

MINUTES OF THE REGULAR MEETING OF NOVEMBER 12, 2015

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 12, 2015 in the County Council Chambers, Sussex 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. Rodney Smith, Mr. I.G. Burton, and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Ms. Janelle Cornwell – Planning and Zoning Manager.

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

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of October 29, 2015 as amended. Motion carried 5 – 0.

OLD BUSINESS

Subdivision No. 2015-4 – Bankove

The plan proposes to subdivide 101 acres into 25 lots with private roads and open space. The property is located on the southeast side of Jersey Road and the east side of Holly Oaks Road just south of John J. Williams Highway (Route 24). The property is zoned AR-1 (Agricultural Residential District). Tax Map I.D. 234-32.00-110.00.

The Commission discussed this application which has been deferred since October 29, 2015.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision No. 2015-4 for Bankove based upon the record made during the public hearing and for the following reasons:

- 1) The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.
- 2) The proposed subdivision density is significantly less than the density permitted by the existing AR-1 Agricultural Residential zoning. The subdivision will consist of 25 lots on 101 acres. The subdivision will consist of lots between 1.0 acre and 5.0 acres in size.
- 3) The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
- 4) The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
- 5) The project includes approximately 25 acres of open space.
- 6) This approval is subject to the following conditions:
 - A. There shall be no more than 25 lots within the subdivision.

- B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sediment control facilities, and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- D. All entrances shall comply with all of DelDOT's requirements.
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. A 30 foot vegetated buffer shall be shown along all boundaries with the exception of the east side of lots 4 and 11, due to the size of those lots and because they will be used for agricultural purposes. The Final Site Plan shall contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- H. As proposed by the applicant, there shall be a 50 foot buffer from all State Wetland areas.
- I. Lots 22 through 25 are currently leased and utilized by DNREC for the deposit of dredge spoils from Indian River dredging projects. Due to DNREC regulations, no future septic systems are permitted within those areas, and the "Area Reserved for Community Septic Field" adjacent to Lots 7 and 11 is reserved for future septic service in accordance with DNREC regulations when the lots become available and suitable for residential development.
- J. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to grant preliminary approval of Subdivision No. 2015-4 for Bankove for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #2021 – VIII P-Loan Portfolio Holding, LLC

An Ordinance to grant a Conditional Use of land in a CR-1 (Commercial Residential District) and an AR-1 (Agricultural Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 29.66 acres, more or less. The property is located at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299). (911 Address: None Available) Tax Map I.D. 234-23.00-115.00.

The Commission discussed this application which has been deferred since October 29, 2015.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

C/U #2032 – Guillermo Vasquez, t/a F & N Vasquez Concrete, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a construction company office, equipment parking and shop/yard to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 3.125 acres, more or less. The property is located north of Sherman Avenue (Road 213B) 135 feet east of North Old State Road (Road 213) (911 Address: 18578 Sherman Avenue, Lincoln) Tax Map I.D. 330-14.16-5.03 and 5.00.

The Commission discussed this application which has been deferred since October 29, 2015.

Mr. Burton stated that he would move that the Commission recommend denial of Conditional Use No. 2032 for Guillermo Vasquez t/a F & N Vasquez Concrete, LLC for a Conditional Use to operate a construction company office, equipment parking and shop/yard based upon the record made during the public hearing, and for the following reasons:

- 1) It appears that this business probably started small at the applicant's residence. However, as the business has successfully grown, it has outgrown this particular location.
- 2) Several parties appeared in opposition to the application. All of them agreed that the applicant is personally a good neighbor, but the business has outgrown the location and is no longer compatible with the neighborhood.
- 3) This location in Lincoln is primarily a residential neighborhood. The property is surrounded by homes on several sides. This commercial use, primarily the trucking activities, is not compatible with its residential surroundings.
- 4) There is information in the record that this use now adversely affects neighboring properties, the community and adjacent roadways due to the traffic generated by the use, the number of employees coming to and from the location, the sound generated by the equipment stored on the site and other factors.
- 5) There are other more appropriate locations for this type of use in Sussex County that are either zoned for the use or are not surrounded by existing residential properties.
- 6) For all of these reasons, the successful growth of this small business means that it no longer fits in its local surroundings and another more appropriate location should be found to allow it to continue its growth in Sussex County.

