

MINUTES OF THE REGULAR MEETING OF MARCH 8, 1990

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 8, 1990, at 7:45 P.M. in the County Council Chambers, Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mr. Hickman, Mrs. Monaco, Mr. Smith, Mr. Berl - Attorney, Mr. Lank - Director, and Mr. Moore - Planner I.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the minutes of February 22, 1990, as circulated.

PUBLIC HEARINGS

1. RE: C/U #929--Samuel J. Passwaters, III

Samuel J. Passwaters, III 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 Woodworking Shop located in the community of Lincoln, on the north side of Greely Avenue and west of the railroad, and to be located on a parcel containing 39,374 square feet more or less.

Mr. Lank summarized comments received from the Sussex Conservation District and the State Deld.O.T.

Mr. Passwaters stated that he proposes to utilize the site for a cabinet shop, that the site adjoins an industrial site to the north, a fuel facility across Greely Avenue, and a railroad on the east, that he plans to build a home on the parcel in the near future, that he proposes a 30 foot by 50 foot shop with 30 foot wide future additions on each side to replace an existing shed on the parcel, and that no adverse impact is anticipated on the neighborhood or property values.

Richard Clendaniel, an adjacent property owner, spoke in support of the application.

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 Sussex Conservation District, that the Woodstown Sandy loam on site is suitable for the intended use, that slight limitations may be anticipated in reference to erosion/sedimentation control during

and after completion of construction, that the farmland rating of the soils is of Statewide importance, that no storm flood hazard area or tax ditch will be affected, and that it may not be necessary for any off site or on site drainage improvements.

The Commission found, based on comments from the State DelD.O.T., that a traffic impact study was not recommended, and that the present level of service "A" will not change as a result of this application.

The Commission found that the applicant was present and plans to utilize the site for a cabinet shop.

The Commission found, based on comments made by the applicant, that commercial and industrial uses exist in close proximity, that a 30 foot by 50 foot shop with two (2) 30 foot wide future additions are proposed, that the existing shed on the premises will be removed, that no adverse impact is anticipated on the neighborhood or property values.

The Commission found that a neighbor spoke in support of the application.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to forward this application for Conditional Use to the Sussex County Council with the recommendation that it be approved based on the record of support.

2. RE: C/Z #1057--Carolyn A. and Robert J. Truitt

Robert Truitt was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Little Creek Hundred, located on the east side of Route 13, 0.8 mile north of Route 54, containing 3.42 acres more or less.

Mr. Lank summarized comments received from the Sussex Conservation District and the State DelD.O.T.

Mr. Truitt stated that he has a perspective buyer for the property for a small engine repair service, that other commercial uses are in close proximity, that a C-1 General Commercial Zoning exists south of the site and across Route 13, and that no adverse impact on property values or the neighborhood is anticipated.

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 Sussex Conservation District, that the Elkton Sandy loam on site is suitable for the intended use, that slight limitations may be anticipated in reference to erosion/sediment control during and after completion of construction, that the farmland rating of the soils is prime, that no storm flood hazard area or tax ditch will be affected, and that it may not be necessary for any on site or off site drainage improvements.

The Commission found, based on comments from the State DelD.O.T., that a traffic impact study was not recommended and that the level of service "A" of Route 13 will not change as a result of this application.

The Commission found that one of the applicants was present and that a perspective buyer wants to utilize the site for a small engine repair service.

The Commission found, based on comments made by the applicant, that other commercial uses exist in close proximity, that C-1 General Commercial zoning exists south of the site and across Route 13, and that no adverse impact on property values or the neighborhood is anticipated.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, 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 parcel is fronting Route 13, and adjoining a C-1 General Commercial District and mixed commercial uses.

3. RE: C/Z #1058--Earl E. Davis, Anna M. Davis, and Helen M. Burton

Earl E. Davis was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broadkill Hundred, located on the northeast side of Route One, 290 feet north of Route 258, containing 0.65 acre more or less.

Mr. Lank summarized comments received from the Sussex Conservation District and the State DelD.O.T.

Mr. Davis stated that he proposes to utilize the site for used car sales, wholesale and retail, that he plans to maintain approximately five (5) vehicles on site, that C-1 General Commercial Districts exist immediately adjacent, that off street

parking will be provided, that the business will be open seven (7) days per week, that other commercial uses exist in close proximity, and that no adverse impact is anticipated on property values, the neighborhood, or Route One.

