

## MINUTES OF THE REGULAR MEETING OF FEBRUARY 13, 1997

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 13, 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. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the minutes of January 23, 1997 as corrected.

Mr. Schrader explained how the public hearings and agenda items are conducted.

### II. PUBLIC HEARINGS

#### 1. RE: ORDINANCE TO AMEND CHAPTER 99 (Definition of major and minor subdivisions)

AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND", TO AMEND PROVISIONS RELATING TO THE DEFINITION OF MAJOR AND MINOR SUBDIVISIONS AND TO AMEND PROVISIONS RELATING TO THE APPROVAL OF CERTAIN SUBDIVISIONS.

Mr. Lank summarized the Ordinance and read the synopsis relating to the Ordinance.

Mable Granke of Rehoboth Beach read and submitted a letter in support of the Ordinance. Mrs. Granke's letter stated that the declared concern about uncontrolled strip development is needed, not only from the standpoint of "undesirable consequences" and "compromise of traffic integrity", but also concern for additional unanticipated infrastructure beyond that of increased traffic and potential unsafe congestion; that an ordinance such as that proposed more clearly defines the difference of a minor and major subdivision by specific number of lots permitted is desirable; and that the new language of Subsection C of 99-7 mandating a minimum of one acre with a minimum frontage of 150 feet is important. Mrs. Granke's letter questioned if Subsection C of 99-7 references that a new entrance is necessary, which may be in conflict with the proposed definition of a minor subdivision; suggested that Subsection C of 99-7 should reference any "parcel", rather than "lot"; and questioned if the last sentence in Subsection C of 99-7 refers that a minor subdivision in 99-5 does not include the approval authority given the Director.

Michael Tyler of Lewes questioned if the Ordinance is premature since the Land Use Plan has not been completed; and suggested that it may be more appropriate to defer action until

the Land Use Plan is completed.

Marty Ross of rural Delmar stated that strip development exist as a choice of rural landowners to maintain land equity; that a rural landowner may need to sell a lot or lots to maintain land equity; that this Ordinance will restrict the use and sale of land; that rural areas will become holding areas; and suggested that the Commission take no action on this Ordinance.

Roland West of rural Millsboro questioned why the width is required; questioned why a minimum number of lots is required; and questioned what is wrong with strip development.

Mr. Schrader responded that there are opinions that strip development waste land; that strip development is not the most orderly way to develop land; and that strip development may impact roadways and drainage.

James Baxter of rural Georgetown stated that he does not believe that a strip development, properly done, will impact roads; that strip developments with business type uses impact roadways, not residential strip development; that he is concerned about the cost of a major subdivision in excess of four (4) lots; added that strip development sales have saved many family farms; and stated that he opposes the Ordinance.

Richard West of rural Millsboro stated that he opposes the Ordinance due to the loss of land equity; questioned how four (4) lots became the minimum number of lots; added that he has spoken to several neighbors that have parcels without 150 feet of frontage and questioned if they have any right to subdivide; suggested that a ten (10) year restriction of no development be placed on a new landowner; questioned how this process saves farmland; and noted the difficulty in obtaining approval of a subdivision by referencing tax ditches and wetlands.

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

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

Mr. Wheatley stated that he agreed with Mr. Tyler's suggestion that action be deferred until the Land Use Plan is completed.

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

2. RE: ORDINANCE TO AMEND CHAPTER 115  
(Placement & regulation of Mobile Homes)

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED "ZONING", TO AMEND PROVISIONS RELATING TO THE PLACEMENT AND REGULATION OF MOBILE HOMES AND TO PROVIDE MINIMUM STANDARDS FOR MOBILE HOMES IN CERTAIN DISTRICTS.

Mr. Schrader read the synopsis for the Ordinance.

Phyllis McKinley, Executive Director of First State Housing Institute, stated that everyone agrees that the current requirement that a five (5) acre parcel be required for placement of a manufactured home is not appropriate; that the Ordinance addresses affordable housing; that 40% of the housing stock in Sussex County is manufactured housing; that 50% of the annual residential housing permits in Sussex County are for manufactured housing; that 50% of the manufactured housing units permitted are placed on private land in Sussex County; and that the manufactured housing industry is generally in support of the Ordinance. Ms. McKinley also expressed some concerns about the Ordinance and referenced that the words "mobile home" should be replaced by the words "manufactured housing" as defined by H.U.D.; questioned the reasoning for a minimum width of 20 feet which restricts single-wide units; questioned the reference that foundations be built to the requirements of the Sussex County Building Code which makes no reference to manufactured homes; expressed a major concern that existing single-wide manufactured homes should be permitted to be replaced with single-wide or double-wide manufactured homes; discussed demolition of old manufactured homes; and stated that the manufactured housing industry is opposed to an actual roof pitch of a minimum of 3/12, since the Sussex County Building Code does not address a mandated roof pitch, since all manufactured home units are built to H.U.D. Codes and regulations, since H.U.D. has no mandated roof pitch, and since there is no technical or functional reason to require a roof pitch; suggested that a reference to a nominal roof pitch may be acceptable; stated that a 3/12 roof pitch is actually 2.565/12 and referred to in the industry as a nominal 3/12; and that a 3/12 or greater roof pitch may cost an additional \$4,000.00.

Ms. McKinley submitted letters from the following in reference to the Ordinance: Skyline Homes, Fleetwood Homes, Redman Homes, Colony Factory Crafted Homes, Heartland Homes, Clayton Homes, and Oakwood Manufactures Homes, Inc.