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 denied for the reasons stated. Motion carried 5 – 0.

PUBLIC HEARINGS

Subdivision 2015-5 – C. Elmer & Edith Marine

The plan proposes to subdivide the existing 13.063 acres +/- into 2 lots off of a private road. The property is located at the end of Marine Road east of Line Road. The property is zoned AR-1 (Agricultural Residential District) Tax Map I.D. 531-14.00-12.00.

Ms. Cornwell summarized the comments received from the reviewing agencies.

The Commission found that Stephen Sellers with Karins Associates was present on behalf of the applicant and Elmer Marine, the applicant, were present. They stated that the lot being created was for a grandchild; that it is for one (1) new lot of 2.592 acres +/-; that the residual lands will contain 10.471 +/- acres; that Mr. Marine takes care of the road; that there is a maintenance requirement in the deeds of the lots and the new lot will have the same maintenance requirement; that they do not believe there will be an adverse impact on the road or neighbors; and that the subdivision will comply with the Subdivision Code.

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. Smith stated that he would move that the Commission grant preliminary approval of Subdivision No. 2015-5 for Elmer and Edith Marine based upon the record made during the public hearing and for the following reasons:

- 1) The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County. It also satisfies Section 99-9C of the Subdivision Code.
- 2) The land is zoned AR-1 which permits low density single family residential development. The proposed subdivision density of 2 lots on 13.063 acres of land is significantly less than the allowable density.
- 3) The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values. There are 3 letters of support for the subdivision in the record.
- 4) The proposed subdivision will not adversely impact schools, public buildings and community facilities.
- 5) The proposed subdivision will not adversely affect traffic on area roadways.
- 6) A waiver of the street design requirements is appropriate since it only serves 2 lots.
- 7) This preliminary approval is subject to the following conditions:
 - A. There shall be no more than 2 lots within the subdivision. Any further subdivision will require another public hearing.
 - B. All entrances shall comply with all of DeIDOT's requirements.
 - C. The Final Site Plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Smith, seconded by Mr. Ross, and unanimously to grant preliminary approval of Subdivision No. 2015-5 for Elmer and Edith Marine for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision 2015-6 – Branson S. Smith

The plan proposes to subdivide 1.56 acres into 2 lots off of a private road. The property is located on the northeast corner of Anna Patrick Lane and Middleford Road. The property is zoned AR-1 (Agricultural Residential District) Tax Map I.D. 331-6.00-121.00.

Ms. Cornwell summarized the comments received from the reviewing agencies.

The Commission found that Bob Sigler with Miller Lewis was present on behalf of the applicant and Branson S. Smith, the applicant, were present. They stated that there have been six (6) lots created over time; that DelDOT issued a letter of no objection to record on October 7, 2015; that the new lot will be conveyed to family; that the 1½ acres will be split into two (2) lots slightly over ¾ acre in size; that there are no encroachments into the required setbacks; that the existing shed that crosses the proposed property line will be removed; that there is a maintenance agreement for the road between the lots and the new lot will be part of the maintenance agreement; that the existing road is gravel and dirt; that they do not believe there will be an adverse impact on the road or neighbors; and that the subdivision will comply with the Subdivision Code.

Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision No. 2015-6 for Branson S. Smith based upon the record made during the public hearing and for the following reasons:

- 1) The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County. It is also in compliance with the requirements of Section 99-9C of the Subdivision Code.
- 2) The land is zoned AR-1 which permits low density single family residential development. The proposed subdivision density of 2 lots on 1.56 acres of land is within the allowable density.
- 3) The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values. There are 3 letters of support for the subdivision in the record.
- 4) The proposed subdivision will not adversely impact schools, public buildings and community facilities.
- 5) The proposed subdivision will not adversely affect traffic on area roadways.
- 6) Anna Patrick Lane is an existing road serving several lots. Because this application adds just 1 new lot a waiver from the street design requirements is appropriate.
- 7) This preliminary approval is subject to the following conditions:
 - A. There shall be no more than 2 lots within the subdivision.
 - B. All encroachments must be removed prior to final site plan approval.
 - C. A road maintenance agreement among all parties using the road must be established.
 - D. All entrances shall comply with all of DelDOT's requirements.
 - E. The Final Site Plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to grant preliminary approval of Subdivision No. 2015-6 for Branson Smith for the reasons and with the conditions stated. Motion carried 5 -0.

