

MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 1994

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 24, 1994, at 7:30 P.M., in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Ralph, Mr. Magee, Mrs. Monaco, Mr. Phillips, Mr. Schrader-Assistant County Attorney, Mr. Lank-Director, and Mr. Abbott-Planner II.

Motion made by Mrs. Monaco, seconded by Mr. Magee, and carried unanimously to approve the minutes of January 27, 1994 and February 10, 1994, as circulated.

II. PUBLIC HEARINGS

1. RE: C/U #1067--Country Friends by Linda

William L. Tribbett was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for a Country Craft Shop, Plants and Produce Sales as Extension to Conditional Use No. 927 lying on the north side of Route 16, 490 feet west of Route 595A to be located on a parcel containing 5.66 acres more or less.

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

Mr. Tribbett advised the Commission that he proposes to increase his retail space as extension to Conditional Use No. 927, to increase the size of the parking area, to add green houses for plants, and to create approximately one acre of garden area for growing produce for sale on the site, that the existing parking area measures approximately 120' by 120', that he proposes to add an additional 120' by 120' area, that additional parking is needed to handle existing customers, that he would like to install a larger sign for advertisement, and that the sign will not be lighted.

No parties appeared in opposition.

At the conclusion of the public hearing, Mr. Ralph, Acting 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 would have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand which has none to slight limitations, that the applicant may be required to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soil type is considered of Statewide Importance, that no storm flood hazard area is affected, that it may not be necessary for any on-site or off-site drainage improvements, and that the Maple Marsh Tax Ditch runs along the northwest property line and that a 16.5' right of way exist along the ditch.

The Commission found that one of the owners was present and advised that he proposes to increase his retail space as extension to Conditional Use No. 927, to increase the size of the parking area, to add green houses for plants, and to create approximately one acre of garden area for growing produce for sale on the site, that the existing parking area measures approximately 120' by 120', that he proposes to add an additional 120' by 120' area, that additional parking is needed to handle existing customers, that he would like to install a larger sign for advertisement, and that the sign will not be lighted.

The Commission found that no parties appeared in opposition.

Motion by Mrs. Monaco, seconded by Mr. Magee, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the stipulation that the site plan be subjected to review and approval by the Planning and Zoning Commission.

2. RE: C/U #1068--Robert E. Mitchell

Robert E. Mitchell and Jackie King were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred for a Mechanics Shop for Auto and Boat Repair lying on the southeast side of Route 277, 250 feet southwest of Route 275 to be located on a parcel containing 1.01 acres more or less.

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

Mr. Lank submitted photographs of the site and the improvements.

Mr. Mitchell submitted two letters from neighbors in support.

Mr. Mitchell advised the Commission that approximately 75% of his work is off-site working on diesel engines for boats, that no junk vehicles will be stored on the site, that there will be no outside storage, that he would like to place a small sign on the site to advertise the business, that the auto repair work will include tune-ups and service, no body work, no towing service, and that the business will not operate on Sunday.

Brooke Freeman, William Bayard, and Michael Sergio spoke in support of the application.

No parties appeared in opposition.

At the conclusion of the public hearings, Mr. Ralph, Acting 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 the Sussex Conservation District, that the soils are mapped as Sassafras loam which has slight limitations, that the applicant will be required to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soil type is Prime, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the applicant was present and plans to utilize the site for auto and boat repair, that approximately 75% of his work is off-site working on diesel engines for boats, that no junk vehicles will be stored on the site, that there will be no outside storage, that he would like to place a small sign on the site to advertise the business, that the auto repair work will include tune-ups and service, no body work, no towing services, and that the business will not operate on Sunday.

The Commission found that two letters of support were received from area residents.

The Commission found that three area residents spoke in support of the application.

The Commission found that no parties appeared in opposition.

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

- A. The site plan shall be subjected to review and approval by the Planning and Zoning Commission.
- B. Signage shall not be lighted and shall not exceed 32 square feet per side or facing. Only one sign shall be permitted on the property and shall include the existing sign.
- C. The business shall not operate on Sundays.
- D. No major engine or transmission overhaul work shall be performed.
- E. No junk automobiles or boats shall be stored on the site.
- F. No overnight outside storage of vehicles or boats shall be permitted.

3. RE: Subdiv. #94-3--Fairway Oaks Co.

James Fuqua, Attorney, Don Miller, Surveyor, and Merrill Moore were present on behalf of this application to consider the Subdivision of land in a MR Medium Density Residential Zoning District in Dagsboro Hundred by dividing 74.67 acres into 20 lots, located approximately 950 feet south of Route 324 at the intersection of Fifth Hole and Fairway West, and as an extension to Golf Village Subdivision.

Mr. Abbott summarized the Technical Advisory Committee Report of February 17, 1994, and comments received from the Water Supply Branch of DNREC, the Division of Parks and Recreation of DNREC, and the Indian River School District.

Mr. Fuqua advised the Commission that the site is adjacent to an existing subdivision and golf course, that 20 lots are proposed, that individual on site wells and septic systems are proposed unless the Town of Georgetown extends central water and sewer to the area, that the streets will be built to State of Delaware Specifications, that fire and police protection will be provided, that the utilities will be the same as Golf Village, that no recreation area will be provided since the site adjoins the golf course, that the site will remain mostly wooded, that the 404 federal wetlands line will become the building restriction line, that the deed restrictions will be the same for

as Golf Village or more restrictive, that there will be a homeowners association, and that the developer wants to complete what was originally planned for this site.

James Baxter, Jr. advised the Commission that he is not opposed to the development but expressed concerns about being able to farm his property, stormwater run off onto other properties, that the site has low spots that hold water, and the Agricultural Use Protection deed restriction.

Robert L. Van Pelt expressed concerns about who will review the proposed deed restrictions, questioned the suggested wet pond for storm water management, and questioned if any signs will be erected.

Richard Blades expressed concerns about increases in traffic, the wetlands on site, and the drainage of the property.

Mr. Fuqua advised the Commission that the drainage and run off concerns will be addressed by the Sussex Conservation District.

Mr. Miller advised the Commission that the preliminary septic work has been submitted to DNREC and that it appears that each lot will be able to have an individual septic system

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

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

Mr. Lank advised the Commission that the septic feasibility statement has not been received from DNREC.

Motion made by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to defer action pending receipt of a septic feasibility statement from DNREC.

III. OTHER BUSINESS

1. RE: C/Z #1209--H. Robert Hickman

The Commission reviewed the preliminary site plan for Shady Ridge, a GR-RPC on Route 461 near Laurel.

Mr. Abbott advised the Commission that the street layout has been revised as suggested by the County Engineering Department, that the project has been reviewed by the Technical Advisory Committee, and that the site is feasible for a community septic

system.

Don Miller advised the Commission that the streets will be built to State of Delaware specifications.

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

2. RE: John B. & Debra Walls

The Commission reviewed a concept to create a five acre parcel with access from a fifty foot right of way on Route 38.

Mr. Abbott advised the Commission that there is an existing paved driveway that the owner will widen it to fifty feet, that the parcel has two poultry houses on it that will be put in a corporation name and that the owner has filed an application for a variance to the Board of Adjustment.

Motion made by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to approve as a concept subject to Board of Adjustment approval for the variance.

Meeting adjourned at 9:15 PM.