



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE SPECIAL MEETING OF DECEMBER 12, 2007

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, December 12, 2007 in the County Council Chambers, 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. I.G. Burton, III, Mr. Michael Johnson, and Mr. Rodney Smith, with Rebecca Trifillis – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Mr. Richard Kautz – Land Use Planner.

Mr. Lank advised the Commission that Item #4 under the Consent Agenda was removed from the Agenda on December 4, 2007.

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

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

CONSENT AGENDA

Subdivision #2003 – 33 - - application of **JOHN A. MAST** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County, by dividing 30.65 acres into 13 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 78, 375 feet northwest of Road 80.

This is the final record plan for a 13-lot standard subdivision application. The Commission granted preliminary approval for 13 lots on July 27, 2006 and granted a one-year time extension on November 14, 2007. The final record plan complies with the subdivision ordinance and the conditions of approval and all agency approvals have been received.

Subdivision #2004 – 8 - - application of **SPRING BREEZE ASSOCIATES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 139.62 acres into 235 lots, located north of Road 48 (Hollymount Road), 1,380 feet east of Road 285.

This is the final record plan for a 176-lot cluster subdivision application. The County Council reversed the Commission's decision and granted preliminary approval on November 15, 2005. The Commission granted a one-year time extension on November 20, 2006. The final record plan complies with the subdivision ordinance and the conditions of approval and all agency approvals have been received.

Subdivision #2004 – 53 - - application of **ANTHEM DELAWARE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 75.89 acres into 151 lots (Cluster Development), located north of Road 260 (Walker Road), approximately 1 mile west of Road 258 (Hudson Road).

This is the final record plan for a 151-lot cluster subdivision application. The Commission granted preliminary approval on November 9, 2005 and granted one-year time extensions on December 14, 2006 and November 14, 2007. The final record plan complies with the subdivision ordinance and the conditions of approval and all agency approvals have been received.

Subdivision #2005 – 2 - - application of **CARRIAGE SPRINGS RUN, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 77.55 acres into 155 lots (Cluster Development), located north of Road 252, approximately 0.75 mile west of Route 30.

This item was removed from the Agenda on Tuesday, December 4, 2007.

Subdivision #2005 – 27 - - application of **BURCAP PARTNERS** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 29.37 acres into 30 lots, located at the southeast corner of the intersection of Route 5 and Road 234B.

This is the final record plan for a 26-lot standard subdivision application. The Commission granted preliminary approval for 30 lots on May 11, 2006 and granted a one-year time extension on June 20, 2007. The final record plan has been reduced by 4 lots. The final record plan complies with the subdivision ordinance and the conditions of approval and all agency approvals have been received.

Subdivision #2005 – 46 - - application of **BILL LINK AND ELMO SINGER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County, by dividing 16.25 acres into 15 lots, located northwest of Burton Street, 0.46 mile north of Road 535.

This is the final record plan for a 15-lot standard subdivision application. The Commission granted preliminary approval on July 27, 2006 and granted a one-year time extension on October 17, 2007. The final record plan complies with the subdivision ordinance and the conditions of approval and all agency approvals have been received.

Subdivision #2005 – 87 - - application of **DERIC PARKER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 22.491 acres into 23 lots and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located at the northeast corner of the intersection of Road 40 and Road 591.

This is the final record plan for a 20-lot standard subdivision application. The Commission granted preliminary approval for 23 lots on January 11, 2007. The final record plan has been reduced by 3 lots. The final record plan complies with the subdivision ordinance and the conditions of approval and all agency approvals have been received.

Time Extensions

a. CU #1619 – Helena R. Dove

This is a request for a one-year time extension. This conditional use for 5 multi-family dwelling structures was approved on November 1, 2005. The Commission granted a one-year time extension on November 20, 2006. This is the second request for an extension and the last one the Commission has the authority to grant. If an extension is approved, it would be retroactive to the anniversary date of the approval and will be valid until November 1, 2008.

b. Subdivision #2005 – 39 - - B & W Ventures, L.L.C.

This is a request for a one-year time extension. The Commission granted preliminary approval for 16 lots on November 20, 2006. This is the first request for an extension. If an extension is granted, it should be retroactive to the anniversary date of the preliminary approval and will be valid until November 20, 2008.

c. Subdivision #2005 – 71 - - Delaware Land Associates

This is a request for a one-year time extension. The Commission granted preliminary approval for 49 lots on November 20, 2006. This is the first request for an extension. If an extension is granted, it should be retroactive to the anniversary date of the preliminary approval and will be valid until November 20, 2008.

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

OTHER BUSINESS

Americana Bayside MR/RPC

Amenity Area Site Plan – Americana Parkway

Mr. Abbott advised the Commission that this is an amended site plan to add a carousel to the open space area within this residential planned community; that the carousel will be in addition to the playground equipment, outdoor stage, benches and picnic tables approved by the staff on October 30, 2007; that the carousel contains 30 moving animals and 2 stationary chariots; and that the carousel will be operated for the use by residents and their guests and will not be commercially operated.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the amended site plan as submitted with the stipulation that the carousel not be commercially operated. Motion carried 4 – 0.

