

MINUTES OF THE SPECIAL MEETING OF MAY 16, 1996

A special meeting of the Planning and Zoning Commission was held Thursday evening, May 16, 1996, at 7:00 PM, in Room 115, the County Council Chambers, of the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, and Mr. Abbott - Assistant Director.

Mr. Schrader advised the Commission that he has met and discussed the proposed ordinance with Pete Jones, Assistant County Attorney, and advised the Commission that they have concerns with the technical aspects of the ordinance, that there are problems with some of the language of the text of the ordinance, that the words must, shall, may, and should could result in legal challenges through the courts, that the Highway Corridor Overlay Zone ordinance makes no reference to the proposed C-2 district, questioned if there would be a minimum acreage requirement, that there are concerns about non-conforming uses, what is and what is not permitted in the district, that the proposed land use plan makes no reference to the C-2 district, where would these districts be located on the official zoning map, questioned if an economic impact study should be done by the applicants, and stated that anything over 80,000 square feet could require a conditional use application where the requested use would be specific, that the Commission could have greater control of the use since the location of the buildings, parking, ingress/egress, landscaping and signage would be site specific.

Mr. Allen stated that he feels that a conditional use application would be more appropriate since rezonings have minimal control, that on a conditional use application the Commission and County Council could impose stipulations on the approval, questioned that if the ordinance is passed as written, would the zoning map have to be revised to create C-2 districts, and stated that the applicants should be liable for conducting an economic impact study for the area.

Mr. Wheatley stated that he agrees with Mr. Allen, advised the Commission that he feels that another zoning district is not necessary, that it does not take many buildings to reach 80,000 square feet, that one building should be allowed to max out at 100,000 square feet and 200,000 square feet for a group of buildings, that almost all of the neighborhood shopping centers are over 80,000 square feet, that if the ordinance is passed for 80,000 square feet developers will subdivide the property to circumvent the process, and that the ordinance as written is not a good way to achieve the goals that are proposed.

Mr. Ralph stated that he agrees with Mr. Allen and Mr. Wheatley and stated that it is hard to determine an appropriate square footage amount.

Mr. Lynch questioned if the ordinance would take effect immediately and the impacts on site plans that have not received final approval, and stated that a conditional use application would be more appropriate.

Mr. Wheatley stated that if the ordinance is passed, it should not be put in effect immediately since it would be unfair to developers who have obtained most of the agency approvals that would be needed, that the ordinance was written to protect Route One, however if it is passed it would affect the entire County, and that most stores are part of a shopping complex.

Mr. Allen questioned what the setback distances between buildings should be.

It was the consensus of the Commission that Mr. Schrader write an amendment to the proposed ordinance and that it be submitted to the Commission by Wednesday so that they have time to review the amendment prior to the regular meeting of May 23, 1996.

Meeting adjourned at 8:10 PM.