C/U #2034 – Beachfire Brewery Co., LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a restaurant and brewery to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 1.99 acres, more or less.

The property is located on the north side of Beaver Dam Road (Road 285) south of Lewes Georgetown Highway (Route 9). (911 Address: 32490 Lewes Georgetown Highway, Lewes) Tax Map I.D. 334-5.00-215.00, 215.01, 216.00, 217.01, 218.00, & 219.00.

The Commission found that the applicants provided a survey/site plan for the intended restaurant and brewery with their application, filed on July 24, 2015; and that they provided an Exhibit Booklet on November 2, 2015. The Exhibit Booklet contains an Executive Summary; Site Data; suggested Proposed Findings of Fact and Conditions of Approval; a copy of the application; a cover letter; topographic and boundary survey and Conditional Use Plan; copies of the Agreements of Sale; a copy of the DelDOT Service Level Evaluation Request, Support Facilities Report, and Left Turn Lane Not Warranted Documentation; a County Engineering Utility Planning Allocation email; a series of maps and plans; a response to the requirements of Subdivision Ordinance Section 99-9C; a response to the Environmentally Sensitive Development Overlay Section of the Zoning Ordinance; photographs; a certification that there are no wetlands on the site; and a soil survey report.

The Commission found that DelDOT correspondence, dated June 30, 2015 and August 10, 2015 in reference to this site location were referenced in the Exhibit Booklet.

The Commission found that the Sussex Conservation District provided comments, dated November 10, 2015, referencing that there is one soil type on these parcels; that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that off-site drainage improvements will be necessary; and that on-site drainage improvements will be necessary.

Mr. Lank advised that Commission that four (4) letters/emails have been received in support of the application. The letters/emails were received from Leon Farlow, Teresa Heberling, Casandra Cannon, and Anthony Crivella.

The Commission found that Harold Dukes, Esquire of Tunnell & Raysor, P.A., present on behalf of the Beachfire Brewery Co., LLC with Harry Metcalfe and other members of the Company, and David Kuklish, Professional Engineer with Bohler Engineering, stating in their presentation and in response to questions raised by the Commission that this application is for a family restaurant and brew pub; that regular church services have not been held in the church building since 2007; that the church property has been for sale; that the church building is in need of repairs; that the residents of the area are supportive of a restaurant; that they would like to

present this application with three presentations: church members, the developers, and the design engineers.

The Commission found that Reverend Pastor Marjorie Burns of Faith United Methodist Church stated that the church had lost attendance; that in 2008 several churches in the area merged; that one church property was sold; that one is still for sale; that the congregation and trustees want to preserve the building due to its historic significance; and that the proposed restaurant will create jobs and renovation of the church property.

The Commission found that Reverend Pastor Burns submitted two letters in support from Bruce W. Martin, Realtor, and Blanche Spencer, an area resident.

The Commission found that Bruce Duffy and Jeron Duffy, both Trustees for the Church, spoke in support of the application and referenced the need for the upkeep of the church building; the cost in improving the structure; the decline in the congregation numbers; that they are combining three churches into one church; and that they are proposing to sell this church to allow for improving another church building for the betterment of the congregation.

The Commission found that Harry Metcalfe spoke on behalf of the members of Beachfire Brewery Co., LLC stating that they started meeting several years ago hoping to establish a family restaurant in the Lewes area; that they would like to open a restaurant and to manufacture their own beer to be served at the restaurant; that they have met with the Lewes Historic Society for information on the history of the church and the Belltown area; that minimal information is available; that they are not proposing a nightclub or brew joint; that they would like to create a family restaurant with family friendly prices, family entertainment, trivia games, and a free library book program; that the church building is intended for seating; that all kitchen and brewing facilities will be within new additions, not within the existing church building; and that 55 to 60 employees are anticipated.