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 Sussex Conservation District, that the Sassafras Sandy loam on site is suitable for the intended use, that slight limitations may be anticipated in reference to erosion/sediment control during and after completion of construction, that the farmland rating of the soils is prime, that no storm flood hazard area or tax ditch will be affected, and that it may not be necessary for any on site or off site drainage improvements.

The Commission found, based on comments received from the State DelD.O.T., that a traffic impact study was not recommended and that the level of service "C" of Route One will not change as a result of this application.

The Commission found that one of the applicants was present and plans to utilize the site for used car sales.

The Commission found, based on comments made by the applicant, that commercial uses exist in close proximity, that C-1 General Commercial zoning exists immediately adjacent to the site and across Route One, and adequate space is available for parking, that the business may operate seven (7) days a week, and that no adverse impact is anticipated on property values, the neighborhood or Route One.

Motion made by Mr. Smith, seconded by Mr. Hickman, 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 C-1 General Commercial exists immediately adjacent and since the use is compatible to the adjoining C-1 General Commercial Districts.

4. RE: C/Z #1059--Atlantic Screen, Inc.

Mrs. William Lawson and Henry Davis, attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to LI-2 Light Industrial in Broadkill Hundred, located on the north side of Route 16, west of Route 22B,

containing 24,230.5 square feet more or less.

Mr. Lank summarized comments received from the Sussex Conservation District and the State DelD.O.T.

Mrs. Lawson and Mr. Davis stated that the present use is nonconforming, that the use, manufacturing of screens for industrial uses, will not change, that the intent of the application is for expansion of the building by adding a second floor to the existing building for storage and a 25 foot by 25 foot office addition, that plastic pipe is intended to be stored on the second floor, that the screens manufactured are intended for well monitoring, that no toxic waste is created in the manufacturing process, that there is no environmental impact, that the existing structure allows for no expansion, that no adverse impact on the neighborhood is anticipated, and that several business and commercial uses exist in the area.

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 Sussex Conservation District, that the Sassafras Sandy loam soils on site are suitable for the intended use, that in reference to erosion and sediment control, slight limitations may be anticipated during and after completion of any construction, that the farmland rating of the soils is prime, that no storm flood hazard area is affected, that no off site or on site drainage improvements will be necessary, and that no tax ditch is affected.

The Commission found, based on comments received from the State DelD.O.T., that a traffic impact study was not recommended and that the present level of service "C" of Route 16 at this road segment will not change as a result of this application.

The Commission found, based on comments made by representatives of the application, that the existing use, manufacturing of screens for industrial use (well monitoring) will not change, that a second story addition is proposed for pipe storage, that an office addition is proposed on the front of the structure, that no toxic waste is created in the manufacturing process, that there is no environmental impact, that no adverse impact on the neighborhood is anticipated, and that several business and commercial uses exist in the area.

The Commission found that no parties were present in opposition to this application.

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 denied due to residential uses across Route 16, since the existing building already encroaches setbacks, due to the lack of area on site for parking, loading, and expansions, and due to the close proximity to the town of Milton.

5. RE: C/Z #1060--Coolsprings Partners

Michael Makowski and Norman Barnett, attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broadkill Hundred, located on the south side of Route 9, 1,100 feet west of Route 290, Lots 5 and 6 of the Richard Bryan Subdivision, containing 1.72 acres more or less.

Mr. Lank summarized comments received from the Sussex Conservation District an the State DelD.O.T.

Mr. Barnett stated that Lot 4, adjoining, was recently rezoned C-1 General Commercial, that Lot 7, adjoining, was recently rezoned B-1 Neighborhood Business, that the intended use is office space, shops, and storage areas, and that all lots within the subdivision are intended to be served by a service road.

Mr. Makowski stated that four (4) office units with shops and equipment storage areas are intended for each lot, that metal structures are proposed with brick or wood front facings, that fencing is proposed for equipment storage areas in the rear, that parking is proposed in the front of the buildings, and that no adverse impacts are anticipated on property values, the neighborhood, or Route 9.

Dr. Harold Bowen, adjoining owner, was present and expressed concerns in reference to outside storage, fencing, and questioned the compatibility of C-1 General Commercial uses with B-1 Neighborhood Business uses.

