

## MINUTES OF THE REGULAR MEETING OF JANUARY 9, 1997

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, January 9, 1997, at 7:30 P.M., in the County Council Chambers, County Administration Building, Georgetown, Delaware, with the following members present: Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the minutes of December 9, 1996, as circulated.

Motion made by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to approve the minutes of December 19, 1996, as amended.

Mr. Schrader explained how the Public Hearings and agenda items are conducted.

### II. PUBLIC HEARINGS

#### 1. RE: C/U #1175 -- Thelton D. & Barbara Savage

Thelton and Barbara Savage were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Broad Creek Hundred for a Barber Shop, Beauty Shop, and Auto Storage on the south side of Delaware Route 20, 590 feet southeast of Road 485, located on a parcel containing 3.27 acres more or less.

Mr. Lank summarized comments received from DelDOT, and the Sussex Conservation District.

Mr. Savage, in response to questions raised by the Commissioners, stated that the shops would be open from 8:00 A.M. to 8:00 P.M. Tuesday through Saturday, that the shops would be closed Sunday and Monday, that the auto storage garage is for storage of classic cars, that he has no objection to limiting the Conditional Use to the front 200 feet of depth of the 3.27 acre parcel, that he has no objection to the requirement for screening of the parking lot from the Hughes property, that mechanical work on the cars would be minimal, and that the cars would be washed and detailed on the site.

No parties appeared in support of the application.

Levi Hughes, an adjoining landowner, spoke in opposition to the application and expressed concerns relating to depreciation of property values caused by placing a commercial use next to a residential use, noise, and having a shop and a 16 space parking lot next to his home.



At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that the Department found that rezoning the site to B-1 Neighborhood Business for the intended use was considered, that a traffic impact study was not recommended, and that the existing level of service "D" of Route 20 would not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro sand which has slight limitations, that the applicants will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation, that the soils are Hydric in depressions, that no storm flood hazard areas or tax ditches are affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the applicants were present and stated, in response to questions raised by the Commissioners, that the shops would be open from 8:00 A.M. to 8:00 P.M. Tuesday through Saturday, that the shops would be closed Sunday and Monday, that the auto storage garage is for storage of classic cars, that he has no objection to limiting the Conditional Use to the front 200 feet of depth of the 3.27 acre parcel, that he has no objection to the requirement for screening of the parking lot from the Hughes property, that mechanical work on the cars would be minimal, and that the cars would be washed and detailed on the site.

The Commission found that no parties appeared in support of the application.

The Commission found that an adjoining landowner spoke in opposition to the application and expressed concerns relating to depreciation of property values caused by placing a commercial use next to a residential use, noise, and having a shop and a 16 space parking lot next to his home.

Motion by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since other commercial uses exist in close proximity, since a barber shop and/or beauty shop should not be disruptive, and with the following stipulations:



1. The area between the parking area and the Levi Hughes property shall be fenced and landscaped with shrubbery.
2. One ground sign, not exceeding 32 square feet per side or facing, may be permitted.
3. All security lighting shall be directed toward the building and away from the Levi Hughes property and Route 20.
4. The parking lot shall be paved and all spaces marked.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
6. The Conditional Use boundary shall be reduced and limited to the front 200 feet depth from Route 20, approximately 0.82 acres.
7. No outside storage of vehicles or materials shall be permitted.

2. RE: APD #97-1 -- Brad McWilliams

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning district in Little Creek hundred for four (4) parcels of land totalling 258.39 acres more or less, located on both sides of Route 509, east and north of Route 515, and west of Route 510 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized a report from the Delaware Agricultural Lands Preservation Foundation that was submitted with the application.

Mr. Wheatley stated that in his view of the discussions of the Proposed Land Use Plan there was a consensus of the majority of the Commission to encourage people to conserve agricultural lands voluntarily and that the primary concern of the Commission members is the mandated 50 foot setback on lands owned by other landowners, not the applicant for the agricultural lands preservation district.

Motion by Mr. Ralph, seconded by Mr. Wheatley, and carried with four (4) votes in favor and one (1) vote opposed, Mr. Lynch, to recommend approval to the Delaware Agricultural Lands Preservation Foundation. Mr. Lank was instructed to continue notifying the Foundation that the Commissioners negative recommendations and concerns relate to the mandated 50 foot setback imposed on adjoining landowners.



3. RE: APD #97-1 -- J.F. Bennett & Sons, Inc.

No one was present on behalf of this application to consider an Agricultural Preservation District in an Ar-1 Agricultural Residential Zoning District in Cedar Creek Hundred for one (1) parcel of land totalling 235.00 acres more or less, located on both sides of Route 220 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized a report from the Delaware Agricultural Lands Preservation Foundation that was submitted with the application.

Motion by Mr. Ralph, seconded by Mr. Phillips, and carried with four (4) votes in favor and one (1) vote opposed, Mr. Lynch, to recommend approval to the Delaware Agricultural Lands Preservation Foundation. Mr. Lank was instructed to continue notifying the Foundation that the Commissioners negative recommendations and concerns relate to the mandated 50 foot setback imposed on adjoining landowners.

III. OTHER BUSINESS

1. Vernon Office Park

Bill Vernon and Jeff Clark of Land Tech Inc. were present as the Commission reviewed a revised commercial site plan for office and retail space at the intersection of Delaware Route One and Road 275-A.