The Commission found that David Kuklish, Professional Engineer, presented a Power Point Display and spoke on the site plan by stating that this proposal is not a rezoning, it is a Conditional Use application; that they realize that conditions can be placed on the application; that the proposed site contains six parcels, to be combined, and contains 1.64 acres; that two of the existing entrances are proposed to be removed; that a 8,500 square foot restaurant and brewery are proposed; that they are proposing two entrances on Church Street, one entrance on Beaver Dam Road, and one entrance on Lewes Georgetown Highway; that DelDOT has voiced no objection to the entrance locations; that 89 parking spaces are required and 95 spaces are proposed; that water will be provided by a well or by Tidewater Utilities; that sewer will be provided by Sussex County; that the County Engineering Department has advised them that the site will accommodate 7.9 Equivalent Dwelling Units (EDUs); that they are not proposing to exceed the EDU allocation; that there is no current stormwater management system on the site; that they are proposing to establish an underground infiltration system for stormwater and will comply with the State DNREC and the Sussex Conservation District requirements; and that no wetlands exists on the site.

The Commission found that Betty Justin, Profession Engineer/Traffic Engineer, stated that a traffic evaluation was performed; that a left turn lane was not warranted; that the capacity analysis indicates that there will be an acceptable Level of Service on Beaver Dam Road and the Lewes Georgetown Highway; and that landscaping and traffic safety improvements will be made as prescribed by DelDOT.

The Commission found that the representatives of the application responded to questions raised by the Commission that the church building will be used for the seating area of the restaurant; that no food production, brewing or bar area will be within the church building; that the applicants have no objection to that being a condition of approval; that they hope to maintain the appearance of the church building; that the cornerstones and stain glass windows may be returned to the church congregation; that solid waste (spent grains) from the brewing operation will be recycled through local farmers; that the use will not add a great deal of traffic; that the applicants have offered to pay a fee into the DelDOT Area Wide Study in lieu of doing a Traffic Impact Study; that a Traffic Impact Study may be performed by DelDOT at some future date; that sidewalks and crosswalks are proposed between parking lots; that security lighting will be downward screened; that they anticipate a seating capacity of 80 to 85 seats, which is less than the capacity of the church as it currently exist; that they are not proposing to have a tasting facility with the brewery; that there is adequate space between any well location and the stormwater management facilities; that during the restaurant season they proposed to be open seven days per week from late afternoon to 11:00 p.m. and Sundays will lesser hours; that the bar area will serve liquor and wine, but primarily craft beers; that they feel that this site is a logical site to serve the growing residential activities taking place in the Beaver Dam Road area; that no parking will be permitted within State road right-of-ways; and that a structural engineer has inspected the site.

Mr. Robertson advised the Commission that Federal and State regulations have jurisdiction over bar and brewing activities.

The Commission found that Mark Mumford, Pam Glick, Henry Farlow, Shad Sagaford, and Brett Hines were present in support of the application and referenced that they support a family friendly restaurant atmosphere; that they do not want to see the church torn down; that they anticipate a quality family restaurant; that the restaurant should create economic opportunities; and that local farmers can benefit by the processed grains for animal feed.

The Commission found that Mr. Farlow read a letter from his wife, Chrystlyn Farlow, in support of this application and referencing a history of her family involvement with the church, her support of the application, and her hopes that the restaurant/brewery will bring much needed jobs to the community and influence future businesses to invest in the revitalization of the Belltown community.

The Commission found that Reverend Bravon Duffy, Victoria Gibbs, Robert Steinbeck, Lea Dove, Bernie Melbern, Brian Nixon, Tom Hefferman. Bob Turner, and Michael Miller were present in opposition to this application and expressed concerns about the proposed brewery use, not the restaurant; that some of the residents of the area have fought to preserve the integrity of Belltown; that they do not have a concern about the church property being sold, only the

