

MINUTES OF THE REGULAR MEETING OF APRIL 23, 1998

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 23, 1998, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware with the following present:

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

There was no action taken on the Minutes of April 16, 1998.

Mr. Schrader explained how the meeting will be conducted.

PUBLIC HEARING

CU #1241--application of CARLTON R. MOORE to consider the Conditional Use of land in a B-1 Neighborhood Business District for four (4) mini-storage buildings to be located on a certain parcel of land in Georgetown Hundred, Sussex County, containing 2.09 acres, more or less, southerly side of U.S. Route 9, 385 feet east of Road 319.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "E" of Route 9 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand, Fallsington sandy loam, and Woodstown sandy loam; that the Evesboro soils have slight limitations; that the Fallsington soils have severe limitations; that the Woodstown soils have slight to moderate limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that the farmland rating of the Evesboro soil is of Statewide Importance; that the farmland rating of the Fallsington soil is of Statewide Importance and Prime Farmland; that the farmland rating of the Woodstown soil is Prime Farmland; that no storm flood hazard area or tax ditch is affected; that it may be necessary for some on-site and off-site drainage improvements since the road ditch is shallow and may require deepening to carry water during heavy rainfall, and since the drainage may be needed to move the water off site.

The Commission found that Carlton R. Moore and Ken Shapter were present on behalf of this application and that they stated in their presentation and in response to questions raised by the Commission that 98 storage units are proposed; that a drainage plan is being prepared; that the parcel has no access directly to Route 9; that the parcel is served by a 50' wide perpetual cross-



access easement; that an on-site detention plan is proposed on lot 3 to serve the three (3) lot subdivision; that this application is for lot 2 only; that Mr. Shapter will own and operate the storage facility; that 30' will be provided between buildings; that the driveways around the building will be improved with crusher-run; that a 6' high chain-link type of fencing will be provided for security; that security lighting will be provided; that a two-sided ground sign, not exceeding 4' by 8' is proposed; that he proposed no business hours after 8:00 P.M.; that he may allow credit card passes to enter the area; that he would like to limit access to daylight hours; that no office or management is proposed on the site; that the buildings will be green and tan metal structures; that pole mounted vapor lights are proposed and that all lighting will be directed toward the site; that a gate will be provided at the entrance off of the access easement; that the whole parcel will be fenced with fencing setback 40' to 45' back from Route 9; that the area not covered by crusher-run will remain in grass; that he would like to include outside boat storage to the rear of the property; and that he would be willing to fence and landscape with trees to shield the outside storage.

Mr. Lank advised the Commission that the application was limited to four (4) mini-storage buildings based on the application and public notice.

The Commission found that Mrs. Doretta Taylor, an adjoining landowner, stated that she was not opposed to the proposed mini-storage, but was concerned about trespass onto her property and requested a 6' high chain-link fence along her entire property line; and that she was opposed to outside boat storage.

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

1. This application shall not exceed 98 storage units within 4 buildings.
2. Access to the storage units shall be limited to the hours of 6:00 A.M. to 12:00 A.M.
3. No outside storage shall be permitted.
4. Security lighting shall be shielded and shall be directed away from neighboring properties.
5. One (1) unlighted two-sided sign, not exceeding 4' by 8' may be permitted.
6. A 7' high chain-link type of fencing shall be provided around the site. The fencing shall setback a minimum distance of 40' from the right of way of Route 9.
7. Trees shall be planted along the inside of the fence along the access easement.



8. The storage buildings shall setback a minimum of 30' from the side property lines.
9. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

OTHER BUSINESS

1. Merritt Burke, III

Merritt Burke, Attorney, was present as the Commission reviewed a request to allow for a twenty foot setback from State Wetlands instead of a fifty foot setback for a lot at Broadkill Beach.

Mr. Abbott advised the Commission that the Planning and Zoning Commission approved three lots in 1989 and at that time there was a twenty foot setback from State Wetlands, that the lots were never recorded until 1993 at which time there was a fifty foot setback from State Wetlands that was adopted by Ordinance No. 774 in 1991, and that the owner is requesting to have the twenty foot setback from the State Wetlands which was in effect when the three lots were originally approved.

Mr. Burke advised the Commission that the lots were not recorded because of extensive engineering that had to be done for the septic systems, that there have been minor changes in the lot configurations, and that if the fifty foot setback requirement has to be followed, the only type of unit that could be put on the site would be a single wide manufactured home.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the twenty foot setback from the State Wetlands for lot number 3 only.

2. James Cannon

The Commission reviewed a concept to create two parcels with access from a fifty foot right of way off of Route 24 east of Millsboro.

Mr. Abbott advised the Commission that there is an old lane which was the original Road 24 that serves as access to the proposed parcels, that the right of way will be required to have a fifty foot width and that this will have to be on the survey.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the two lots and fifty foot right of way as a concept.



OLD BUSINESS

C/U #1240--application of WILSON M. & ALBERTA M. CULLUM, TRUSTEES, to consider the Conditional Use of land in an AR-1 Agricultural Residential District for automotive repairs and automotive sales to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 2.17 acres, more or less, north of Route 18 (Route 9) and 0.8 mile east of Route 5 at Harbeson.

The Chairman referred back to this application which was deferred on April 16, 1998.

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

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

1. No more than six (6) vehicles may be displayed at any one time.
2. One (1) unlighted 4' by 8' two-sided ground sign may be permitted.
3. A solid wood fence or chain-link type fencing with privacy strips shall be required across the rear yard behind the building. The fence shall be setback a minimum of ten (10) feet from the rear property line. Trees shall be planted between the fence and the rear property line. Fencing and tree planting shall be accomplished within 90 days.
4. Compressors for air operated equipment shall be inside of the building on the Route 9 side of the building.
5. No auto body work or painting shall be permitted.
6. All repair work shall be performed inside of the building.
7. Business hours shall be limited to 8:00 A.M. to 5:00 P.M. six (6) days per week, with no Sunday hours.
8. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Meeting adjourned at 8:50 P.M.