

MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2013

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 19, 2013, 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. I.G. Burton, Mr. Michael Johnson, and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

PUBLIC HEARINGS

Conditional Use #1974 – Sara Kay I. Phillips

Application of **SARA KAY I. PHILLIPS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a hair salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.767 acre, more or less, lying northwest of Route 9 (Savannah Road) and across from Quaker Road (Tax Map I.D. #3-35-12.06-7.00).

The Commission found that the Applicants submitted a survey and site plan with some floor plans for the building with the application.

The Commission found that on September 27, 2013 DelDOT commented that the Department has reviewed the proposal and that a Traffic Impact Study is not recommended, and that the current Level of Service “E” will not change as a result of this application.

The Commission found that on December 13, 2013 the Department received comments from the County Engineering Department Utility Planning Division referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available, if the proposed use does not exceed approximately 1.0 Equivalent Dwelling Unit (EDU) of sewer assessment; that the planning study and design assumption for the parcel is 1.0 EDU based on a residential use on a residentially zoned parcel of less than 1.0 acre; that if the proposed use is expected to exceed 1.0 EDU, additional information should be provided and a capacity review completed prior to approval; that the current System Connection Charge Rate is \$4,822.00 per EDU; that the parcel was provided with a 6-inch lateral located along the parcel’s frontage on Savannah Road; that it is noted that the parcel is served with central sewer and that the existing house is connected; that

an on-site septic is not permitted; that conformity to the West Rehoboth Expansion Area Planning Study will be required; and that a concept plan is not required.

The Commission found that Sara Kay I. Phillips was present and stated in her presentation and in response to questions raised by the Commission that she is proposing a small hair salon; that the salon will be operated by her daughter; that the site had been previously approved for a dentist office, but never developed; that the business will operate from 9:00 a.m. to 8:00 p.m. Monday through Friday, and Saturdays from 8:00 a.m. to 2:00 p.m.; that she will be purchasing the property if the use is approved; that there will not be any Sunday hours; that a small sign will be adequate; that three parking spaces are proposed in the front yard; that a handicap ramp is being designed and will be built for access to the salon; and that she has spoken to an immediate neighbor and heard no opposition.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 1974 for Sara Kay I. Phillips for a hair salon based upon the record made during the public hearing and for the following reasons:

- 1) The use will be a small salon operated by the applicant's daughter.
- 2) The use is in an area where other small businesses and professional offices exist. There are also some large scale commercial retail uses in the vicinity.
- 3) The use, in the existing structure, will resemble a home occupation in its size and scope.
- 4) The use will have no impact upon traffic or area roadways.
- 5) The use will not adversely affect neighboring properties or the community.
- 6) The site was previously approved for a small scale conditional use, and this recommendation is consistent with the prior approvals.
- 7) This recommendation is subject to the following conditions:
 - A. The use shall be limited to a small salon within the existing structure on the premises.
 - B. All entrances shall be subject to DelDOT approvals.
 - C. The hours of operation shall be between 9:00 a.m. and 8:00 p.m. Monday through Friday, and 8:00 a.m. and 2:00 p.m. Saturdays. No Sunday hours shall be permitted.

- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- E. The parking shall comply with all Sussex County parking requirements.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously 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 4 – 0.

OITHER BUSINESS

Americana Bayside MR/RPC

Parcel 301 – Phase 16 Final Site Plan

Mr. Abbott advised the Commission that this is the final record plan for 7 single-family lots; that the Commission granted preliminary site plan approval for this phase on September 20, 2006; that the final record plan is the same as the preliminary plan; that the proposed setbacks for this phase are 20 feet from the front, 5 feet from the sides and 10 feet from the rear lot lines; that the final record plan complies with the subdivision and zoning codes and the conditions of approval; that all agency approvals have been received; and that the Commission was previously provided a copy of the site plan.

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

Coastal Club MR/RPC

Phase 1 – Final Site Plan – Road 285

Mr. Abbott advised the Commission that this is the final record plan for 83 single-family lots and 70 townhouse units; that 14 townhouse buildings are proposed; that the Commission granted a revised Phase 1 preliminary approval on November 3, 2011; that the final record plan is the same as the preliminary plan; that the final record plan complies with the subdivision and zoning codes and the conditions of approval; that all agency approvals have been received; and that the Commission was previously provided a copy of the site plan.

