



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF DECEMBER 16, 2010

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 16, 2010, in the County Council Chambers, County Administrative Office Building in 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. Rodney Smith, Mr. Michael Johnson, Mr. I. G. Burton, III, and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 5 - 0.

OLD BUSINESS

C/Z #1697 – application of **LAND TECH RECEIVER SERVICES, LLC** for an Ordinance to modify Condition No. 10 imposed on Ordinance No. 1573 for Change of Zone No. 1475, the application of Ribera-Odyssey, LLC, as amended by Ordinance No. 2018 for Change of Zone No. 1657, the application of Peninsula At Long Neck, LLC for “The Peninsula”, a MR-RPC Medium Density Residential District – Residential Planned Community, to extend the time to construct and open for use the golf clubhouse and nature center facilities.

The Commission discussed this Ordinance which has been deferred since November 18, 2010.

Subdivision #2005-24 – application of **CASCADE PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 258.64 acres into 494 lots (Cluster Development), located north of Road 16, south of Road 231 (Reynolds Pond Road) and 2,400 feet east of Road 226 (Holly Tree Road).

PUBLIC HEARINGS

C/Z #1685 – application of **SHELAH BRANCH FARMS, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, land lying north of Route 20 (Hardscrabble Road) and 1,200 feet west of Road 431 (Shortly Road), to be located on 9.024 acres, more or less.

The Commission found that this application was originally filed on February 26, 2009; that the application was introduced on May 5, 2009; that the application was advertised for public hearings for May 26, 2010 before the Planning and Zoning Commission and June 24, 2010 before the Sussex County Council; that the Applicant requested that the application be taken off of said agendas so that they could submit an application to the PLUS process; that they did submit for PLUS review and comments; and that the application was re-advertised for this date.

The Commission found that the Applicant submitted an Exhibit Booklet on December 6, 2010 for consideration and that the Exhibit Booklet contains a color rendering of the site plan, qualifications of Mark Davidson and Design Consultants Group, a copy of the application form and site plan, excerpts from the Comprehensive Land Use Plan, copies of deeds and a survey of the existing improvements on the site, site evaluation reports on replacement septic systems, a copy of the PLUS application form and responses, suggested proposed Findings of Fact, correspondence with DelDOT, and a series of photographs and maps.

The Commission found that on June 15, 2010 the Sussex Conservation District provided comments in the form of a Memorandum which referenced that the site contains six soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm hazard areas affected; that there is a tax ditch on the western property line and that the project should have no affect; that it is not likely that off-site drainage improvements will be required; and that it is possible that on site drainage improvements will be required.

The Commission found that on December 13, 2010 the County Engineering Department provided comments in the form of a Memorandum which references that that site is located in the Western Sussex Planning Area #5; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

C/U #1869 – application of **JOHN AND NICOLE SCOTT** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structure (5 units) to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 5.09 acres, more or less, lying northeast of Road 494 (Airport Road) 1,400 feet east of Road 497 (Old Hickory Road).

The Commission found that this application was filed on July 6, 2010 and that the Applicant was cited for Code violations on May 3, 2010.

The Commission found that on December 6, 2010 the Applicant provided an Exhibit Booklet which contains a copy of a deed to the property, an aerial photograph of the property and surrounding area, a copy of the survey/site plan for the project, DelDOT comments, a copy of the application form, a report explaining the application and on compliance with the Zoning Code and Comprehensive Plan Update, suggested proposed Findings of Fact, and photographs of the improvements.

The Commission found that on December 10, 2010 the County Engineer provided comments in the form of a memorandum which references that the site is located in the Groundwater Management Zone for the Sussex County Landfill #5 – Laurel; that the County has entered into two Memorandum of Understandings with the State DNREC establishing the Groundwater Management Zones around the landfill site and the surrounding properties; that the three Groundwater Management Zones consist of three concentric zones where wells are restricted and/or limited; that this parcel is within the “No Well”, the “A” Zone and the “B” Zone portion of the Zones; that this property is currently served by the central water system owned and operated by Tidewater Utilities, Inc.; that all units will be required to connect to the central water system; that if the five proposed units are proposed to be conveyed to new owners, the deed for each unit shall have the following notation placed upon it: “The property identified herein is located within the Sussex County Landfill #5 – Laurel Groundwater Management Zone (GMZ), and has certain regulations placed upon it concerning any proposed land and/or groundwater use. Contact the Sussex County Engineering Department for additional information.”; that excavations, including residential basement construction, on the property will not be allowed without additional studies being performed to determine if it will be environmentally compatible with the landfill property; and that any activity that alters the current groundwater flow direction or lowers the water table on the adjacent Sussex County property shall be prohibited.

The Commission found that on December 13, 2010 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum which reference that the site is located in the Western Sussex Planning Area #4; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

C/U #1877 – application of **TIDEWATER UTILITIES, INC.** to consider the Conditional Use of land in a GR-RPC General Residential District – Residential Planned Community for an elevated water storage tank/public utility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 24,177 square feet, more or less, lying south of Angola Road (Road 277), approximately 710 feet west of Angola Beach Road (Road 278).

The Commission found that this application was filed on September 29, 2010.

The Commission found that on December 6, 2010 the Applicant provided an Exhibit Booklet which contains a copy of Ordinance No. 1875, the original approval for C/U #1694 for an elevated water storage tank/public utility for this site approved in 2006; a copy of the September 14, 2006 Minutes of the Planning and Zoning Commission; a copy of the Purpose of a Conditional Use from the Zoning Code; a copy of portions of the Comprehensive Land Use Plan; an introductory summary, maps, site plans, and aerials, a structural stability report, letters from Delaware Health and Social Services, a report from the Federal Aviation Administration (FAA) for determination of no hazard to air navigation, comments from DelDOT, the Office of the State Fire Marshal, the Sussex Conservation District, and proposed suggested Findings of Fact and Conditions of Approval for consideration.

The Commission found that on December 13, 2010 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum that references that the site is located in the Angola Neck Sanitary Sewer District; that wastewater capacity is available for the project; that the location and size of laterals or connection points will have to be approved by the County Engineer; that there is no service to the site at this time; that the sewer district is currently under construction and is scheduled to become operational as early as the summer of 2011; that if the proposed or future use generates domestic type wastewater, a connection to the sewer system is required; that if filtration backwash or other treatment plant operations will discharge to the wastewater system, additional information is required prior to receiving connection approval from the Engineering Department; that the County will require pretreatment or may not approve connection to the sewer system; and that a concept plan is required.

C/U #1878 – application of **FREEDOM WORSHIP CENTER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a private school to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 2.0 acres, more or less, lying southeast of Shockley Road (Road 202) 700 feet southeast of Route 36.

This application was withdrawn on November 19, 2010.