

MINUTES OF THE REGULAR MEETING OF JANUARY 26, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, January 26, 1989, at 7:45 P.M. in the County Council Chambers, Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mrs. Monaco, Mr. Smith, Mr. Jones - Assistant County Attorney, Mr. Lank - Director, and Mr. Moore - Planner I.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of January 12, 1989, as circulated.

PUBLIC HEARINGS

1. RE: C/U #897--Dover Radio Page, Inc.

Dennis Schrader, attorney, Buzz Mills, and Ron Hodges were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Indian River Hundred for a 400 foot high radio tower located on the east side of Route 307, 3,242 feet south of Route 5, and to be located on a parcel containing 3.62 acres more or less.

Mr. Lank summarized correspondence received in reference to this application.

Mr. Lank stated no comments were received from any of the agencies contacted.

Mr. Schrader stated the applicants offer radio paging and mobile telephone service to Sussex County residents. The proposed tower would enable them to provide more adequate coverage throughout the county.

Mr. Mills stated they presently serve approximately 800 clients.

Mr. Schrader stated the proposed tower, including guy wires, would cover approximately three (3) acres. There would be a 12 foot by 20 foot equipment building for transmitter equipment. The proposed tower would be 400 feet in height with five (5) guy wires 320 feet out from the tower and anchored in cement. There would be a blinking red light at the top of the tower. There would be a six (6) foot high chain link fence around the tower and the equipment building. No well or septic would be necessary.

Mr. Mills stated someone would be checking the site for security and maintenance once a week. The proposed tower would not interfere with radio or television signals. The proposed site is presently tilled.

Mr. Mills stated they have obtained FAA approval. They have applied for FCC approval, but have not yet received it.

No one was present in opposition.

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 the D.N.R.E.C. Land Use Planning Act Coordinator, dated November 23, 1988, that comments have been requested from the D.N.R.E.C. Division of Fish and Wildlife, the Department of Transportation, and the Dover Air Force Base.

The Commission found, based on comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, dated December 13, 1988, that the Division of Fish and Wildlife have no formal comments.

The Commission found that the application was represented by Buzz Mills and Ron Hodges of Dover Radio Page, Inc. and by Dennis Schrader, Esquire, of Wilson, Halbrook, and Bayard, P.A.

The Commission found, based on comments by representatives of the application, that a 400 foot high antenna tower is proposed, which will have several guide wires, a 4 foot square concrete base, a 12 foot by 20 foot prefab equipment building, an FAA approved blinking light at the top, identification lights along the sides, seven equally spaced bands of orange and white paint, and that the tower base and equipment building area will be fenced with a 6 foot high chain link fence.

The Commission found, based on comments by representatives of the application, that the tower will make available additional service for mobile telephone and radio paging system users by providing space for 8 users, i.e.: Delaware Electric Co-op, Inc. and Townsends, Inc.

The Commission found, based on comments by representatives of the application, that company personnel will be at the site on a very limited basis, probably one (1) vehicle for one half a day, one day per week.

The Commission found, based on comments by representatives of the application, that no sewer or water will be provided on site, the site is remote on lands presently being tilled, and that no dwelling exists on the site.

The Commission found, based on comments by representatives of the application, that FAA approval has been obtained, and that FCC approval has been requested.

The Commission found, based on comments by representatives of the application, that the facility will produce no noise, smoke, smell, heat, nor objectionable sight, that equipment on site will not produce interference to any home entertainment systems, and that no impact is anticipated on the neighborhood, property values, or Route 307.

No parties were present in opposition.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support and with the stipulation that the site plan shall be required to be reviewed by the Planning and Zoning Commission.

2. RE: C/U #898--Dover Radio Page, Inc.

Dennis Schrader, attorney, Buzz Mills, and Ron Hodges were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for a 400 foot high radio tower located on the east side of Route 594, 945 feet north of Route 545, and to be located on a parcel containing 3.64 acres more or less.

Mr. Lank summarized correspondence received in reference to this application.

Mr. Lank stated no comments were received from any of the agencies contacted.

Mr. Schrader stated the applicants offer radio paging and mobile telephone service to Sussex County residents. The proposed tower would enable them to provide more adequate coverage throughout the county.

Mr. Mills stated they presently serve approximately 800 clients.

Mr. Schrader stated the proposed tower, including guy wires, would cover approximately three (3) acres. There would be a 12 foot by 20 foot equipment building for transmitter equipment. The proposed tower would be 400 feet in height with five (5) guy wires 320 feet out from the tower and anchored in cement. There would be a blinking red light at the top of the tower. There would be a six (6) foot high chain link fence around the tower and the equipment building. No well or septic would be necessary.

Mr. Mills stated someone would be checking the site for security and maintenance once a week. The proposed tower would not interfere with radio or television signals. The proposed site is presently tilled.

Mr. Mills stated they have obtained FAA approval. They have applied for FCC approval, but have not yet received it.

Mr. Mills stated they will lease antenna space to others.

No one was present in opposition.

