, staff analysis, and comments from the Sussex Conservation District.

The Commission found that Mark Davidson, with Pennoni Associates, Pete Townsend, owner of Softball World, LLC and DJ Hughes, with Davis, Bowen, and Friedel; that Mr. Davidson stated this is to rezone a portion of the parcel; that there is a current Conditional Use on the property; that they are proposing to rezone the front portion of eight acres to CR-1; that this project started back in 2002 with a Conditional Use for a sports facility for baseball and softball; that on the parcel there is a baseball field, concession stand, player and coach dormitories; that there are some proposed parent dormitories on the site plan; that there have been certain activities added; that there is an indoor recreational building for players to be able to practice baseball indoors; that only five of the players dormitories were built; that there was some parent dormitories that were not built; that this property does border the Sussex County Airport; that approximately eight and half acres containing the proposed three parent dormitories; that the expansion of the Airport would not allow the three dormitories to be built in the proposed location; that it only left the eight acres in the front portion to build; that the applicant proposes to build a three story hotel and a restaurant to support the hotel as well as sport facility; that central sewer is provided by the Town of Georgetown; that if approved they will ask the Town of Georgetown to provide water; that there is an existing entrance; that they are working with DelDOT on a TIS; that DelDOT did need a signal analysis; that there are other commercial properties and conditional uses in the area; that the property is in a growth area; that it is on a major collector highway; that it is in the Level 2 State Strategy area; that height limit for this area is 60 feet per the airport; that there will be no public nuisance; and that this proposal can keep parents on the site and off the road.

The Commission found Tommy Cooper was in favor of the application; that Mr. Cooper stated tourism is the life blood of Sussex County; that Mr. Cooper read a letter from Southern Delaware Tourism; that the proposed plan is to add a hotel, restaurant and convenience store in front of the property; that this will increase tournament play and reduce traffic on Route 9; and that the proceeds will fund improvements to the Sports at the Beach.

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

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

Motion by Mr. Hopkins, seconded by Ms. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/Z #1837 ABC Woodlands, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) and a GR (General Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Indian River Hundred, Sussex County containing 16.211147 acres, more or less. The property is located on the southwest corner of Long Neck Rd. and School Ln., and also being on the south side of Long Neck Rd., approximately 1,000 ft. west of School Ln. 911 Address: Not Available. Tax Map I.D. 234-23.00-273.01, 234-23.00-273.02, 234-23.00-273.03

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, staff analysis, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation and a survey.

The Commission found that Mark Davidson, with Pennoni Associates and Charles Eggleston were present on behalf of the application; that Mr. Davidson stated this request is to rezone 16.2 acres which is over a total of 3 parcels that are AR-1 and GR to CR-1 zoning; that the property is across from Baywood Golf Club; that at the intersection is Palmer Shopping Center, County Bank, Ace Hardware store and etc.; that west of the property is zoned C-1; that located behind the property is the Long Neck Elementary School; that they have owned this property since 1993; that the property is located on a major collector road; that it has central sewer provided by Sussex County; that it is in the service area of Tidewater Utilities for water; that it is located in the Environmentally Sensitive Developing Area; that it is in the Highway Commercial area; that there is mixed residential in the area with multi-family and single family housing; that they are looking at a mixture of uses on the property; that DelDOT did not require a TIS for rezoning; that the property is in a Level 2 State Strategies area; that the request it is in line with other commercial areas; that it is located at a signaled intersection; that they will combine the parcels; that DelDOT requires them to use the access off of the lesser road which is School Lane; and that there are townhomes adjacent to the property.

The Planning Commission found that no one spoke in favor or in opposition of the application.

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

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

OTHER BUSINESS

Tingle Estates (2017-08)

Final Subdivision Plan

Mr. Whitehouse advised the Commission that this is a Final Subdivision Plan for a major subdivision to subdivide two lots (Lot 2 and 3) and a residual Lot 1 from a total area of 7.49 acres +/- with the extension of a 50ft. easement off an existing driveway located off Piney Neck Rd. Planning Commission approved the Preliminary Subdivision Plan on August 24, 2017 with waivers from the street design standards and the forest buffer requirements. The final plan complies with County Code. Zoning District: AR-1. Tax Parcel: 233-6.00-119.01. Staff in receipt of all agency approvals.

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

Cape Henlopen School District (S-17-27) and (CU 2070)

Final Site Plan

Mr. Whitehouse advised the Commission that this is a Final Site Plan to construct a 105,262-square foot school building (with alternatives) in addition to site improvements on a 24.816-acre parcel located off Sweet Briar Rd. Conditional Use 2070 for the Sussex Consortium School in the Cape Henlopen School District was approved by Planning and Zoning Commission on January 26, 2017. Planning Commission granted preliminary site plan approval on May 18, 2017. The Final Site Plan complies with County Code and staff is in receipt of all agency

approvals. The property is zoned AR-1. The Tax Parcel is 235-27.00-20.00.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the final site plan. Motion carried 5-0.

Coastal Club-Land Bay 6

Final Site Plan

Mrs. Walls advised the Commission that this is a Final 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. Planning Commission granted preliminary site plan approval on November 17, 2016. The Final Site Plan complies with the County Code. Staff is in receipt of all agency approvals. The Tax Parcels are 334-11.00-5.00, 5.01, 5.02, 5.03, 311.00, 393.00, 395.00, 396.00.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the final site plan with protection of the cemetery. Motion carried 5-0.

