

MINUTES OF THE REGULAR MEETING OF JULY 12, 1990

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 12, 1990, 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. Berl - Attorney, and Mr. Lank - Director.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the minutes of June 14, 1990, and June 28, 1990, as circulated.

PUBLIC HEARINGS

1. RE: C/U #942--Homestead Associates, Inc.

John Sergovic, attorney, and Leonard Leeds were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Dagsboro Hundred for an Extension to an Existing Mobile Home Park for 35 Additional Lots and an Area for Disposal Fields on the southeast corner of Route 442 and Route 431, and to be located on a parcel containing 46.22 acres more or less.

Mr. Lank summarized comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, the State Division of Highways, and the Indian River School District.

Mr. Sergovic stated the applicants plan to expand Homestead Mobile Home Park, with area for disposal fields and open space for the park. The proposed disposal area and drain fields would serve the proposed lots and would also serve the existing lots if necessary.

Mr. Leeds stated the additional lots will provide income necessary to make needed improvements for the entire park.

Mr. Leeds presented a petition containing approximately 60 signatures of persons with no objections to the proposed additions.

Mr. Leeds stated they plan to pave the roads and improve the water system.

Mr. Leeds stated there is a need for more manufactured home lots in the park. He stated he has a waiting list of thirteen names, and has had other inquiries from persons who did not leave their names.

Mr. Leeds stated he would agree to provide a landscaped screening in the buffer area around the park if requested to do so.

Pat Jensen spoke in favor of the application.

Terri Weindorfer spoke in opposition due to property devaluation.

Susan Van Auken, park resident, stated she has been informed that her manufactured home must be moved to a different lot. She is opposed to this application, since she feels moving her home would lower its value. She presented a letter from Tom Marvel, Lester Realty, to support this statement. Mr. Lank read the letter into the record.

David Rutt, attorney on behalf of Madelyn Davis, spoke in opposition due to additional traffic, noise, vandalism, trespassing, and the previous owner of the park stated to her that no manufactured home lots would be placed across from her home.

Madelyn Davis and Charles Van Auken spoke 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 the State DelD.O.T., that a traffic impact study was not recommended, that capacity is controlled by one or more intersections, and that the level of service "A" of Route 431 and Route 442 will not change as a result of this application.

The Commission found, based on comments received from the State D.N.R.E.C. Land Use Planning Act Coordinator, that comments have been requested from the State D.N.R.E.C. Division of Soil and Water Conservation, the State Bureau of Archaeology and Historic Preservation, the State DelD.O.T., and the Sussex Conservation District.

The Commission found, based on comments received from the Indian River School District, that the proposed use may have an impact on the school district, dependent upon the demographic make-up of the constituent population, there may be additional pressure on the already over crowded Georgetown Elementary School.

The Commission found that the application was represented by the park manager and legal counsel, and that the developers plan to utilize the site for 35 additional leased lots for manufactured homes and a septic disposal field area.

The Commission found, based on comments by representatives of the application, that 79 leased lots exist within the park, that the park has demand for expansion, that new units will be served by the proposed central septic disposal field, that existing lots will be connected to the septic disposal field when necessary, that additional lots will provide income necessary to make improvements for the entire park, that the streets will be paved, that the water system will be improved, that a waiting list always exists for lots in the park, that landscaping will be provided in the open space areas, that adequate area is available for the expansion and the septic disposal field, that a realtors analysis of the site indicates that the expansion should not have a negative impact on surrounding property values, that comments from the Georgetown Fire Company, Inc. indicate no burden on the fire company if the expansion is created, that comments from the Division of State Police indicate that the expansion would not place any undue strain on police services in the area, that the land use plan for the area indicates in general that manufactured home development should be concentrated in parks, that sanitary and other services can be provided, that there is a sense of community in a large park, and that site development can be more readily controlled in parks, that the park is clean and quiet, that two-thirds of the tenants support the application, that the park consists of young couples and retired people, that of 21 lots rented in the last eight (8) months, only a few had school aged children, that two (2) parks in the immediate area are at capacity, that the expansion improves the environment for existing residents by the amenities that will be created to serve the site, that improvements will be completed within the project within one (1) year, that no adverse impact is anticipated on property values or the neighborhood, that the only recreational amenities proposed is playground equipment, and that an on-site manager exists on the premises.

The Commission found that two (2) people spoke in support of the application and that the expansion will benefit the people in the park by providing amenities and paved streets.

