

MINUTES OF THE REGULAR MEETING OF JUNE 13, 1996

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 13, 1996, at 7:30 P.M., in Room 115 of the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the minutes of May 23, 1996 as amended.

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

II. PUBLIC HEARINGS

1. RE: C/U #1158--Scott Bland

Scott Bland was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred for Expansion to an Existing Auto Body Repair Shop on the southeast side of Road 266, 675 feet northeast of Road 266-A, located on a parcel containing 1.01 acres more or less.

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

Mr. Bland advised the Commission that he proposes to build a new 60' by 100' body repair shop, that the building will be one story and approximately 14' high, that the existing fence, presently located along the front of the property, will be removed, that fencing will be installed from the existing paint shop building over to the new building and from the front end of the new building to the easterly property line, that all painting will be performed in the existing building, that the majority of the vehicles presently stored on the site will be removed, that approximately 12 vehicles belong to customers, and that the large pile of parts will be removed.

No parties appeared in support or in opposition to this application.

At the conclusion of the agenda 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 a traffic impact study was not recommended and that the existing level of service "C" of Road 266 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any on-site or off-site drainage improvements, that the soils on the site are mapped as Fallsington sandy loam and Woodstown sandy loam, that the Fallsington soils may have severe limitations, that the Woodstown soils may have slight or moderate limitations, that the application may be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after completion of construction, and that the farmland rating of the Fallsington soils is considered Prime Farmland, of Statewide Importance, and a Hydric soil, and that the farmland rating of the Woodstown soils is considered Prime Farmland and a Hydric soil in depressions.

The Commission found that the applicant was present and stated that he proposes to build a new 60' by 100' body repair shop, that the building will be one story and approximately 14' high, that the existing fence, presently located along the front of the property, will be removed, that fencing will be installed from the existing paint shop building over to the new building and from the front end of the new building to the easterly property line, that all painting will be performed in the existing building, that the majority of the vehicles presently stored on the site will be removed, that approximately 12 vehicles belong to customers, and that the large pile of parts will be removed.

The Commission found that no parties appeared in support or in opposition to this application.

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

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. The paint shop shall comply with DNREC regulations.
3. The fencing shall be indicated on the site plan.

III. OTHER BUSINESS

1. RE: Barton's Landscaping & Lawn Co., Inc.

Mr. Wheatley abstained from participation.

The Commission reviewed a concept to subdivide a parcel with access from a 50' wide right of way east of U.S. Route 13.

Mr. Abbott advised the Commission that the intended use is mini-storage.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried with four votes, with Mr. Wheatley abstaining, to approve the subdivision concept.

2. RE: Connie Cooper

The Commission reviewed the site plan for Conditional Use No. 1152 for a gift shop at the intersection of Road 54 and Road 395.

Mr. Abbott advised the Commission that all appropriate agency approvals have been obtained.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the site plan.

3. RE: Edward J. Kaye

Mr. Lank advised the Commission that he placed this item on the agenda to review and discuss a stipulation on stockpiling.

Mr. Schrader advised the Commission that he had received a letter from John Sergovic, Attorney, on behalf of the Concerned Citizens for Community Preservation. Mr. Schrader read the letter. Mr. Sergovic's opinion stated that Mr. Lank cannot seek the advice of the current sitting Commission as to a stipulation imposed by the adoption of an Ordinance, even if the stipulation was recommended by a previous Planning and Zoning Commission.

Mr. Lank presented a sketch depicting the interpretation of the staff and the interpretation by Mr. Kaye, and advised the Commission that he was not asking for advice on what action to take.

Mr. Allen stated that he was present during the public hearings and verified that the minutes verify that the Commission prepared the stipulations adopted by the County Council.

Mr. Allen stated that the sketch presented by Mr. Lank conforms to his intent on the stockpiling.

Martha Massey, a resident on Road 525, expressed a concern about truck traffic and raised questions about the asphalt plant and fuel storage for the asphalt plant.

Mr. Lank advised Mrs. Massey that the asphalt plant was reviewed and approved by the Board of Adjustment.

Mr. Lank advised the Commission that no action was necessary.

4. RE: Subdiv. #94-3--Fairway Oaks Co.

The Commission discussed a requested time extension for the subdivision proposal near Golf Village.

Motion by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to grant a one year time extension for preparation of final plans.

5. RE: 3 Seasons Camping Resort, Inc.

The Commission reviewed the site plan for Conditional Use No. 1156 for an 18 lot addition to the campground on Road 273.

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

IV. Old Business

1. RE: Subdivision #96-3--William M. & Betty Jane Towers

The Commission discussed the subdivision.

Mr. Abbott advised the Commission of information that he has received from the State DNREC on fines imposed due to violation of septic systems in the subdivision and that the site is not feasible for septic.

Motion by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to deny the subdivision.

2. RE: East Atlantic Apartments

Mr. Lank advised the Commission that East Atlantic Apartment was proposed to be developed in two phases and that the developers are requesting to subdivide the site into two parcels for financing purposes.

Motion by Mr. Lynch, seconded by Mr. Phillips, and carried with four votes, with Mr. Wheatley abstaining, to approve the subdivision.

Meeting adjourned at 8:30 P.M.