intended use; that traffic issues already exist and will be increased; that they are concerned about the conduct of the people that cater to the restaurant/brewery; that a brewery may be an insult to the residential character of the area; that if the use is approved there should be special conditions of approval relating to the use, especially the brewery; that the church is currently used weekly; that a lot of the residents that live in Belltown are elderly; that the residents are concerned about traffic and noise; that properties are being offered for sale or sold in the Belltown area, some with commercial intent; that residents are concerned about the narrowness of Church Street and the difficulties of turning into or out of Church Street and Salt Marsh Boulevard, across from Church Street; that the residents of Henlopen Landing across Beaver Dam Road may support a restaurant, but not a brew pub; that a bar should not be permitted in the church building; that traffic concerns also exist due to the close proximity to the intersection of Plantation Road, Beaver Dam Road, and the Lewes Georgetown Highway connector; that vehicles stopped at Salt Marsh Boulevard cannot see traffic coming from the connector due to stacked vehicles waiting to turn left into the connector; that Church Street needs to be widened; that traffic backups and traffic accidents are already a concern; that the intended use will worsen traffic conditions; that the restaurant is a good idea, but the wrong location; questioning what is the best use of the properties; that development of the number of unimproved residential building lots in the area will only worsen the current traffic conditions along Beaver Dam Road; that a restaurant that recently closed in the Vineyards development closed within 1.5 years of opening; that Belltown is primarily a residential development; that the church has been utilized for regular church activities, weddings, and funeral services regularly; that there are other locations in the area that are property zoned for a restaurant; that the community will lose the historical significance of the church; and that it was suggested that the County purchase the property and create a park for the community.

The Commission found that Mr. Metcalfe responded to some of the concerns by advising the Commission that traffic noises already exist at this location; that they are planning on foam insulating the church building; and that there will not be any live music outside on the proposed patio.

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

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

C/U #2035 – Synagro Central, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for land application of bio-solids as agricultural fertilizer following DNREC approval to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 203.00 acres, more or less. The properties are located on both sides of Zoar Road, northeast of the Railroad tracks, southwest of Patriot's Way, and on both sides of Governor Stockley Road (911 Address: None Available) Tax Map I.D. 133-3.00-4.00 and 133-7.00-1.00, 4.00, 11.00 and 12.10 (all of or parts of).

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated July 30, 2015, referencing that a traffic impact study was not recommended, and

that the current Levels of Service of Stockley Road, Governor Stockley Road, and Zoar Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated November 10, 2015, referencing that there are seven soil types on the referenced parcels; that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that the project will not necessitate any off-site drainage improvements; and that it is not likely that the project will necessitate any on-site drainage improvements.

The Commission found that John Ueupis was present on behalf of Synagro Central, LLC with James Baxter, Jr. and James Baxter IV, and that they stated in their presentations and in response to questions raised by the Commission that the liquefied bio-solids will be used as farm fertilizer on lands owned by Baxter Farms; that the parcels are adjacent to other lands farmed by Baxter Farms and allows for nutrient management of those farms; that Baxter Farms has been applying bio-solids on the adjacent farms for 20 years; that the bio-solids are subject to DNREC approval and are regulated by both DNREC and the EPA; that a decade of assessments exists in the evaluation of the use of bio-solids; that bio-solids have been used from the Town of Georgetown Wastewater Treatment Plant; that the bio-solids are hauled in by tractor trailer in liquid form and trenched, injected, and covered in one process; that the sites are the same as those previously used for the Town of Georgetown Wastewater Treatment Plant; that there are no restrictions other than the setbacks required by DNREC; that they grow vegetable crops, including sweet corn and beans; that within three years of injecting the bio-solids commercial buyers will accept vegetable crops; that they anticipate no negative impact on neighboring wells; that they have no concerns about run-off impacting the adjacent vegetable fields; that the soils are being reviewed for submittal to DNREC: that eight or nine monitoring wells have been installed; and that injections are staggered and no applications are performed annually on the same tract.

The Commission found that Brian Churchill of the State DNREC was present in support of this application and stated that there are a network of monitor wells; that they do not anticipate any problems on these sites; that Synagro has a successful record; that the bio-solids are tested; that there is minimal odor; that public information meetings are to be scheduled; and that the neighbors will be notified when the public information meetings will be scheduled.

The Commission found that there were no parties present in opposition to the application.