The Vines at Sandhill (2006-73) (previously the Estates of Sandhill Valley)

Revised Subdivision Plan, Amenities Plan and Phasing Plan

Mr. Whitehouse advised the Commission that this is a Revised Subdivision Plan, Amenities Plan and Phasing for 393 single-family lots and associated open space as part of a major cluster subdivision in the AR-1 Zoning District. The plans show a revision to the clubhouse and amenities that were approved by Planning & Zoning Commission at their meeting of August 11, 2011. The location of the clubhouse is now in the north-west corner of the site and lot locations have been revised within the site accordingly.

Tax Parcel ID: 135-10.00-63.00, 63.01, 63.02, 63.03, 63.04, 63.05, 63.06, 63.07, 63.08, 63.09, and 63.10. The Revised Final Subdivision Plan, Amenities Plan and Phasing Plan comply with the County's zoning code. The Planning Office is in receipt of all agency approvals.

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

The Preserve at Jefferson Creek (MR/RPC)

Revised Site Plan

Mr. Whitehouse advised the Commission that this is a Revised Site Plan for a Medium Density Residential Planned Community (MR-RPC) accessed from Double Bridges Road. Site Plan Approval was granted by Planning & Zoning Commission at its meeting of September 19, 2007 for 128 units comprising 40 single-family homes and 88 townhouses. The Revised Plan submitted is for 123 units comprising 45 single family condominiums and 79 town house condominiums with a club house building and pool. The minimum separation between single family dwellings has been reduced from 15' to 10'. The Tax Map is 134-17.00-39.00. The Revised Site Plan complies with all conditions of approval and the County Code. Staff is in receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the preliminary site plan and final site plan. Motion carried 5-0.

Hawthorne (2005-73)

Preliminary Amenities Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Amenities Site Plan for the construction of a 4,187 SF clubhouse building, car parking and associated amenities to be provided to serve a 213-lot cluster subdivision located on the north side of Lewes-Georgetown Hwy. The property is zoned AR-1 (Agricultural Residential District). The tax parcel is 135-11.00-66.00. The Site Plan complies with County Code. Staff is in receipt of all agency approvals.

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

Royal Farms #296 (S-17-46)

Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Site Plan for the construction of a 5,166 SF Royal Farms Store with 14 fuel pumps, parking, and landscaping on a 1.19 acre site +/- at the southeast corner of Lewes-Georgetown Hwy. and Harbeson Rd. The property is zoned CR-1. The tax parcel ID is 235-30.00-68.00, 69.00 and 70.00. The Site Plan complies with County Code, but includes parking in the front yard setback, which requires Commission approval. Staff is awaiting agency approvals.

The Commission discussed the application and found that Mr. Wheatley stated the entrance off Harbeson Rd (Route 5) should have two lanes to exit be a separate right out and left out and that the Commission is striving to preserve the Right-of-Ways and avoid parking in the front yard setback; that Mr. Jeff Harmon with Becker Morgan Group was present on behalf of the owner; that Mr. Harmon stated there is a 35-foot wide entrance at Harbeson Rd; that there will be a right in, right out and a left out of Royal Farms parking lot at Harbeson Road; that they have done a TIS with DelDOT and worked with DelDOT to configure entrances and dedication of additional right of way to provide for future road widening plans; that the site plan provides for cross access and interconnectivity for adjacent parcels for both entrances; that the site configuration is a result of the negotiations with DelDOT regarding entrances and cross access; that they realize parking in the front yard setback is not ideal, however in this case makes the most sense due to the interconnectivity and additional dedication of right of ways; that the Board of Adjustment approved a variance (#12001) to allow the gas canopy in the front yard setback; that Mr. Ross clarified cross access and interconnectivity will be provided for both entrances at Route 9 and Harbeson Road; that they provided approximately 10' additional Right of Way along Route 9; and that parking in setback has already been moved back 10' because of the Right of Way.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the preliminary site plan with final site plan approval by staff with the final plan to reflect two lanes to exit onto Harbeson Rd and upon receipt of all agency approvals. Motion carried 5-0.

Tidemark Federal Credit Union Rt. 54 Branch (S-17-47)

Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Site Plan for the construction of a 2,607 SF bank with associated parking and landscaping located on Lighthouse Rd. The

property is zoned C-1 (General Commercial District). The Tax Parcel is 533-12.00-76.06. The Preliminary Site Plan complies with County Code and staff is awaiting agency approvals.

Commission discussed the preliminary site plan and requested the owner to consider providing interconnectivity to adjacent parcels.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the preliminary site plan with final site plan subject to staff upon receipt of all agency approvals and to include interconnectivity to adjacent undeveloped property. Motion carried 5-0.

Meadowview, Lot 10

Discussion regarding Major Subdivision

Ms. Cornwell advised the Commission that the Planning Office received the subdivision plan for consideration. The Commission is asked to determine whether the application would be considered a major subdivision requiring a public hearing as it is an increase to the density within an existing subdivision, or a minor subdivision. The parcel is part of a 13 lot major subdivision approved in 1996. The applicant has requested to subdivide Lot 10, a 13 acre lot, which would result in an increase in density of an existing subdivision.

The Commission found Mark Davidson with Pennoni Associates present on behalf of the property; that Mr. Davidson stated that the subdivision was created as strip lots along Camp Road; that there are ten lots; that the property consisted of 42 acres; that the deed restrictions do not restrict them from asking for additional lots; that he believes that the lots were subdivided as a minor subdivision and not a major subdivision; that they have 60% majority vote of the ten property owners; that they got six yes, two no and two did not reply to allow owners to subdivide the parcel; that Mr. Ross stated Lot 10 appears to be part of a major subdivision which requires a public hearing to further subdivide.

No action required.

Meeting adjourned at 8:19 p.m.