



# PLANNING & ZONING

## AGENDAS & MINUTES

### MINUTES OF THE SPECIAL MEETING OF MAY 19, 2010

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, May 19, 2010 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Rodney Smith, Mr. I.G. Burton, III and Mr. Marty Ross along with Mr. Vincent Robertson – Assistant County Attorney and Mr. C. Shane Abbott – Assistant Director.

Mr. Abbott advised the Commission that item #13. Bay City Mobile Home Park under Other Business was removed from the Agenda on May 3, 2010 and will be placed on the June 16, 2010 agenda.

Motion by Mr. Ross, seconded by Mr. Burton and carried 3 votes to none, to approve the Agenda as amended. Motion carried 3 – 0. Mr. Smith was not present.

Motion by Mr. Ross, seconded by Mr. Burton and carried 3 votes to none, to approve the Consent Agenda as circulated. Motion carried 3 – 0. Mr. Smith was not present.

The Consent Agenda included:

**Subdivision #2007 – 7 - -** application of **TUONG T. QUAN** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 20.25 acres into 18 lots, located north of Road 78, 800 feet west of Road 490A.

This is the final record plan for an 18-lot standard subdivision; the Commission granted preliminary approval on September 25, 2008 and granted a one-year time extension on December 16, 2009; the final record plan is the same as the preliminary plan and complies with the subdivision and zoning codes and the conditions of preliminary approval; and all agency approvals have been received.

CU #1818 – Memorial Volunteer Fire Co., Inc.  
Time Extension

This is a request for a one-year time extension; this conditional use for a fire department substation was approved on January 13, 2009; the Commission granted preliminary site plan approval on February 18, 2009 and the staff granted final site plan approval on April

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26, 2010; this is the first request for an extension; if an extension is granted, it shall be retroactive to the anniversary date of approval and approval will be valid until January 13, 2011.

Subdivision #2008 – 24 - - Gregory A. & Charlotte L. Hastings  
Time Extension

This is a request for a one-year time extension; the Commission granted conceptual approval on May 14, 2009 and preliminary approval on January 20, 2010; this is the first request for a time extension; if an extension is granted, it shall be retroactive to the anniversary date of the conceptual approval and preliminary approval will be valid until May 14, 2011.

Motion by Mr. Ross, seconded by Mr. Burton and carried 3 votes to none, to approve the items on the Consent Agenda as presented and stipulated. Motion carried 3- 0. Mr. Smith was not present.

Old Business

**Subdivision #2008 – 16 - - application of ALPACO V., L.L.C.** to consider the Subdivision of land in a GR General Residential District in Indian River Hundred, Sussex County, by dividing 57.00 acres into 135 lots, located 1,050 feet west of the intersection of Route 24 and Road 299.

Mr. Abbott advised the Commission that this 128-lot standard subdivision was deferred on January 28, 2010 and the record was left open for receipt of the applicant's response to the PLUS comments and the State's final comments and verification that the applicant has access to the Steel Development Corporation lands; that on February 25, 2010, Mr. Abbott sent the Commission the State's final comments; that on April 29, 2010, the applicant provided a copy of a deed between Steel Development Corporation and the Department of Transportation verifying that the applicant has access to the Steel Development Corporation lands; and that on March 2, 2010 DelDOT granted a Letter of No Objection for the entrance location.

Motion by Mr. Ross, seconded by Mr. Burton and carried 3 votes to none, to defer action so that Mr. Johnson can participate in the discussion of this project. Motion carried 3 – 0. Mr. Smith was not present.

Mr. Smith joined the meeting.

Other Business

CU #1666 – Wilkinson Properties, L.L.C.  
Shoreview Woods – Revised Site Plan – Road 258

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Mr. Abbott advised the Commission that this is a request to revise the size of the proposed clubhouse, swimming pool and multi-purpose court and to add a gazebo; that the approved final site plan shows a 30' by 60' clubhouse, a 50' by 70' swimming pool and a 60' by 120' game court (tennis); that there are 15 parking spaces provided in front of the clubhouse and pool; that the revised site plan proposes a 20' by 40' clubhouse, a 30' by 60' swimming pool and a 50' by 60' multi-purpose court; that there are 15 parking spaces provided in front of the clubhouse; that a gazebo is proposed in the open space; and that the Commission was previously provided a copy of the approved site plan and the proposed revised site plan.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to approved the site plan as revised. Motion carried 4 – 0.

