

## MINUTES OF THE REGULAR MEETING OF FEBRUARY 23, 1995

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 23, 1995, at 7:30 P.M. in Room 115, the Courthouse, Georgetown, Delaware with the following present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner II.

Motion by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to approve the minutes of February 9, 1995, as circulated.

### II. PUBLIC HEARINGS

#### 1. RE: C/U #1106--Eric H. Ritter

Eric H. Ritter and Joseph T. Conaway, President of Consultants Unlimited, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for Outside Boat Storage, Boat and Boating Supplies Sales, Marine Engine Repair and Boat Painting lying on the northeast side of Road 395, 2,500 feet southeast of Road 54, on a parcel containing 5.706 acres more or less.

Mr. Lank summarized comments received from the Delaware Department of Transportation (DelDOT) and the Sussex County Engineering Department.

Mr. Conaway stated that the intended business, as referenced in the application, is to be named "Mason Dixon Boat Storage", that 173 dry boat storage slips are proposed, that no inside storage is planned, that patrons will not drive vehicles within the storage area, that all movement of boats within the storage area will be handled by employees on the site, that the proposed repair building will measure approximately 40' by 50' with a lean-to addition measuring 16' by 30', that the building will be metal with concrete flooring with drains, that the lean-to addition will be utilized as a boat painting shop, that the entrance drive and parking area will be paved, that the storage area will remain in grass, that security lighting will be provided at all corners of the storage area, that business hours are planned to be from 7:00 A.M. to 7:00 P.M. seven days per week, that the applicant will operate the business with two employees.

Mr. Ritter stated that he has been in the marine services field for approximately 10 years, that he is a certified technician for marine services, that he has reviewed several sites along the east coast and in Florida for similar uses and



feels that his proposal will provide a service for the area, and that he also proposes to include a small fishing tackle shop.

Mr. Conaway added that a well and septic system will be installed, that boats will be winterized on site, that the boats will be winterized on a concrete pad designed to control any runoff, that waste oils will be stored in drums and picked up by a waste oil handler, that the storage area is to be used for boats and boat trailers only, that no motorhomes, campers, manufactured homes or vehicles will be stored in the storage area, that storage facilities in the area appear to be full, that a need exist in the area for additional storage facilities, that a boat storage facility on the Long Neck Road advertises on Route 54 which exhibits a need for storage, that the DelDOT report indicates that the use will have no significant impact on traffic, that no federal or state wetlands exist on the site, that the soils are not prime soils for farming, that the site will be fenced, that the site is within the eight minute response time zone for the fire and ambulance services, that the use will have no negative impact on the school district, that no negative impact is anticipated on the neighborhood or property values, that the site is located within a Development District based on the Coastal Sussex Land Use Plan, that no critical areas are impacted, that no historical sites exist on or near the site, that the use conforms to the intent of the purpose of a Conditional Use, that the use conforms to the objectives of the Coastal Sussex Land Use Plan by providing employment and providing services for the tourism industry, and that the use will help remove a large number of boats from waterways.

Mr. Ritter added that he anticipates that summer storage will not be utilized 25% of the site, and that the primary use of the site is for winter storage.

Mr. Conaway submitted a brochure of documents, 19 letters in support of the application, and a petition containing 14 signatures in support.

Gladys Knox, the applicant's grandmother and owner of the property, and Robin Quinn, of the 26 people present in support spoke about the applicants character.

Cindy Brasure, Harry Brasure, a Mr. Blake, Bobby Jacobs, and William Stevens, spoke in opposition and expressed concerns that the use is not appropriate for a residential area, traffic concerns and safety hazards on Road 395, traffic safety at the intersection of Road 395 and Route 54, childrens safety, environmental problems from boat painting, possible lead paint on



old boats, litter, noise, lights from vehicles and lighting proposed on the site, anti-freeze and oils and greases running off into the water table, and that vacant commercial land exist in the area and is more appropriate for the use.

Ms. Brasure submitted a letter in opposition from William Wilhelm and a four page petition containing 61 signatures 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 received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex County Engineering Department, that the site is located in a Priority 2 Planning Area and will not receive sanitary sewer service within the next five years, and that the site will ultimately be served by the South Coastal Regional Wastewater Facilities near Ocean View.

The Commission found that the applicant and a consultant were present and advised the Commission that the intended business, as referenced in the application, is to be named "Mason Dixon Boat Storage", that 173 dry boat storage slips are proposed, that no inside storage is planned, that patrons will not drive vehicles within the storage area, that all movement of boats within the storage area will be handled by employees on the site, that the proposed repair building will measure approximately 40' by 50' with a lean-to addition measuring 16' by 30', that the building will be metal with concrete flooring with drains, that the lean-to addition will be utilized as a boat painting shop, that the entrance drive and parking area will be paved, that the storage area will remain in grass, that security lighting will be provided at all corners of the storage area, that business hours are planned to be from 7:00 A.M. to 7:00 P.M. seven days per week, that the applicant will operate the business with two employees, that the applicant has been in the marine services field for approximately 10 years, that the applicant is a certified technician for marine services, that the applicant has reviewed several sites along the east coast and in Florida for similar uses and feels that his proposal will provide a service for the area, that a small fishing tackle shop is also



proposed, that a well and septic system will be installed, that boats will be winterized on site, that the boats will be winterized on a concrete pad designed to control any runoff, that waste oils will be stored in drums and picked up by a waste oil handler, that the storage area is to be used for boats and boat trailers only, that no motorhomes, campers, manufactured homes or vehicles will be stored in the storage area, that storage facilities in the area appear to be full, that a need exist in the area for additional storage facilities, that a boat storage facility on the Long Neck Road advertises on Route 54 which exhibits a need for storage, that the DelDOT report indicates that the use will have no significant impact on traffic, that no federal or state wetlands exist on the site, that the soils are not prime soils for farming, that the site will be fenced, that the site is within the eight minute response time zone for the fire and ambulance services, that the use will have no negative impact on the school district, that no negative impact is anticipated on the neighborhood or property values, that the site is located within a Development District based on the Coastal Sussex Land Use Plan, that no critical areas are impacted, that no historical sites exist on or near the site, that the use conforms to the intent of the purpose of a Conditional Use, that the use conforms to the objectives of the Coastal Sussex Land Use Plan by providing employment and providing services for the tourism industry, that the use will help remove a large number of boats from waterways, that summer storage will not be utilized more than 25% of the site, and that the primary use of the site is for winter storage.

