

MINUTES OF THE REGULAR MEETING OF FEBRUARY 23, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 23, 1989, at 7:45 P.M. in the County Council Chambers, Courthouse, Georgetown, Delaware, with the following present:

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

PUBLIC HEARINGS

1. RE: C/Z #976--Robert W. Palmer and Joan L.

Larry Fifer, attorney, and Robert Palmer were present on behalf of this application to amend the zoning map from MR Medium Density Residential to C-1 General Commercial in Lewes and Rehoboth Hundred, located on the southwest side of Route One, 800 feet north of Route 283, containing 0.80 acre more or less.

Mr. Moore stated comments were received from the State Highway Department. They have no objection to this application.

Mr. Fifer stated the proposed site was approved in 1973 as a conditional use for an upholstery shop.

Mr. Fifer stated the applicants are applying for a change of zone to conform to the area as it has been developed. Most of the properties on Route One are zoned commercial. There are other businesses in the area.

Mr. Palmer stated he does not plan to change the existing use of the property. He has no plan to expand the existing business. He does not plan to subdivide the property.

No one was present in opposition.

At the conclusion of the public hearing, 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 from the Division of Highways, that they have no objection to the proposed change.

The Commission found that the applicants were present and plan to continue to operate the existing upholstery shop with no plans for expansion.

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, that the use is established, that the zoning is compatible with adjacent zoning and that the change will have no impact on Route One and will have no negative impact on adjacent property values.

2. RE: C/Z #977--Townsend's, Inc.

Eugene Bayard, attorney, and George Petitgout, Townsend's, Inc., were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Lewes and Rehoboth Hundred, located on the southwest side of Route 269A, 0.4 mile north of Route 18, containing 20.00 acres more or less.

Mr. Moore stated comments were received from the State Highway Department. They will not request a traffic impact study based on the proposed use. If the use changes, they would request a traffic impact study.

Mr. Petitgout stated the proposed site is surrounded on three (3) sides by farmland owned by Townsend's, Inc. The site was chosen due to its being the most unproductive agriculturally.

Mr. Petitgout stated the proposed site is approximately 1,500 feet to 2,000 feet from the nearest residence.

Mr. Petitgout stated they are proposing access from two (2) roads.

Mr. Petitgout stated on-site well and septic are proposed.

Mr. Petitgout stated the applicants are proposing a facility for sale and service of boats. There will be separate areas for display and storage. The site will be fenced and have a locked gate. The site will be landscaped along the front.

Mr. Petitgout stated there are no similar facilities in the area.

Mr. Petitgout stated there will be two (2) large prefab steel buildings. There could be smaller buildings to be used as supply sheds and for storage of tools and equipment.

Mr. Petitgout stated they plan to service larger boats, 35 feet and larger. Their service will include taking the customer's boat out of the water and moving it to their facility when necessary.

Richard Steinbaugh spoke in opposition due to noise, dust, changing the quiet residential neighborhood, and the uses permitted under commercial zoning. He also expressed concerns about additional lands being changed to commercial and disturbing wildlife areas.

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

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

The Commission found that, based on comments from the Division of Highways, that a traffic impact study is not being requested and that the service level of the road segment is service level "A".

The Commission found that the representative of the applicant was present and stated that the site was not productive agricultural lands and the site will be utilized as a boat storage and repair facility.

The Commission found, based on comments from the applicants representatives, that the site was 1,500 to 2,000 feet from the nearest dwelling, that the site would be buffered on three sides by other lands of the applicant, and that the proposed use will be compatible to the adjacent Atlantic Concrete operation.

The Commission found, based on comments from the opposition, that the change may have a negative impact on wildlife and traffic.

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 in support of the application, that the change will have no adverse traffic impact on Route 269A, that the change will be compatible with the adjacent concrete operation and the change will have no negative impact on adjacent property values and that a need for the proposed use exists in the community.