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 the D.N.R.E.C. Land Use Planning Act Coordinator, dated November 23, 1988, that comments have been requested from the D.N.R.E.C. Division of Fish and Wildlife, the Department of Transportation, and the Dover Air Force Base.

The Commission found, based on comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, dated December 13, 1988, that the Division of Fish and Wildlife have no formal comments.

The Commission found that the application was represented by Buzz Mills and Ron Hodges of Dover Radio Page, Inc. and by Dennis Schrader, Esquire, of Wilson, Halbrook, and Bayard, P.A.

The Commission found, based on comments by representatives of the application, that a 400 foot high antenna tower is proposed, which will have several guidewires, a 4 foot square concrete base, a 12 foot by 20 foot prefab equipment building, an FAA approved blinking light at the top, identification lights along the sides, seven equally spaced bands of orange and white paint, and that the tower base and equipment building area will be fenced with a 6 foot high chain link fence.

The Commission found, based on comments by representatives of the application, that the tower will make available additional service for mobile telephone and radio paging system users by providing space for 8 users, i.e.: Delaware Electric Co-op, Inc. and Townsends, Inc.

The Commission found, based on comments by representatives of the application, that company personnel will be at the site on a very limited basis, probably one (1) vehicle for one half day, one (1) day per week.

The Commission found, based on comments by representatives of the application, that no sewer or water will be provided on site, the site is remote on lands presently being tilled, and that no dwelling exists on the site.

The Commission found, based on comments by representatives of the application, that FAA approval has been obtained, and that FCC approval has been requested.

The Commission found, based on comments by representatives of the application, that the facility will produce no noise, smoke, smell, heat, nor objectionable sight, that equipment on site will not produce interference to any home entertainment systems, and that no impact is anticipated on the neighborhood, property values, or Route 594.

No parties were present in opposition.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support and with the stipulation that the site plan shall be required to be reviewed by the Planning and Zoning Commission.

3. RE: C/Z #971--Harvey A. and Betty Ann Warrington

Harvey and Betty Warrington were present on behalf of this application to amend the zoning map from GR General Residential to B-1 Neighborhood Business in Georgetown Hundred, located on the south side of Route 40, 375 feet west of Route 213, containing 1.57 acres more or less.

Mr. Lank stated comments were received from the State Highway Department. They will not request a traffic impact study and expect no change in the existing level of service "A" of Route 40.

Mr. Warrington stated he plans to operate a seasonal retail business to sell fishing and hunting supplies, and any type of sporting goods. He plans to be open from June to mid January each year.

Mr. Warrington stated he anticipates most of his business would be in the evenings and Saturdays. During the busy season, he plans to be open from 8:00 A.M. until 9:00 P.M., seven (7) days per week.

Mr. Warrington stated he resides on this site. He plans to operate the business in an existing building. There will be no employees other than family members. There will be no need for additional water or septic.

No one was present in opposition.

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 the State Division of Highways, that a traffic impact study was not recommended and that the present level of service "A" of Route 40 is not anticipated to change as a result of this application.

The Commission found that the applicants were present and plan to utilize the site for a seasonal sporting goods shop as an accessory to the use of the premises for their residence.

The Commission found, based on comments by the applicants, that the business will operate seasonally, 7 days a week, and that it will be a family run business.

The Commission found, based on comments by the applicants, that no adverse impact is anticipated on the neighborhood, Route 40, on sewer or water systems, or on property values.

No parties were present in opposition.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support and since the intended use will serve the area.

4. RE: Subdiv. #89-1--William McMahon and James Lukens

James Lukens, Jr. was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred by dividing 117 acres into 151 lots, located on the southwest side of Route 298, and southwest of the intersection of Route 298 and Route 298A.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of January 23, 1989.

Mr. Lukens stated the proposed site is entirely wooded at present. The site adjoins Winding Creek Village Subdivision.

Mr. Lukens stated he is proposing private streets, a central on-site water supply, and individual septic systems. One (1) entrance is proposed for the subdivision.

Mr. Lukens stated he will comply with the requests of all agencies.

Dorothy West spoke in opposition due to increased traffic, the proposed fire hydrant system would not work properly, destruction of wildlife habitat, additional septic systems could affect the branch, and no need has been shown for additional lots in this area.

Mary Michael, Til Purnell, Charles Marsch, Frank Hall, Jim McCarty, Chandler Fox, and Floyd West spoke in opposition for similar reasons.

Eight (8) persons were present in opposition.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.

5. RE: Subdiv. #89-2--A.B.T.T.R., Inc.

Elliott Hindman, developer, and Preston Lee, Tatmen and Lee, were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred by dividing 68.2 acres into 87 lots, located on the east side of Route 278, 3,500 feet south of Route 277.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of January 23, 1989.

Mr. Hindman stated he will comply with all agency requirements. Lots located in the Conservation Zone will be one acre minimum.

Mr. Hindman stated no marine facilities are proposed.

Mr. Lee stated ponds on the site will be used to control runoff.

Charles Marsch, Chairman of Sussex County Manufactured Home Tenants Association, spoke in favor of the application.

