

MINUTES OF THE REGULAR MEETING OF APRIL 11, 2013

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 11, 2013, in the County Council Chambers, County Administrative Office Building, 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. Michael Johnson, Mr. I.G. Burton, III, Mr. Martin Ross, and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Mr. C. Shane Abbott – Assistant Director.

Mr. Lank advised the Commission that the public hearing, CU #1959 – Kenneth A. Simpler, was withdrawn on April 10, 2013.

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

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the Minutes of March 21, 2013 as amended. Motion carried 5 – 0.

PUBLIC HEARING

Cu #1959 - - application of **KENNETH A. SIMPLER** to consider the Conditional Use of land in a MR Medium Density Residential District for a multi-family dwelling structure (2 units), to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9,044 square feet, more or less, lying west of Bayard Avenue, 300 feet south of Route One and southeast of Andrew Avenue (Tax Map I.D. 3-34-20.14-1.00).

This application was withdrawn on April 10, 2013.

OTHER BUSINESS

The Villages of Five Points MR/RPC
Amended Condition and Revised Master Plan – Savannah Road

Mr. Abbott advised the Commission that this is a request to delete the condition requiring a bike/pedestrian path along the northwest boundary of the East Village along the existing railroad right of way and to delete the condition requiring a curb cut to the adjoining Bayside Health site; that since the State of Delaware is going to construct a bike trail along the north side of the railroad right of way, the developers do not feel that one is necessary and the residents of East Village do not want the trail; that a letter was received from the President of the Homeowners' Association expressing this; that if the proposed bike/pedestrian trail were built, it would impact the wetlands and the storm water management system; that the path would also be located in part in a 40-foot non disturbance buffer which would impact other conditions of approval; that DelDOT has granted an entrance onto Savannah Road therefore the curb cut is not necessary;

and that the Commission was previously provided copies of letters from the developers, the President of the Homeowners' Association, and a copies of the revised and approved site plans.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted. Motion carried 5 – 0.

Oyster Cove
CU #1853 Site Plan – Road 269-A

Mr. Abbott advised the Commission that this is the final site plan for 24 multi-family units located on 9.37 acres; that this conditional use was approved on July 20, 2010 with 18 conditions; that the approval is valid until January 1, 2016; that the conditions of approval are noted on the site plan; that there a 12 duplex buildings proposed with 2 units each; that there is a 40-foot separation between the duplexes; that the proposed setbacks are 30-feet from the front and 20-feet from the rear; that the site is not located in a flood zone; that the wetlands on the site are not being disturbed; that central water will be provided by Tidewater Utilities and central sewer will be provided by the City of Lewes; that the Transportation Manager for the Cape Henlopen School District has sent a letter stating that a school bus stop is not required due to low traffic volume and that the buses can pick up students at the entrance; that a required landscaping plan has been submitted; that the site plan complies with the zoning code 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 and landscape plan.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Robert A. Hermanson
CU #1954 Site Plan – Road 48

Mr. Abbott advised the Commission that this is a site plan for the retail sales of furniture, gifts, antiques and similar items located on 2.306 acres; that this conditional use was approved on February 5, 2013 with 6 conditions; that the conditions of approval are noted on the site plan; that 7 parking spaces are required and 9 spaces are proposed; that sewer and water will be on-site; that the site plan complies with the zoning code 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 5 – 0.

PH Millville Property
Preliminary Site Plan – Routes 26 & 17

Mr. Abbott advised the Commission that this is a commercial site plan for a 14,724 square foot pharmacy, a 5,600 square foot convenience store with gas pumps, a 4,352 square foot medical office and a 2,880 square foot medical office located on 8.24 acres; that the site is zoned C-1

General Commercial; that the setbacks meet the minimum requirements of the zoning code; that 138 parking spaces are required and 189 spaces are proposed; that 23 spaces or portions of the spaces are within the front yard setback and are subject to site plan review; that other projects in the immediate area have parking within the front yard setback; that central sewer will be provided by Sussex County and central water will be provided by Tidewater Utilities; that a portion of the site is located in an AE 7 flood zone; that there are not any wetlands on the site; that if preliminary approval is granted, final site plan approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Mr. Smith questioned if there is any environmental remediation occurring on the site.

Steve Himmelfarb, one of the developers, advised the Commission that the Hocker's site across the street contains a leaking underground storage tank site; that the groundwater on the subject site is being monitored as the drainage in the area flows towards the subject site; and that the monitoring should be completed by the fall of 2013.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the site plan as a preliminary. Motion carried 5 – 0.

Meeting adjourned at 6:13 p.m.