

## MINUTES OF THE REGULAR MEETING OF MAY 23, 1996

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 23, 1996, at 7:30 P.M., in Room 115 of the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Phillips, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director. Joel Leidy, ex-officio member representing the Secretary of Transportation was also present.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the minutes of April 25, 1996 and May 9, 1996 as corrected.

Mr. Schrader explained how the public hearings and agenda items will be processed.

### II. PUBLIC HEARINGS

#### 1. RE: C/U #1157--Hollis G. Luffman

Hollis G. Luffman was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for a Music Shop and Related Sales on the north side of Road 503, 1,800 feet east of Road 504, located on a parcel containing 4.55 acres more or less.

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

Mr. Lank advised the Commission that Mr. Luffman has approval to offer music lessons to individuals as a home occupation and is requesting the Conditional Use to permit him to offer retail sales of musical instruments and related items and to repair guitars.

Mr. Luffman stated that he has not started offering the music lessons, that he intends to offer retail sales of new and used musical instruments, primarily guitars, that he will also be selling instruments on consignment, and that he will be repairing and making guitars.

Mr. Luffman submitted photographs of the shop and teaching room.

No parties appeared in opposition.

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 DelDOT, that this application will have no significant impact on traffic on Road 503.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Fallsington sandy loam and Pocomoke sandy loam, that both soil types have severe limitations, that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction, that the soil types are considered on Statewide Importance and Prime Farmland, that no storm flood hazard area is affected, that the Tussocky Tax Ditch may be affected, and that on-site and off-site drainage improvements may be necessary if any construction takes place.

The Commission found that the applicant has approval to offer music lessons to individuals as a home occupation and is requesting the Conditional Use to permit him to offer retail sales of musical instruments and related items and to repair guitars.

The Commission found that the applicant was present and that he has not started offering the music lessons, that he intends to offer retail sales of new and used musical instruments, primarily guitars, that he will also be selling instruments on consignment, and that he will be repairing and making guitars.

The Commission found that the applicant submitted photographs of the shop and teaching room.

The Commission found that no parties appeared in opposition.

Motion made 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 stipulation that one unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.

2. RE: APD #96-6 -- Ralph W. Phillips, Rebecca N. Phillips & Charlotte Phillips Trader

Ralph Phillips was present on behalf of his family to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Little Creek Hundred for four (4) parcels of land totalling 536 acres more or less, located on both sides of Road 513 (State Route 54), both sides of Road 76, and northeast of Road 509A, for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized a memorandum received from the Sussex Conservation District relating to this application.

Mr. Lank read a letter of support from Alfred M. Griner, Jr. and Brain C. Griner.

Mr. Phillips stated that the family desires to retain their farms in agricultural use.

Motion by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

### III. OTHER BUSINESS

#### 1. Rehoboth Shoppes

The Commission reviewed a commercial site plan for offices on Rehoboth Avenue Extended.

Mr. Abbott read a letter received from DelDOT in reference to the approved entrance plan stating that their position on the entrance approval remains the same.

Motion made by Mr. Wheatley, seconded by Mr. Phillips and carried unanimously to approve the site plan as a final.

#### 2. R.A. Raley Property

Mr. Lank advised the Commission that this item was removed from the agenda on May 23, 1996 by the applicant.

#### 3. Bell Atlantic NYNEX Mobile

The Commission reviewed a site plan for a 150 foot cellular phone tower on Road 435A.

Motion made by Mr. Phillips, seconded by Mr. Wheatley and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to receipt of all agency approvals.

#### 4. Steeles' Properties, Inc.

The Commission reviewed a concept to create a lot off of Maryland Street off of Road 357.

Mr. Abbott advised the Commission that an additional ten



feet is being dedicated to make Maryland Street a fifty foot right of way.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the subdivision as a concept.

5. Donald R. Long

The Commission reviewed a concept to create a one acre lot with access from a fifty foot right off of Road 357.

Motion made by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to approve the subdivision as a concept.

6. Ralph S. & Norman E. Justice

The Commission reviewed a concept to create three parcels within Piney Point Subdivision.

Two parcels would have access from existing streets within the subdivision and the other parcel would be an extension to other existing lands.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the subdivision as a concept.

7. Future Hope Farms, LLC

The Commission reviewed a concept to create a lot off of a fifty foot right of way off of Road 554.

Motion made by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to approve the subdivision as a concept.

IV. OLD BUSINESS

1. RE: ORDINANCE TO AMEND CHAPTER 115 ( C-2 Zoning )

The Chairman referred to this application which was deferred at the April 11, 1996 meeting.

Mr. Allen asked Mr. Schrader to read the recommendation that the Commission requested at the special meeting of May 16, 1996.

Mr. Schrader read the recommendation and report on behalf of the Commission.

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Motion by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to forward this Ordinance to the Sussex County Council with recommendation that the Ordinance be denied in its present form.

Motion by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to adopt the recommendation and report prepared by Mr. Schrader and to forward the report to the Sussex County Council.

Meeting adjourned 8:25 P.M.