No one was present in opposition.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.

6. RE: Subdiv. #89-3--Hubert D. Mock, Jr.

Mike Mock was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred by dividing 150.1 acres into 112 lots, located at the terminus of Melson Road, 2,500 feet east of Route One and adjacent to Midway Park Subdivision.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of January 23, 1989.

Mr. Mock stated he would comply with all agency requirements.

Charles Marsch, Chairman of Environmental Concerns Committee, spoke in opposition due to septic problems.

Walter Kearney questioned if improvements would be made to Melson Drive.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.

OTHER BUSINESS

1. RE: Abondant Life Church
Route 243

The Commission reviewed the preliminary site plan for the proposed church.

No one was present on behalf of the site plan.

Mr. Moore asked that by consensus, the Commission would reduce the parking lot paving requirements for churches from an all weather paved surface to a gravel parking area, provided the plan had approval from the Sussex Conservation District.

By consensus, the Commission agreed to the gravel parking.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the site plan with the stipulation that no construction permit be issued prior to receipt of all agency approvals.

2. RE: Waples Pond Acres
1 Additional Lot

The Commission reviewed a proposal to create one (1) additional lot having access from an existing sixty (60) foot right of way.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the one (1) lot with the stipulation of no further subdivision without a major subdivision application.

3. RE: Michael Attix
1 Lot
Route 113

The Commission reviewed a proposal to create one (1) lot and leave a fifty (50) foot right of way as secondary access to the residue of the property.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the one (1) lot subdivision.

4. RE: Plantation Park
Revised Plan

The Commission reviewed a proposal to convey three (3) areas of recorded recreation space to the adjacent lot owners.

Jim Polk, Plantation Park Homeowners Association, was present on behalf of the proposal.

Mr. Polk stated that the majority of homeowners have approved the proposed plat revision.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the revised record plan.

OLD BUSINESS

1. RE: The Staff has recommended the following items be approved.

A. Farm Ponds

- 1) Donald Beebe
Fish Pond, Route 382
- 2) Bruce Richards
Fish Pond, Route 385

B. Neil Cole

3 lots, 50 foot right of way, Route 364-B

C. Daniel Hopkins

3 lots, 50 foot right of way, Route 213

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to approve the recommendations of the staff.

2. RE: Conservation Zone

The Commission discussed the revised proposal for establishing conservation zones along tidal waters in the area encompassed within the Coastal Sussex Land Use Plan as adopted March 1988.

It was the consensus of the Commission that the revised Ordinance proposal should be submitted to the Sussex County Council for introduction for scheduling for public hearings.

3. RE: Subdiv. #88-24--Webb's Landing

Withdrawn From The Agenda.

4. RE: Subdiv. #88-28--Martha Timmons

The Commission reviewed the preliminary plans for the proposed subdivision.

The Subdivision had been deferred pending a feasibility for on-site wastewater disposal from D.N.R.E.C.

Mr. Moore stated that the feasibility had been obtained.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a preliminary.

5. RE: Subdiv. #88-29--The Bluffs

The Commission reviewed the preliminary plans for the proposed subdivision.

The subdivision had been deferred pending a feasibility for on-site wastewater disposal from D.N.R.E.C.

Mr. Moore stated that the feasibility had been obtained.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a preliminary.

6. RE: Subdiv. #88-27--Donald Ward

The Commission reviewed the preliminary plans for the proposed subdivision.

The subdivision had been deferred pending a feasibility for on-site wastewater disposal from D.N.R.E.C.

Mr. Moore stated that the feasibility had been obtained.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a preliminary.

7. RE: Subdiv. #88-21--Pelican's Pouch

The Commission reviewed the final plot plan for the proposed 36 lot subdivision.

Paul West, Land Tech, Inc., was present on behalf of the subdivision.

Mr. Moore stated that all approvals had been issued.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a final.

8. RE: Robert Stickels - County Administrator
Land Use Plan Discussion

Mr. Stickels and the Commission discussed Land Use Plans for the whole of Sussex County. The group also discussed Ordinance amendments needed to implement the Coastal Sussex Land Use Plan.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to recommend to the Sussex County Council that a consultant be hired to review and update the Coastal Sussex Land Use Plan and to prepare a Land Use Plan for the Westerly Corridor of Sussex County. The plans shall be separate documents with similar format to the present Coastal Sussex Land Use Plan. The County Attorneys are requested to review the Quality of Life Legislation to assist in preparing the bid proposals.

The Commission instructed the staff to proceed with preparation of amendments to the Comprehensive Zoning Ordinance and the Subdivision Ordinance for implementation of the recommendations of the Coastal Sussex Land Use Plan and issues that have been discussed at public hearings: i.e.: Conditional Uses, rooming houses/bed and breakfast inns, and State Wetlands calculated in net development area, etc...

Mr. Stickels advised the Commission that he will meet with the Commission on a quarterly basis to coordinate communication between the Commission and the Sussex County Council.

Meeting Adjourned 10:30 P.M.

Lawrence B. Lank, Secretary