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 Sussex Conservation District, that the Rumford loamy sand on site is suitable for the intended use, that in reference to erosion and sediment control, slight limitations can be anticipated during and after completion of any construction, that the farmland rating of the soils is of Statewide importance, 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, based on comments received from the State DelD.O.T., that as long as there is only one entrance to serve the subdivision, then DelD.O.T. has no objection and waives the request for a traffic impact study.

The Commission found, based on comments by representatives on behalf of the application, that adjoining lots have been recently rezoned B-1 Neighborhood Business and C-1 General Commercial, that the intended use is office space for four users with related shops and outside storage, that access to the site will be from a service road along Route 9 with one entrance serving all lots within the subdivision, that the structures intended are prefab metal buildings with brick or wood front facings, that the rear equipment storage yards will be fenced, and that no adverse impact is anticipated on property values, the neighborhood, or Route 9.

The Commission found, based on comments by an adjoining owner, that concerns were expressed in reference to outside storage, fencing, and questioned the compatibility of B-1 Neighborhood Business uses and C-1 General Commercial uses.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since there are no commercial activities adjacent, thereby creating a question of need and since some of the C-1 General Commercial uses may not be compatible to the intended use of the B-1 Neighborhood Business adjacent or other uses.

OTHER BUSINESS

1. RE: George Isaac

The Commission reviewed a proposal to create a five (5) lot subdivision, three (3) lots having access from a fifty (50) foot right of way, and two (2) lots having access from Route 485.

No one was present on behalf of the proposal.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the five (5) lot subdivision as submitted with the stipulation that entrance permits be obtained prior to recordation.

2. RE: Charles Adams

The Commission reviewed a proposal to subdivide 16 acres into four (4) lots of equal size, three (3) lots having access from a fifty (50) foot right of way and one (1) lot having access to Route 288.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the four (4) lot subdivision as submitted.

3. RE: Jack Holloman

The Commission reviewed a preliminary site plan for a business office on Route 24.

No one was present on behalf of the proposal.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the site plan as submitted, with the stipulation that a construction permit may be issued upon receipt of all agency approvals.

4. RE: William Kittrell

The Commission review a proposal to create two (2) lots with access from a fifty (50) foot right of way on Route 215.

No one was present on behalf of the proposal.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the two (2) lot subdivision as submitted.

5. RE: Charles Kruger

The Commission reviewed a proposal to create one (1) lot having access from a fifty (50) foot right of way.

No one was present on behalf of the proposal.

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

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6. RE: David Banks
Car Wash

The Commission reviewed the preliminary site plan for a car wash on Route 26.

No one was present on behalf of the proposal.

Mr. Moore stated that the driveway area must be enlarged to a minimum of 25 feet.

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

OLD BUSINESS

1. RE: ORDINANCE TO AMEND ORDINANCE NO. 90
(buffer zone)

AN ORDINANCE TO AMEND ORDINANCE NO. 90, AS AMENDED, SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE 7, SECTION 2, TO IMPOSE A BUFFER ZONE BETWEEN RESIDENTIAL SUBDIVISIONS AND AGRICULTURAL OPERATIONS.

The Commission discussed the points and issues raised during the public hearing, and expressed concerns in reference to 150 foot wide buffers around single lots and minor subdivisions, the 150 foot width proposed, maintenance, plantings, and cost.

It was the consensus of the Commission to defer action. The Commission asked Mr. Lank to contact the Department of Agriculture to ask a forester or planner to appear on the tentative date of Thursday, March 29, 1990, to discuss buffer zones.

2. RE: C/U #923--William T. Sammons, Jr.

Application of William T. Sammons, Jr. to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for a Radio Station and 322 Foot Antenna on the northwest side of Route 626, 1.1 mile southwest of Route 36, and to be located on a parcel containing 5.0 acres more or less.

Mr. Lank advised the Commission that a review of the tape recording of the December 14, 1989, meeting of the Planning and Zoning Commission established an error in the vote reported in the minutes.

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The actual motion was made by Mr. Ralph, seconded by Mrs. Monaco, and carried 4 to 1, with Mr. Allen opposed.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the record correction; an addendum to be placed with the minutes of December 14, 1989, to show the correction of the record.

3. RE: Report of Sign Ordinance

The Commission discussed the report submitted on February 22, 1990.

It was the consensus of the Commission to discuss the report at the Commission meeting of March 22, 1990.

Meeting Adjourned 9:45 P.M.

Lawrence B. Lank, Secretary