Mr. Abbott advised the Commission that Phase 1 and 2 have been developed, that the owner is proposing to add 4,784 square feet of office and retail space with appropriate parking, and questioned if the expansion will be required to follow the guidelines of the Highway Corridor Overlay Zone.

The Commission discussed the requirements of the HCOZ and a previous site plan that was reviewed on Route One.

The Commission was advised that another site plan on Route One has an application being considered by the Board of Adjustment for a variance from the requirements of the HCOZ and that a decision should be made on January 13, 1997.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to defer action.

2. Fenwick Floaters

The Commission reviewed a revised site plan for C/U #1007 on

Route 54 near Fenwick.

Mr. Abbott advised the Commission that the owner would like to add a 32' x 48' addition for storage and an art studio to the existing building and questioned if the proposal would require another public hearing since the addition was not shown on the site plan.

Mr. Abbott summarized the stipulations that the County Council adopted when approving this conditional use.

It was the consensus of the Commission that no action be taken since there is a stipulation that the applicant shall conform to all statements made by the applicant or their representative during the public hearing.

Mr. Lank advised the Commission that the applicant will have to apply for another conditional use application.

3. Mary O. Rizk

The Commission reviewed a revised site plan for C/U #1128 for multi family units on Route 54 near Fenwick Island.

Mr. Abbott advised the Commission that the conditional use was approved for two units in a two story dwelling, that the owner would like to relocate a dwelling from another site to this site and use the two dwellings as separate units.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to deny the site plan. It was the consensus of the Commission that the applicant apply for another conditional use application to amend the site plan.

4. Bethany Bay Phase 3 Section 3.3

Dave Baldo of Pettinaro Construction, and Jeff Clark of Land Tech Inc. were present as the Commission reviewed a revised site plan for multi family units within Bethany Bay Residential Planned Community.

Mr. Abbott advised the Commission that this phase was approved on May 23, 1991, that three buildings have been deleted and that two buildings have been relocated, and that the site plan meets the requirements of the zoning code.

Mr. Clark advised the Commission that the developer has decided to build a different type of dwelling for this phase thus the change in the site plan.



Mr. Baldo advised the Commission that presently 83 units have been built in this development.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the site plan as revised.

#### IV. OLD BUSINESS

##### 1. Subdivision #96-24--Timothy Ramey

The Chairman referred back to this application which was deferred at the December 5, 1996 meeting.

Mr. Abbott advised the Commission that the septic feasibility statement has been received from the State DNREC and that 50 percent of the lots are suitable for low pressure pipe disposal systems, 30 percent of the lots are suitable for pressure dosed capping fill systems, 20 percent of the lots are suitable for elevated sand mound systems and that lot 26 may not be suitable for any type of disposal system.

Mr. Ralph stated that there are at least fourteen vacant lots in Patty Cannon Estates and that they should be developed prior to the approval of any additional lots.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to deny this application.

##### 2. Subdivision #96-32--Robert M. Bocek

The Chairman referred back to this application which was deferred at the December 19, 1996 meeting.

Mr. Abbott advised the Commission that the septic feasibility statement has been received from the State DNREC and that all lots are suitable for low pressure pipe or elevated sand mound disposal systems.

Jeff Clark of Land Tech Inc. advised the Commission that one lot may require a sand mound disposal system, that the developer should be able to develop the 11 lots, and that DelDOT plans to install a french drain to help with water run-off off of Route 24.

Motion made by Mr. Ralph, seconded by Mr. Phillips, and carried unanimously to approve this application as a preliminary.

V. ADDITIONAL BUSINESS

Addition A. Mr. Lank asked the Commission if they would like to attend a local government training session for an "introduction to Planning and Zoning for Local Officials" for Sussex County on January 29, 1997 from 3:00 P.M. to 6:00 P.M. The presenter will be David S. Hug, III.

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Lank and Mr. Abbott will attend the session.

Addition B. Mr. Lank asked the Commission if they would like to amend the annual schedule for public hearings by meeting two weeks in a row in March and December. The present schedule for March 27, 1997 is the night before Good Friday when a lot of people start vacations. The Present schedule for December 5, 1997 is the same evening as the Georgetown Christmas Parade.

There was a consensus of the Commission that the dates could be corrected.

Addition C. Mr. Lank summarized the Ordinances introduced by County Council on Tuesday December 7, 1997.

1. Workshop - Comprehensive Land Use Plan

The Commission discussed the Proposed Comprehensive Land Use Plan meeting of December 9, 1996.

Mr. Allen questioned whether the final consensus was for 4, 6, or unlimited strip lots.

Mr. Wheatley stated that he did not intend to allow strip development with no limitations.

Mr. Lynch stated that some residents in his area are opposed to the suggested 200 foot width for a lot along public roads.

There was a consensus of the Commission that they would not object to four (4) one (1) acre lots, with a minimum width of 150 feet, being allowed as a minor subdivision, and that the residual acreage and frontage of a parcel should not be counted as one (1) of the four (4) lots.

Mr. Phillips stated that he has some concerns about GR General Residential Districts and suggested that the Commission should review the GR regulations.



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The Commission discussed some of the manufactured home issues, noted that an Ordinance has just been proposed by County Council relating to manufactured homes, and decided to review the proposed Ordinances prior to making any decisions on the manufactured home references in the Comprehensive Land Use Plan.

Meeting adjourned 9:30 P.M.