

MINUTES OF THE REGULAR MEETING OF MAY 25, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 25, 1989, 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. Jones - Assistant County Attorney, Mr. Lank Director, and Mr. Moore - Planner I.

PUBLIC HEARINGS

1. RE: Subdiv. #89-12--Cripple Creek Properties

Application of Cripple Creek Properties, L.P. to consider the Subdivision of land in an HR-2 Multi-Family Residential Zoning District in Baltimore Hundred by dividing 51.2 acres into 96 lots, located on the east side of Route 348, one mile north of Route 346, and as an extension to Fairway Villas.

Jeff Clark, Land Tech, Inc.; Donald Wilgus, developer; and George Smith, attorney; were present on behalf of the application.

Mr. Moore summarized comments from the May 15, 1989, Technical Advisory Committee meeting.

Mr. Moore summarized additional comments from the Technical Advisory Committee agencies.

Mr. Clark presented a composite of the existing multi-family development, golf course, and detailed the proposed subdivision.

No one was present in favor of the application.

No one was present in opposition to the application.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to defer action.

2. RE: Subdiv. #89-13--Gerald Steen

Application of Gerald A. Steen to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 14.24 acres into 17 lots, located on the north side of Route 336, 3,000 feet northeast of Route 336A.

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Jeff Clark, Land Tech, Inc., and Gerald Steen, developer, were present on behalf of the application.

Mr. Moore summarized comments from the May 15, 1989, Technical Advisory Committee meeting.

Mr. Moore summarized additional comments from the Technical Advisory Committee agencies.

Jeff Clark responded to the Technical Advisory Committee comments and discussed the merits of the subdivision. Mr. Clark also stated that the adjacent property, lands of Amanda Stein, may become an extension of the subdivision.

Tempy Stein, attorney, spoke in favor of the application.

No one was present in opposition to the application.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to defer action.

3. RE: Subdiv. #89-14--J. Max Trapp, Jr.

Application of J. Max Trapp, Jr. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Baltimore Hundred by dividing 25.9 acres into 17 lots, located on the east side of Route 52B, 800 feet south of Route 17.

Duane Strawn, Land Tech, Inc., Max Trapp, III, developer, and Ray Tomesetti, attorney, were present on behalf of the application.

Mr. Moore summarized comments from the May 15, 1989, Technical Advisory Committee meeting.

Mr. Moore summarized additional comments from the Technical Advisory Committee agencies.

Mr. Strawn responded to the Technical Advisory Committee comments and discussed the merits of the application and presented a statement of feasibility from the D.N.R.E.C. for waste water disposal.

No one was present in favor of the application.

No one was present in opposition to the application.

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

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Application of Wheatley Farms, Inc. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Seaford Hundred by dividing 170.8 acres into 252 lots, located on the east side of Route 46, 500 feet northwest of Route 13, and on the south side of Route 18, 600 feet west of Route 13.

John Wech, McCann, Inc.; Dave Rutt, attorney; and Dale Wheatley, Tom Craft, Bill Craft, and Wayne Ackley, developers, were present on behalf of the application.

Mr. Moore summarized comments from the May 15, 1989, Technical Advisory Committee meeting.

Mr. Moore summarized additional comments from the Technical Advisory Committee agencies.

John Wech responded to the Technical Advisory Committee comments and discussed the merits of the application.

David Rutt questioned Tom Craft and Dale Wheatley as to the merits and proposed development of the subdivision. Mr. Wheatley stated that an earth and vegetation buffer will be placed around the entire project. Mr. Craft stated that the project will be phased.

No one was present in favor of the application.

Margaret Purnell, Rosemary Everton as Power of Attorney for Leona Baker, and Nancy Bailey, all residents of Hearn's Pond area, spoke in opposition due to traffic, negative impact on wildlife, schools, and fire and police protection.

Jim Sturgis and Ben Phillips, owners of commercial sites adjacent to the proposed subdivision, questioned the effects the subdivision will have on their businesses.

Mr. Wheatley stated that the area will be landscaped and buffered and that any drainage problems will be resolved by the developer.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action pending further review and compliance with the recommendations of the Technical Advisory Committee.

5. RE: Subdiv. #89-16--Willard Griffith

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Application of Willard Griffith to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Georgetown Hundred by dividing 82.6 acres into 44 lots, located on the east side of Route 137, 4,400 feet north of Route 48.

Charles Adams, surveyor, and Willard Griffith, developer, were present on behalf of the application.

Mr. Moore summarized comments from the May 15, 1989, Technical Advisory Committee meeting.

Mr. Moore summarized additional comments from the Technical Advisory Committee agencies.

Mr. Adams responded to the Technical Advisory Committee comments and discussed the merits of the subdivision.

Mr. Griffith summarized the intended restrictions for the project.

Roscoe Moore questioned the effect the development will have on the highway right of way.

Mr. Adams stated that only the recorded State right of way will be effected.

Harold Johnson expressed concerns for his farming activities adjacent to the site.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to defer action pending a completed Highway Department report.

OTHER BUSINESS

1. RE: Shockley Brothers
Route 617

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to defer action, at the applicant's request, pending a revised plot plan.

2. RE: William Twilly, Jr.
1 lot
Route 504

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

No one was present on behalf of the application.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the one (1) lot subdivision.

3. RE: Subd. #89-1--Briarcliff

The Commission reviewed the preliminary plot plan for the proposed subdivision.

Mr. Moore stated that action had been deferred pending feasibility for wastewater disposal and confirmation of the wetlands deliniation.

Those two items have been completed.

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

4. RE: Subdiv. #88-17--Heronwood

The Commission reviewed the final subdivision plot for a proposed five (5) lot addition to the Heronwood Subdivision.

Mr. Moore stated that all final approvals have been obtained.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the application as a final.

5. RE: Marsh Creek Grand Prix
Route 22

The Commission reviewed a proposed site plan for a recreational go-cart track on Route 22.

Mr. Moore stated that the site plan was in compliance.

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

OLD BUSINESS

1. RE: C/U #906--William Sammons

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Application of William Sammons 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 High Antenna Tower located at the southwest corner of the intersection of Route 42 and Route 624, and to be located on a parcel containing 2.28 acres more or less.

Motion made by Mrs. Monaco, seconded by Mr. Smith, and carried unanimously to defer action.

2. RE: C/Z #995--Woodin, Wentling, and Associates, Inc.

Application of Woodin, Wentling and Associates, Inc. to amend the zoning map from AR-1 Agricultural Residential to RPC Residential Planned Community in Lewes and Rehoboth Hundred, located on the west side of Route 274, 1.5 miles south of Route One, containing 90.01 acres more or less.

Motion made by Mr. Hickman, seconded by Mr. Ralph, and carried unanimously to defer action.

3. RE: C/Z #1002--Conn-E Construction Company

Application of Conn-E Construction Company to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broad Creek Hundred, located on the south side of Route 488, 0.4 mile east of Route 13, containing 6.8 acres more or less.

The Chairman referred back to this application which was deferred on May 11, 1989.

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

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 approved based on the record of support, and since other commercial uses exist in the area, and since the rezoning would not be out of character with the area.

Meeting Adjourned 9:25 P.M.

Lawrence B. Lank, Secretary