The Commission found that five (5) people spoke in opposition to the application and expressed concerns to devaluation of property values, devaluation of values of existing manufactured homes, that the need referenced is an economic need of the applicant and does not benefit the residents of Sussex County, that a traffic impact is created due to the increase in traffic at the existing entrances caused by expansion of the park, vandalism, noise, trespassing, the reduction of open space, no centralized open space area, space between manufactured homes, questionable sewer treatment method, and sewer odors.

The Commission found that a petition with 54 signatures was submitted in support from tenants within the park.

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

2. RE: C/U #943--Phillip T. and Fran W. Bradley

Phillip Bradley was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for a Contractor's Equipment and Storage Garage as an Accessory to a Residence on the northeast side of Route 211, 0.6 mile northwest of Route 206, and to be located on a parcel containing 4.92 acres more or less.

Mr. Lank summarized comments received from the D.N.R.E.C. Land Use Planning Act Coordinator and the State Division of Highways.

Mr. Bradley stated he has operated his contracting business at its present location for approximately 14 years. All his equipment except his large dump truck is stored inside a garage. He is proposing no expansion to the business.

Mr. Bradley stated he would like the conditional use approval to terminate if he should sell the property.

Mr. Berl stated the Commission could not place such a stipulation on a conditional use approval.

Harvey Kenton, Jr. spoke in favor of the application.

No one was present 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 that comments were not necessary from the State DelD.O.T. since no expansion was proposed on the proposed use.

The Commission found, based on comments received from the State D.N.R.E.C. Land Use Planning Act Coordinator, that comments have been requested from the Bureau of Archaeology and Historic Preservation, the Department of Transportation, and the Sussex Conservation District.

The Commission found that the applicant was present and proposes to continue utilizing the site for his contractor's equipment and storage garage as an accessory to his residence.

The Commission found, based on comments by the applicant, that the business has existed for fourteen (14) years on this site, that residential development of the area has increased since the business was created, that all equipment and vehicles are garaged except a dump truck, that no expansion of the business or structures utilized by the business are proposed, and that he has no objection to the use being limited to his application and use.

The Commission found that a neighbor carried a petition around to area residents and obtained fifteen (15) signatures in support of the application.

The Commission found that one neighbor spoke in support of the application and stated that the property is well maintained and that the business is not intrusive.

The Commission found that the use has existed for fourteen (14) years with no known complaints.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved based on the record of support and with the following stipulations:

1. No expansion of the parking area shall be permitted.
2. No expansion of the buildings utilized for the business shall be permitted.
3. The only equipment stored outside shall be a dump truck.
4. The Conditional Use shall expire upon abandonment or expiration of the business use.

3. RE: C/Z #1080--Billy Martin

Billy Martin was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Broadkill Hundred, located on the northeast side of Route One, 3,290 feet south of Route 88, containing 7,534 square feet more or less.

Mr. Lank summarized comments received from the State Division of Highways.

Mr. Martin stated he operates a business called Safeguard Business Systems. He sells computer supplies and a check writing accounting system.

Mr. Martin stated he would maintain an office at the proposed location, but does most of his business by calling on accountants at their locations. Materials are ordered from the supplier and delivered directly to the customer. The business is presently operated by his wife and himself. There are no other employees.

Mr. Martin stated he plans to remodel the interior and exterior of the existing dwelling on the site. He would use the existing well and septic system on site.

He may at some future time employ other salesmen.

No one was present 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 from the State DelD.O.T., that a traffic impact study was not recommended, and that the level of service "B" of Route One in this road segment will not change as a result of this application.

The Commission found that the applicant was present and plans to utilize the site for his business of selling computer supplies and a check writing accounting system.

The Commission found, based on comments by the applicant, that the business created very limited traffic, that it is rare for a customer to come to the site, that most business contacts are by phone and at job sites, that a new roof, siding, and interior renovations are proposed, that the site was previously utilized for

a dental lab and a residence, that presently the business will be run by the applicant and his wife, that additional sales personnel may be hired in the future, that a new septic system exists, that the business will operate daytime hours only, and that no adverse impact is anticipated on the neighborhood, property values, or Route One.

Motion made by Mr. Smith, seconded by Mr. Hickman, 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 the site adjoins a commercial use and a commercial district.

4. RE: C/Z #1081--Phillips Outdoor Advertising

Ben Phillips was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Seaford Hundred, located on the west side of Route 13, 1,600 feet north of Route 46, containing 2.93 acres more or less.

Mr. Lank summarized comments received from the State Division of Highways.

Mr. Phillips stated they purchased the proposed site for future expansion of their sign business. They have no plans for any improvements on the parcel at the present time.