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

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

OTHER BUSINESS

**Subdivision No. 2008-9 - Marsh Farm Estates
Partial Deletion of Sidewalks**

Ms. Cornwell advised the Commission that this is a request to eliminate sidewalks on a portion of the north side of Bay Winds Drive (from Camp Arrowhead Road to Ringtail Drive), around the open space on Headsail Drive, on the west side of Skysail Drive, and around the open space on Skysail Drive. Sidewalks are provided on both sides of the rest of the streets within the subdivision. The Commission required sidewalks to be constructed on both sides of all streets within the subdivision (Condition K). The Commission granted preliminary subdivision approval on December 10, 2009. The subdivision shall be recorded before December 31, 2015 or the subdivision shall expire.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the partial deletion of sidewalks within the subdivision. Motion carried 5-0.

**Lands of Gallo Jr. off Greenhurst Farm Road.
Minor subdivision off Private Road**

Ms. Cornwell advised the Commission that this is a minor subdivision to create one parcel with a residual lot off of an existing private road. There is an existing driveway that will be used as the private road. Several cul-de-sacs should be created at every 1000' since the road exceeds the maximum length of a dead end street. If the Commission has concern with the length of a dead end street, the applicant could ask for a variance from the Board of Adjustment. The property is zoned AR-1 (Agricultural Residential District). The tax parcel is 430-2.00-1.00. Staff is awaiting approval from DeDOT and the Office of the State Fire Marshal.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to grant conceptual approval of the minor subdivision. Motion carried 5-0.

**Lands of Cucinotta off County Seat Highway
Minor Subdivision off Private Road**

Ms. Cornwell advised the Commission that this is a minor subdivision to create one parcel with a residual off the existing private road. The new lot will contain 3 acres and the residual lot will contain 2 acres in size. The residual will also have frontage along Route 9. The property is zoned AR-1 (Agricultural Residential District). The tax parcel is 232-7.00-27.02. Staff is awaiting approval from DeDOT.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to grant preliminary approval with final approval subject to the staff upon receipt of agency approvals for the minor subdivision. Motion carried 5-0.

**The Vineyards at Nassau Valley
Revised Master Plan**

Ms. Cornwell advised the Commission that this is a revision to the exiting Master Plan for the Vineyards at Nassau Valley development. The Planning Commission granted preliminary approval of the site plan on March 19, 2008. The original development was a mixed use development with 350,000 SF retail, 75,000 SF office with a 150 room hotel and 927 residential units. The Planning Commission granted preliminary approval to Phase 1A on July 17, 2014. Phase 1A included four (4) residential buildings with 24 units each for a total of 96 units. The Two (2) mixed use buildings are part of Phase 1 and have been constructed two (2) of the residential buildings (24 units each) from Phase 1A are currently under construction. The proposed master plan will eliminate the commercial, office and hotel uses and leave the 927 residential units. The plan proposes 248 apartments units, 280 condominium units (40 units per buildings), 156 condominium units (30 units per building), 83 single family lots and 70 “big house” units. Staff notes that the 83 single family lots require a major subdivision process. If the single family dwellings are condominiums they do not require the subdivision process. Each phase shall require a separate Site Plan and shall be reviewed by the Planning Commission. An amenities plan shall also require a separate Site Plan. The plan proposes sidewalks and streetlights along the interior streets throughout the development. The property is zoned C-1 (General Commercial) and the use as residential is a permitted use within the Zoning District. Agency approvals shall be required prior to Final Site Plan approval.

There was discussion regarding the process for the application and the elimination of the majority of the commercial, office and hotel uses to a primarily residential use. Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. spoke regarding the application and that they would be going back to DeIDOT, and that some of the amenities were approved as part of Phase 1A.

Motion by Mr. Johnson, seconded by Mr. Burton and the motion carried to approve the Master Plan as a concept. Motion carried 4-1 with Mr. Smith opposing the motion.

ADDITIONAL BUSINESS

2016 Planning and Zoning Commission Meeting Schedule

The Commission was provided with a proposed schedule for the 2016 regular meeting schedule.

Motion by Mr. Burton, seconded by Johnson, and carried unanimously to approve the 2016 schedule. Motion carried 5 – 0.

Special Meeting Request

Mr. Lank asked the Commission if they would consider having a Special Meeting on December 16, 2015 to review Site Plans, Preliminary and Final, and Old Business, if necessary.

Minutes – November 12, 2015

There was a consensus of the Commission that a Special Meeting be held on December 16, 2015 at 3:00 p.m. in Council Chambers.

Meeting Adjourned at 10:21 p.m.