The Commission found that the applicant's consultant submitted a brochure of documents, 19 letters in support of the application, and a petition containing 14 signatures in support.

The Commission found that the applicant's grandmother and owner of the property, and another individual of the 26 people present in support of the application, spoke about the applicant's character.

The Commission found that five area residents spoke in opposition and expressed concerns that the use is not appropriate for a residential area, traffic concerns and safety hazards on Road 395, traffic safety at the intersection of Road 395 and Route 54, children's safety, environmental problems from boat painting, possible lead paint on old boats, litter, noise, lights from vehicles and lighting proposed on the site, anti-freeze and oils and greases running off into the water table, and that vacant commercial land exist in the area and is more appropriate for the use.



The Commission found that one of the opponents to the application a letter in opposition from an area land owner and a four page petition containing 61 signatures in opposition.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission. All appropriate agency approvals and/or permits shall be required prior to final approval.
2. Chain link type fencing shall be installed along the easterly side of the site along the Brasure lands, the Dickerson lands, and lots 11 and 12 within Sea Country Estates Subdivision.
3. Security lighting shall be located so that no direct lighting impacts residences on adjoining lands or motorist traveling along Road 395.
4. No ground signs shall be permitted. The only signage on the site shall be a 4' by 8' sign on the building.
5. The repair building shall not exceed one story or thirty feet in height.
6. Landscaping shall be provided along the chainlink fencing and along the front of the site. Landscaping along the front of the site shall be setback at least 20' so as not to obstruct views for motorist leaving the site.
7. All boats and boat trailers stored shall meet the setbacks required for structures within Agricultural Residential Districts. Side setbacks shall be a minimum of 15' from Brasure lands, Dickerson lands, other Knox lands, and lots 11 and 12 within Sea Country Estates. The rear setback shall be 20'.

### III. OTHER BUSINESS

1. RE: Admiral's Point MR-RPC

Jeff Clark of Land Tech Inc. was present as the Commission reviewed the final record plat for the 33 lot Admiral's Point Residential Planned Community.

Mr. Abbott advised the Commission that the record plat is in compliance with the Subdivision and Zoning Codes and that all required agency approvals have been received.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the record plat as a final.



2. RE: Milford Little League Complex

The Commission reviewed a site plan for a proposed ten field ballpark complex on Route 206, west of Route One near Milford.

Mr. Abbott advised the Commission that the staff usually approves Little League Complexes over the counter provided that the applicant has all required agency approvals since they are non profit projects, but decided that the Commission should review this complex due to the size.

Karen Brittingham of Charles Murphy Surveyors advised the Commission that the existing complex is located in the City Limits of Milford, that there is no room for expansion there, that this complex proposes ten fields with lights for boys and girls, that the site will be buffered and landscaped, that adequate parking is provided, that the adjoining landowners are aware of the proposal and that the complex will not be built until the funding is available.

Dean Whittaker, President of the Milford Little League, advised the Commission that the league has had an 8% growth in the last few years, that the league boundaries are the same as the Milford School District, that more children are signing up to play ball, that the five fields to the rear of the site will be lighted with the lighting directed towards the center of the complex, that speed bumps will be installed on the interior drives, and that other safety precautions will be taken.

Mrs. Brittingham advised the Commission that there is adequate room for additional parking if needed.

Mr. Allen advised the Commission that he is not opposed to the site plan and that the ordinance does not reference little league complexes and that maybe it should so that adjoining property owners would be notified so that they may comment.

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

3. RE: Lingo Estates MHP

Mr. Lank advised the Commission that there are setback violations in the park and that no action should be taken until the problems have been corrected.

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



IV. OLD BUSINESS

1. RE: C/U #1104--Eileen McCaffery

No parties were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for Expansion to an Existing Manufactured Home and Recreational Park by Adding 81 Recreational Sites lying approximately 1,120 feet east of Road 347 and 1/2 mile north of Road 349, on a parcel containing 7.27 acres more or less.

Mr. Lynch abstained from participation due to a possible conflict of interest.

Mr. Allen stated that there have been no complaints against the operation of the existing campground.

Motion by Mr. Phillips, seconded by Mr. Ralph, and carried with four (4) votes, Mr. Lynch abstaining, to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. The site plan shall be subject to review and approval of the Planning and Zoning Commission. Final approval shall be subject to receipt of all appropriate agency approvals and/or permits.
2. All standing trees within the 50' buffer area shall be retained.
3. The maximum number of lots within the expansion area shall be 81.

2. RE: Subd. #94-8--David B. Webb, Jr.

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 8.87 acres into 10 lots, located on the west side of Route 516, at the intersection of Route 525.

Mr. Abbott advised the Commission that the final record plat is in compliance with the subdivision code and that all required agency approvals have been received.

Motion made by Mr. Phillips, seconded by Mr. Ralph, and carried 4 to 0, with Mr. Wheatley not voting, to approve as a final.

Meeting adjourned at 9:30 PM.