3. RE: C/Z #978--Raymond and Janet McCabe

Eugene Bayard, attorney, and Raymond McCabe were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Broadkill Hundred, located on the southwest side of Route One, 500 feet northwest of Red Mill Pond, containing 25,341 square feet more or less.

Mr. Moore 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 "B" of Route One as a result of this application.

Mr. McCabe stated the site has an existing fruit stand which will be removed.

Mr. McCabe stated they are proposing to place a Cape Cod style Nanticoke Home on the site to be used as a model home with an attached garage which will be used as a sales office. The site will be served by on-site well and septic system. There will be adequate space for parking. The site will be landscaped. The site is part of Red Mill Manor Subdivision.

Mr. McCabe stated he plans to relocate his present sales facility to make it more accessible. There are other businesses in the area.

Mr. McCabe stated the office will be open six (6) days per week, year round. It will be operated by himself and his wife. Access will be from the private subdivision street.

Mr. McCabe stated the site is under contract to purchase.

No one was present in opposition.

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

4. RE: C/Z #979--Deborah DiFebo

Anthony Rousak and Deborah DiFebo were present on behalf of this application to amend the zoning map from GR General Residential to C-1 General Commercial in Indian River Hundred, located on the west side of Route 24, 1/4 mile north of Route 299, containing 22,500 square feet more or less.

Mr. Moore stated comments were received from the State Highway Department. They will not request a traffic impact study.

Mr. Moore stated the proposed site was originally approved as Conditional Use #656 for lingerie sales. The use was changed to seafood sales with approval of the Director of Planning and Zoning.

Mr. Rousak stated the existing business is seasonal. The applicant would like to expand the business and possibly replace the existing structure. The existing septic would have to be improved.

Mr. Rousak stated there are other business uses in the area.

No one was present in opposition.

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

5. RE: Subdiv. #89-4--Theodore Simpler

No one was present on behalf of this application to consider the Subdivision of land in a GR General Residential Zoning District in Nanticoke Hundred by dividing 14.77 acres into 23 lots, located on the east side of Route 526A, 1,100 feet northwest of Route 525, and on the north side of Route 525, 1,000 feet northwest of Route 526A.

Application withdrawn prior to hearing.

6. RE: Subdiv. #89-5--John L. Smith, Jr. and John L. Smith, III

Eugene Bayard, attorney, was present on behalf of this application to consider the Subdivision of land in an MR Medium Density Residential Zoning District in Lewes and Rehoboth Hundred by dividing 7.5 acres into 17 lots, located at the southeast intersection of Route One and Hall Avenue, Indian Beach.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of February 13, 1989.

Mr. Bayard stated the applicants have owned the site since 1933. They plan to develop this site similar to Indian Beach Subdivision.

Mr. Bayard stated lots will be a minimum of 10,000 square feet with private streets built to state specifications. Sewer will be provided by Dewey Beach Sanitary Sewer District. Water will be provided by Dewey Beach. Beach access will be conveyed to a homeowners association. Restrictions will be similar to those of Indian Beach.

Mr. Bayard stated the applicants are proposing to reduce the right of way of Hall Avenue from 100 feet to 50 feet.

James Ward spoke in opposition to reducing the right of way of Hall Avenue. He also expressed concerns of damage to existing dunes.

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

OTHER BUSINESS

1. RE: Nora Mae Banning
1 lot

The Commission reviewed a proposal to create one (1) additional lot within Sufelt Acres.

No one was present on behalf of the proposal.

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

2. RE: Daniel Hopkins

Withdrawn from the Agenda.

3. RE: Kings Creek
Clubhouse

The Commission reviewed a proposed site plan for the Kings Creek clubhouse.

Bob Hand was present on behalf of the proposal.

Mr. Moore stated that the proposed clubhouse was in compliance with the Zoning Ordinance.

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

4. RE: Milford Memorial Hospital

Withdrawn from the Agenda.

Meeting Adjourned 9:35 P.M.

Michael M. Moore, Planner I