CU #1713 – Keith Smith

- a. Time Extension
- b. Preliminary Site Plan – Route 17

Mr. Abbott advised the Commission that this is a request for a one-year time extension and preliminary site plan approval; that this conditional use for commercial storage buildings was approved on April 1, 2008; that the Commission granted a one-year time extension on November 12, 2009 retroactive to the anniversary date of approval; that this is the second request for an extension and the last that the Commission has the authority to grant; that if an extension is granted, it shall be retroactive to the anniversary date of approval and approval will be valid until April 1, 2011; that the site plan is for commercial storage buildings; that all buildings currently exist; that there are four (4) 30' by 40' buildings, a 10' by 20' shed, a 24' by 27' building and 22' by 30' building with a 10' by 22' carport; that the 11 conditions of approval are referenced on the site plan; that a landscaping plan needs to be submitted with the final site plan showing vegetative buffers along all adjacent properties and screening for the centralized dumpster; that if the Commission is favorable towards the site plan, preliminary approval could be granted with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals and a landscaping plan being submitted showing all buffers and screening; and that the Commission was previously provided a copy of the site plan.

Mr. Smith advised the Commission that the buildings have been on the site for at least five years, that a landscaping plan is required for the adjacent property lines, and that it does not seem that the applicant is in a hurry to comply with the conditions of approval.

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

CU #1805 – Michael Herholdt

Preliminary Site Plan – Road 42

Mr. Abbott advised the Commission that this is a site plan for a maintenance dispatch office; that the conditional use was approved on January 12, 2010 with 7 conditions; that

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a one-story frame building and pole barn garage are proposed; that the site plan is the same as the one submitted for the hearing; that the 7 conditions of approval are noted on the site plan; that the setbacks meet the requirements of the zoning code; 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. Burton, seconded by Mr. Smith 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.

## Bayville Shores

### Preliminary Multi-Family Site Plan – Route 54

Mr. Abbott advised the Commission that this is a preliminary multi-family site plan for 20 units located on 3.45-acres; that the site is zoned HR-1; that 41 units are permitted by the zoning code; that the gross density is 5.8 units/acre; that three buildings are proposed; that Building A contains 5 units, Building B 9 units and Building C 6 units; that the setbacks, building lengths and building separations meet the requirements of the zoning code; that 40 parking spaces are required and provided; that central water will be provided by Artesian Water Company and central sewer will be provided by Sussex County; that there are no encroachments into the wetlands; that the site is not located in a flood zone; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Ross 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.

## Freedom Rides

### Preliminary Commercial Site Plan – U.S. Route 13

Mr. Abbott advised the Commission that this is a preliminary site plan for a 1,980 square foot auto sales building; that the site is zoned CR-1 and contains 2.70-acres; that the minimum setback of 25-feet for automobiles on display is met; that ingress/egress to the site is off of Road 485; that there is no direct access to U.S. Route 13; that the required 20-foot landscape highway corridor overlay buffer is provided; that 94 deciduous/evergreen trees and 79 shrubs are required and 94 deciduous trees and 143 shrubs are proposed; that 94 parking spaces are proposed; that on-site septic and well will serve the site; that there are no wetlands on the site and the site is not located in a flood zone; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

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Motion by Mr. Smith, seconded by Mr. Burton 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.

Americana Bayside MR/RPC

Revised Site Plan – Phases 6A, 6B and Part of 4 – Route 54

Mr. Abbott advised the Commission that this is a revised site plan for Phases 6A and B and part of Phase 4; that the approved Phase 4 final site plan contained two (2) twelve unit buildings (214A and 214B) for Lot 214; that the revised plan proposes two (2) five unit townhome buildings Lots 214A-214E and 216A-216E; that the approved Phase 6 site plan contained five (5) twelve unit buildings for Lot 689 (689A-E) and seven (7) townhomes on Lots 682 – 688; that the approved master plan identifies six duplex units (12 lots), six townhouse units (6 lots) and twelve single-family lots for Phase 6A; that the revised plan proposes twelve townhome lots, nine duplex units (18 lots) and 17 single-family lots for Phase 6A and 6B combined; that the proposed revisions results in a net reduction of 64 units; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