The New Gumboro Store
CU #1700 Site Plan – Route 26

Mr. Abbott advised the Commission that this is a site plan for a 2,400 square foot deli/country store located on 7.41 acres; that the County Council approved the Conditional Use on January 9, 2007; that the site is zoned AR-1; that the setbacks meet the minimum requirements of the zoning code; that there is 720 square feet of retail area and 4 parking spaces are required and that 5 are provided; that on-site septic and well are proposed; that the site plan complies with the 6 conditions of approval and they are referenced on the site plan; and that all agency approvals have been received.

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

Delaware Electric Cooperative
CU #1748 Site Plan – Road 431

Mr. Abbott advised the Commission that this is a site plan for an electrical substation located on 4.30 acres; that the County Council approved the Conditional Use on July 17, 2007; that the site is zoned AR-1; that the 4 conditions of approval are referenced on the site plan; that 1 of the conditions requires landscaping along Conaway Road; that the site plan references the landscaping along Conaway Road except where the 2 ingress/egress areas are located; that DelDOT has approved the 2 entrances; and that if preliminary approval is granted, final approval could be subject to the staff receiving approvals from the Office of the State Fire Marshal and Sussex Conservation District.

Motion by Mr. Smith, seconded by Mr. Johnson 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 required agency approvals. Motion carried 4 – 0.

Henlopen Soccer Club
Recreation Site Plan – Road 233

Mr. Abbott advised the Commission that this is a preliminary site plan for a soccer complex located on 47.56 acres; that the site is zoned AR-1; that the Commission has

previously granted preliminary subdivision approval for 95 lots on October 18, 2006 and granted a one-year time extension on November 14, 2007; that the plan proposes 10 outdoor playing fields, a 24-foot by 160-foot building for restrooms, equipment storage, a lobby area, sign ins and a concession area; a 40-foot by 60-foot storage shed is also proposed; that a playground and walking/jogging path are also provided; that the site plan also calls for 2 future indoor facilities; that on-site septic and well are proposed; that 42 parking spaces are provided; that the wetlands on the site will remain undisturbed and that there is a 50-foot buffer from the wetlands; that the fields are setback a minimum of 40-feet from the front property line and 50-feet from the side property lines; that this site plan is similar to other non-profit group site plans such as River Soccer Club and Shore Thunder Cheerleading; 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. Johnson 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.

Subdivision #2004 – 17 - - Hopkins/Pettyjohn Subdivision
Revised Condition – Route 9

Mr. Abbott advised the Commission that this is a request to amend a condition of approval for The Villages of Red Mill Pond North and South subdivision; that the developer's attorney is requesting that a portion of the requirement that trails as shown in Figure 9.1 shall be constructed; that 5 different trails cross over individual lots; that the developers are requesting that this portion be deleted since the trails would be located on private property and that the individual lot owners will not properly maintain the trails once they take ownership of the lot; that the developers feel that the reduction of these trails will not impact the overall planned pedestrian circulation network; that all other trails, bike paths, sidewalks, boardwalks and pond walk will be installed as shown in Figure 9.1; and that since this condition originated at the Commission level, the Commission has the authority to amend the condition.

The Commission discussed this request.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to deny this request. Motion carried 4 – 0.

Deerfield Meadows, L.L.C.
3 Parcels on 50' Right of Way – Route 20

Mr. Abbott advised the Commission that this is a request to create 3 parcels with access from an existing 50-foot private road known as Bunny Lane; that each parcel contains 12.68 acres; that the Commission may approve the request as submitted or may require an application for a major subdivision; that DelDOT has issued a Letter of No Objection; and 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.

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

Wendy B. Hearn

Lot and 50' Easement – Road 515

Mr. Abbott advised the Commission that this is a request to create a 0.75 acre lot with access from a 50-foot easement; that the owner proposes to create a 50-foot easement over an existing 18-foot wide gravel driveway; that if the request is approved as submitted, this would be the third lot having access from the easement; that the Commission may approve the request as submitted or may require an application for a major subdivision; and 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.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the request as submitted with the stipulation that the minimum width of the easement shall be 50-feet and that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Delano Hudson

Parcel on 50' Right of Way – Road 17

Mr. Abbott advised the Commission that this is a request to create a 5.00 acre parcel with access from an existing 50-foot right of way; that if the request is approved, this would be the third parcel having access from the right of way; and that if the request is approved, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

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

Eschol J. Mariner

Lot on 50' Right of Way – Road 70

Mr. Abbott advised the Commission that this is a request to create a 0.75 acre parcel with access from an existing 50-foot right of way; that the Commission may approve the request as submitted or may require an application for a major subdivision; and 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.

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

Jessica Watson
Sussex Conservation District

Jessica Watson of the Sussex Conservation District was present and presented a power point presentation on the procedures of the Sussex Conservation District which included State of Delaware Erosion, Sediment and Stormwater Program, that DNREC Sediment and Stormwater Delegation, the District's Responsibilities, what is done during the Review Process, Implementing the Approved Plan, Sediment and Erosion Control measures, Sediment Tarps/Basins, Stormwater Management, Detention Basins, and Maintenance Inspection and Reports.

ADDITIONAL BUSINESS

There was a consensus of the Commission to hold a special meeting on January 17, 2008 at 3:00 p.m. for the purpose of reviewing Old and Other Business items.

Meeting adjourned at 4:35 p.m.