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

Red Mill Pond – Phase 3

Revised Preliminary – Road 261

Mr. Abbott advised the Commission that this is a revised preliminary plan for a portion of the Red Mill Pond Subdivision; that the revised plan deletes Spring Brook Road and Olmstead Road; that by deleting these two roads, it enables Golden Sunrise Place to continue as a through road; that the relocation and extension of Golden Sunrise Place results in the shifting of some of the lots; that there are still 347 lots permitted and proposed; that all agency approvals have been received and that final approval could be granted; and that the Commission was previously provided a copy of the revised plan and a portion of the approved plan.

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

Subdivision #2004 – 50 – PGS Properties, LLC

Longwood Lakes – Amended Condition

Mr. Abbott advised the Commission that this is a request to delete the condition requiring sidewalks on one side of all streets within this subdivision; that this 72 lot subdivision received final approval on October 17, 2007; that the developers are requesting that this condition be removed since all of the lots exceed 0.50 acre in size; that there is an abundance of open space provided throughout the project; that the project is located in a Low Density Area; that walking paths surround both of the storm water management ponds; that the project is currently under construction and no lots have been conveyed; and that the Commission was previously provided a copy of the site plan and a letter from the applicant's engineers.

Mark Davidson of Pennoni Associates, Inc. was present on behalf of this request and stated in his presentation and in response to questions raised by the Commission that most of the lots abut open space; that there are buffers around the lots; that the project is located in a rural area; that the project is under construction; that there is 5,800 linear feet of sidewalk that would be required; that DelDOT has allowed developers to remove multi-modal paths in rural areas where there are not developments adjoining one another; that there are no requirements for developers to fund projects that are located in Level 3 and 4 Investment Areas; that by removing the sidewalks, there is enough room within the rights of way for safe pedestrian movement; that walking trails have been provided; that costs have increased over time; that by deleting sidewalks, impervious areas will be reduced; that the cost of the sidewalks would be roughly \$170,000.00; that curb and gutters are not proposed; and that the project calls for road side swales.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action so that all Commission members may participate in the discussion. Motion carried 4 – 0.

Subdivision #2007 – 43 – Cool Spring Equities, LLC
Spring Town Farms – Amended Conditions

Mr. Abbott advised the Commission that this is a request to amend 2 conditions of the preliminary approval for this application; that this application originally received preliminary approval for 67 cluster lots on August 19, 2009; that the Commission granted a revised preliminary approval for 41 - 0.5 acre lots on November 15, 2012; that the developers are requesting that the condition requiring sidewalks on one side of all streets be deleted due to the larger size of the lots, the abundance of open space and since the subdivision is located in a low density area; that a mulch walking trail is proposed; that the second request is for the clarification of conditions G and P; that condition G states that a 30-foot forested agricultural buffer shall be shown along the boundaries bordering on any land used primarily for any agricultural purpose; that the final site plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer; that condition P states the berm/landscape feature shall be grassed at a minimum and any additional plantings at the applicant's choice shall be shown on the final site plan; that the developer is proposing to utilize existing forested areas where feasible for the buffer; that the other areas are proposed to be a berm and planted with grass and trees planted every 100 feet; and that the Commission was previously provided a copy of the site plan and a letter from the applicant's engineers.

Mark Davidson with Pennoni Associates, Inc. was present on behalf of this request and stated in his presentation and in response to questions raised by the Commission that approximately 3,700 linear feet of sidewalk would be required for this project at a cost of roughly \$110,000.00; that DelDOT has allowed the multi-modal path to be removed since the project is located in a Level 4 Investment Area; that all of the lots abut open space; and that a berm would be installed along all open space and planted with grass and trees at every 100 feet as presented during the public hearing.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to delete condition K requiring sidewalks on one side of all streets. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to clarify condition G in that a 30-foot forested buffer is required along any lands adjoining agricultural uses, and shall not include berms. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to clarify condition P in that berms are permitted outside of any required agricultural buffers. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to require that a revised plan be submitted showing the walking trails throughout the project. Motion carried 4 – 0.

Minutes – December 19, 2013

Subdivision #2007 – 43 – Cool Spring Equities, LLC
Spring Town Farms – Final Record Plan

The Commission took no action on this item.

Meeting adjourned at 7:40 p.m.