No one was present 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 the State DelD.O.T., that a traffic impact study was not recommended, and that the level of service "A" of Route 13 will not change as a result of this application.

The Commission found that the application was represented by the president of the sign company, and that they plan to utilize the site for future expansion of the sign business.

The Commission found, based on comments by the representative of the application, that other C-1 General Commercial uses and districts exist in close proximity, that the expansion will provide for frontage across from an existing crossover providing better

ingress/egress to the business, and that no adverse impact is anticipated on Route 13, the neighborhood, or property values.

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, since the rezoning provides an extension to an existing commercial district, and since the rezoning provides space for expansion of an existing business.

5. RE: C/Z #1082--Melissa E. K. Smith

Melissa and George Smith were present on behalf of this application to amend the zoning map from GR General Residential to B-1 Neighborhood Business in Broad Creek Hundred, located on the northwest side of the intersection of Route 485 and Pine Drive, and 1,100 feet south of Route 20, containing 18,812 square feet more or less.

Mr. Ralph stated he would not be participating in this public hearing.

Mr. Lank summarized comments received from the State Division of Highways.

Mrs. Smith stated she operates a cake baking business from her home as a home occupation. She would like to expand the business so that she can sell baking equipment and cake decorating tools.

Mr. Smith stated they plan to construct an 18 foot by 24 foot addition to their existing garage to use as a shop.

No one was present 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 the State DelD.O.T., that a traffic impact study was not recommended, and that the level of service "A" of Route 485 may change to level of service "B" if the site is developed at an equivalent in per acre trip generation to discount shopping.

The Commission found that the applicant and her husband were present and plan to utilize the site for the purpose of retail sales of cake decorating tools.

The Commission found, based on comments by the applicant, that she bakes and decorates cakes and pastries for sale, that an 18 by 24 foot addition is proposed to an existing garage, that no adverse impact is anticipated on property values, the neighborhood, or Route 485.

Motion made by Mrs. Monaco, seconded by Mr. Hickman, and carried 4 - 0, with Mr. Ralph abstaining, to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support.

OLD BUSINESS

1. RE: Subdiv. #86-11--South Forest

No one was present on behalf of this application of John P. Tunnell (South Forest) to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Georgetown Hundred by dividing 220 acres into 253 lots, located on the southeast corner of Route 318 and Route 318A.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the first phase of the subdivision as a final, subject to deletion of Lots 153 and 154 from this phase since the lots are predominantly federally designated wetlands.

2. RE: Dove Knoll

The Commission reviewed revised final plans for the subdivision.

Mr. Lank advised the Commission that all record plats are required to be a maximum of 24 inch by 36 inch sheets.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the revised final plans with the stipulation that the sheet size be reduced to conform to Ordinance No. 90.

3. RE: Rehoboth Bay Manufactured Home Park

Mr. Lank advised the Commission that five (5) lots in the manufactured home park have been relocated away from federally designated wetlands areas.

4. RE: O. A. Newton and Co.

The Commission discussed a proposed lot with a fifty (50) foot access right of way from Route 584.

It was the consensus of the Commission to grant approval of the lot and access based on staff recommendation of March 1990.

At the conclusion of the public hearings, the Commission met to reorganize.

Mr. Allen appointed Mr. Lank as Acting Chairman for the purpose of holding an election of officers.

The Commission discussed anticipated concerns and complaints referencing possible conflicts in interest.

Mr. Lank opened nominations for Chairman.

Motion made by Mr. Allen to nominate Mr. Hickman.

The motion died for lack of a second.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, to nominate Mr. Allen.

Motion adopted; 5 Yea.

Vote by roll call: Mrs. Monaco, Yea; Mr. Ralph, Yea; Mr. Smith, Yea; Mr. Hickman, Yea. Mr. Allen, Yea.

Mr. Lank opened the nominations for vice-Chairman.

Motion made by Mrs. Monaco, seconded by Mr. Allen, to nominate Mr. Ralph.

Motion adopted; 4 Yea, 1 Nay.

Vote by roll call: Mrs. Monaco, Yea; Mr. Allen, Yea; Mr. Smith, Yea; Mr. Hickman, Yea; Mr. Ralph, Nay.

Mr. Lank turned the meeting over to Mr. Allen.

Mr. Allen appointed Mr. Lank as secretary for the Commission.

Mr. Lank authorized Mr. Lank and Mr. Moore to sign record plats for recordation.

Meeting Adjourned 10:25 P. M.

Lawrence B. Lank, Secretary