Carl Severe, Division Manager of Skyline Homes from Leola, Pennsylvania, questioned the reasoning for a roof pitch; and stated that asphalt shingles are required to be applied by

certain methods for certain roof pitches to provide for a manufacturer's guarantee; that a manufactured home unit may not exceed 13.5 feet height above street level when shipping unless a hinged roof is provided; that a 28 foot wide manufactured home has a nominal 3/12 roof pitch which will not meet the Ordinance as written; that a 24 foot wide manufactured home can meet the Ordinance; that a 28 foot wide manufactured home is the predominant choice of buyers due to the additional space; that a 24 foot wide manufactured home is less expensive; that roof pitch should not be an issue; and that Kent County and New Castle County permit the nominal roof pitch.

Glenn Reed of Bethany Beach, a representative of Oakwood Homes, stated that Oakwood Homes has two (2) business locations in Sussex County, one near Delmar and one near Millsboro, and that all units displayed are designed with a nominal roof pitch.

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

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

Motion by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to defer action to allow more time to study the Ordinance.

3. RE: ORDINANCE TO AMEND CHAPTER 115  
(VRP Vacation-Retirement-Residential-Park)

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XVII, WHICH PERTAINS TO THE VRP VACATION-RETIREMENT-RESIDENTIAL-PARK DISTRICT ZONING CLASSIFICATION, BY AMENDING SETBACK REQUIREMENTS.

Mr. Lank summarized the Ordinance and read the synopsis.

Mr. Lank stated that one of the reasons for this Ordinance is to try to resolve over 200 setback violations found at Mariner's Cove after a new survey was performed and corner markers set in place.

William Dorsey, Regional Vice-President of Manufactured Home Communities, Inc., present developers of the Mariner's Cove project, stated that he was available if Commission members had any questions, and added that they purchased the project approximately three (3) years ago and that the violations existed prior to their purchase of the project.

At the conclusion of the public hearing, the Chairman referred back to the Ordinance.

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

Motion by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to defer action to allow for further study of the Ordinance.

### III. OTHER BUSINESS

#### 1. RE: Subdivision #96-1--Asa Peugh

Mr. Abbott advised the Commission that a request for a one year time extension to obtain final approval has been received from the surveyor. The time extension is requested so that appropriate agency approvals can be obtained.

Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to grant a one year time extension.

#### 2. RE: Subdivision #92-2--Springfield Enterprises

Mr. Abbott advised the Commission that a request for a one year time extension to obtain final approval has been received from the surveyor. The time extension is requested so that appropriate agency approvals can be obtained.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to grant a one year time extension.

#### 3. RE: S & W Partnership

Mr. Abbott advised the Commission that a request for a one year time extension to obtain final site plan approval has been received from the developer, that preliminary approval was granted on September 22, 1994, that a one year time extension was granted on February 8, 1996, and that as of this date, the staff has not received any correspondence or approvals or permits from the required agencies.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to deny the one year time extension. The site plan shall be required to be re-submitted to obtain preliminary approval.

#### 4. RE: Bethany Proper LP

The Commission reviewed the proposed master plan for the

Waterside HR - RPC on the northeastern side of Road 361.

Mr. Abbott advised the Commission that the master plan is the same concept as what was submitted at the public hearing, that the site has 113 total units with area for retail sales and office area, summarized the stipulations that were created by the County Council, and advised the Commission that each phase should be required to be reviewed by the Planning and Zoning Commission.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the master plan as submitted. Each phase shall be submitted to, reviewed and approved by the Planning and Zoning Commission.

5. RE: Harbeson's Cycle and Service

The Commission reviewed a commercial site plan for a motorcycle repair and service shop on Route 9 east of Route 30 near Gravel Hill.

Mr. Abbott advised the Commission that a 40 foot by 64 foot building is proposed, that adequate parking and interior driveways are provided and that this area will be paved, that the setback requirements are met, and that as of this date, the Fire Marshal Office and County Building Code have approved the site and building plans.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all required agency approvals.

6. RE: Charles G. and Patricia A. Wagner

The Commission reviewed the site plan for Conditional Use Number 1172 located at the intersection of Route 24 and Road 297.

Mr. Abbott advised the Commission that the site plan is the same concept as what was submitted during the public hearing, that as of this date no agency approvals have been received, and that there are parking spaces located within the front yard setback and that this would have to be approved by the Commission.

Mr. Lank advised the Commission that a fence or screening shall be required to be erected to screen the parking areas from any adjacent residential uses.

Motion made by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to approve the site plan as a preliminary.

Final approval shall be subject to the review and approval of the Planning and Zoning Commission upon receipt of all required agency approvals and permits.

7. RE: Joseph J. Balsamo

The Commission reviewed a commercial site plan for a restaurant and sports pub on Route 54 west of Delaware Route One.

Mr. Abbott advised the Commission that this site plan received preliminary approval on January 23, 1997 with the stipulation that the six parking spaces located within the front yard setback be re-located.

Don Conaway of Seashore Realty was present and questioned if the Commission would re-consider their decision of allowing the parking to remain as shown.

Mr. Conaway advised the Commission that DelDOT is requiring the developer to install curbing and sidewalks along Route 54, that there is not any more room on site to re-locate the parking since the rear of the site is for a stormwater management area, and that other commercial sites on Route 54 have parking located within the front yard setback.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to re-approve the site plan as a preliminary as submitted. Final approval shall be subject to the staff receiving all required agency approvals and permits.

Meeting adjourned at 10:00 P.M.