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

Page H. Schlabach

2 Lots on 50' Right of Way – Route 40

Mr. Abbott advised the Commission that this is a request to subdivide a 29.17-acre parcel into 2 parcels with access from a 50-foot right of way; that one of the proposed lots is for the applicant's daughter; that the minimum lot size will be 0.75-acre; that the residual acreage will be retained by the applicant who resides there; that the applicant proposes to extend an existing 50-foot right of way to serve as access to the 2 lots; that if the request is approved, there would be 3 parcels having access to the right of way; that if the request is approved as submitted, it should be stipulated that any further subdivision of the properties will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the site will require an application for a major subdivision. Motion carried 4 – 0.

Christopher G. and Monica Bennett

2 Lots on 50' Right of Way – Road 249

Mr. Abbott advised the Commission that this is a request to subdivide a 3.65-acre parcel into 2 lots with access from a 50-foot right of way; that Lot 1 will contain 1.04-acres, Lot

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2 1.05-acres and the right of way contains 1.56-acres; that the owner proposes to create the right of way over an existing asphalt driveway; that the request may be approved as submitted or an application for a major subdivision can be required; that if the owner wanted to further subdivide the site, a public hearing for lot sizes would be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the lots will require an application for a variance from the Sussex County Board of Adjustment. Motion carried 4 – 0.

Cornelius and Nadine Van Drunen

2 Lots and 50' Easement – Road 293

Mr. Abbott advised the Commission that this is a request to subdivide a 5.0-acre parcel into 2 lots with access from a 50-foot easement; that Parcel 1 will contain 1.88-acres and Parcel 2 will contain 3.11-acres including the easement; that the owner proposes to create the easement over an existing gravel driveway; that there is an existing dwelling located on Lot 1; that the request can be approved as submitted or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

William W. Stevenson, Jr.

3 Parcels and 50' Right of Way – Route 30

Mr. Abbott advised the Commission that this is a request to subdivide a 39.11-acre parcel into 3 lots with access from a 50-foot right of way; that Lot 1 will contain 1.66-acres, Lot 2 1.35-acres and the residual lands 36.10-acres; that the owner proposes to create the right of way over an existing driveway; that the request may be approved as submitted or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

James Wharton

2 Lots and 50' Easement – Road 423

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Mr. Abbott advised the Commission that this is a request to subdivide a 14.73-acre parcel into 2 lots with access from a 50-foot easement; that Parcel A will contain 5.49-acres including the easement area; that Parcel B will contain 9.24-acres; that Parcel A has an existing dwelling located on it and Parcel B contains 2 poultry houses; that the applicant is refinancing his dwelling and the mortgage company wants the dwelling separated from the poultry operation; that the easement is being created over an existing driveway; that the request can be approved as submitted or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Burton and carried unanimously to approve the request as submitted as a concept. Motion carried 4 – 0.

Weymouth D. Brittingham

2 Lots and 50' Right of Way – Road 525

Mr. Abbott advised the Commission that this should actually be 2, 2 lots with a 50-foot right of way. The applicant is proposing to subdivide 2, 2.55-acre parcels into 2 lots with access from a 50-foot right of way; that each parcel will contain 1.27-acres; that the owner proposes to create the right of way over 2 existing driveways; that the request can be approved as submitted or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Smith seconded by Mr. Ross and carried unanimously to approve the 2 lots and a 50-foot right of way for parcel 4.08 as submitted as a concept. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the 2 lots and a 50-foot right of way for parcel 4.10 as submitted as a concept. Motion carried 4 – 0.

Bay City Mobile Home Park

Clarification – Road 22

This item was removed from the Agenda on May 3, 2010 and rescheduled for the June 16, 2010 meeting since Mr. Johnson will not be at the May 19, 2010 meeting.

Vincent Overlook

Revised Landscape Plan – Road 88

Mr. Abbott advised the Commission that this is a revised landscaping plan for the residential planned community; that the project has been bought by a new owner; and that the Commission was previously provided a copy of the revised plan.

Motion by Mr. Burton, seconded by Mr. Ross and carried unanimously to approve the revised landscape plan as submitted. Motion carried 4 – 0.

Meeting adjourned at 3:40 p.m.