

MINUTES OF THE REGULAR MEETING OF JULY 13, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 13, 1989, at 7:45 P.M. in the County Council Chambers, with the following present:

Mr. Allen, Mr. Hickman, Mrs. Monaco, Mr. Jones - Assistant County Attorney, Mr. Lank - Director, and Mr. Moore - Planner I.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of June 22, 1989, as circulated.

PUBLIC HEARINGS

1. RE: C/U #908--William and Patricia A. Stewart

Ned Maull, attorney, was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Northwest Fork Hundred for a Private Airstrip located on the southeast side of Route 567B, 1,530 feet southeast of Route 567A, and to be located on a parcel containing 9.12 acres more or less.

Mr. Lank stated comments were received from the State Highway Department. They expect no significant impact on traffic on Route 567B as a result of this application.

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

Mr. Lank stated there is an existing dwelling, stable and out building on the site.

Mr. Maull stated the applicants plan to use the site for a private airstrip. The runway would remain grass.

Mr. Maull stated the applicants plan to use the runway for their own plane, which is used only to commute to Mr. Stewart's job in New York. There would be only two (2) trips per week from the proposed runway. The applicants' plane is a single engine, six seat, Piper, which has the capability of taking off and landing in a short distance.

Mr. Maull stated the proposed site is on a dead end road. The nearest dwelling is approximately 1/4 mile away.

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Mr. Maull stated the applicants may build a hangar for their plane at some future time.

Mr. Maull stated the F.A.A. has no regulations covering this type landing strip.

Mr. Maull stated the applicants will not be renting the airstrip for any other purpose or have any other activity other than their own plane.

Donald Craft spoke in opposition due to noise and property devaluation, and presented a petition containing 17 signatures of area residents opposed to this application.

Howard Williamson spoke in opposition due to noise, poor drainage of the site, and the plane would be taking off over his farmland.

Fred Foxwell spoke in opposition due to noise and the applicants did not discuss their plans with the neighbors.

At the conclusion of the public hearing, 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 a representative of the State Division of Highways, that no significant impact on traffic is anticipated.

The Commission found, based on comments received from a representative of the Sussex Conservation District, that the soils on site are suitable for the intended use, that only slight limitations are anticipated for the use in reference to erosion and sediment control during and after construction, that the farmland rating is prime, that no storm flood hazard area is affected, that no on site or off site drainage improvements are necessary, and that no tax ditch is affected.

The Commission found that the applicant was represented by legal counsel who advised the Commission that the applicant plans to utilize the site for a 1,025 foot long airstrip for the applicants' one (1) aircraft, a single-engine, six seat Piper; that the anticipated trips per week is two (2), one Monday and one Friday, for work in New York; that the closest residence of other ownership is approximately 1/4 mile away; that the area is sparsely populated; that no disturbing noise is anticipated due to distance from residential structures, that no F.A.A. permits are necessary, and that the applicant may build a hangar in the future to store the one aircraft.

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The Commission found that three (3) area residents spoke in opposition due to noise, neighbor's safety since the flight path would be over farmland, devaluation of property values, and change of character of the area.

The Commission found that a petition of opposition was submitted containing seventeen (17) signatures.

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

Mr. Lank was asked to prepare a tax map with parcels mapped for review based on the signatures on the petition.

2. RE: C/Z #1009--John Cooper and Rudolph Drummond  
t/a Riverview Associates

John Cooper and Mrs. Rudolph Drummond were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Dagsboro Hundred, located on the southwest side of Route 331, north of Fifth Street of Riverview Subdivision, containing 7.34 acres more or less.

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

Mr. Lank stated the site is a recorded subdivision of undersize non-conforming lots.

Mr. Cooper stated the site contains 45 vacant lots. They would like to be able to place manufactured homes on the lots. The lots will have central water and individual septic systems. They hope to provide affordable housing for area residents.

Mrs. Drummond stated she has had calls requesting lots for manufactured homes. The lots will be rented. Restrictions regarding the age and size of the homes will be placed in the rental agreement.

Mrs. Drummond stated the streets are State maintained.

No one was present in opposition.

At the conclusion of the public hearings, the Chairman referred back to this application.

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

The Commission found, based on comments received from a representative of the Sussex Conservation District, that the soils on site are suitable for the intended use, that only slight limitations are anticipated for the use in reference to erosion and sediment control during and after construction, that the farmland rating is of statewide importance, that no storm flood hazard area is affected, that no on site or off site drainage improvements are necessary, and that no tax ditch is affected.

The Commission found that John Cooper and Mrs. Rudolph Drummond were present on behalf of the application, and that they plan to utilize existing lots for placement of manufactured homes, that portions of the existing developed lots are occupied by a mixture of single family dwellings and mobile homes, that the rezoning will provide a means to provide affordable housing for area residents, that central water has already been installed, that standard gravity flow septic systems are permissible, that streets are State maintained, and that restrictions will be placed on the lots that no units older than five (5) years will be permitted.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried 2-1, with Mr. Allen voting in opposition, to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support.

3. RE: C/Z #1010--Etta Ritter

Eugene Bayard, attorney, and Etta Ritter were present on behalf of this application to amend the zoning map from UR Urban Residential to UB Urban Business in Dagsboro Hundred, located in the Town of Frankford, at the southwest corner of Frankford Avenue and Carey Street, containing 23,716 square feet more or less.

Mr. Lank stated comments were received from the State Highway Department. They will not request a traffic impact study and expect no change in the existing level of service "C" of Frankford Avenue and Route 401.

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

Mr. Bayard stated the applicant plans to operate a gift shop.

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Ms. Ritter stated she inherited the property. The existing one and a half story building has been used as a feed house and a warehouse for approximately 25 years. The building has been remodeled with new siding, windows, carpet, and electric. The site is served by town water and private standard septic system. Parking facilities would be off Carey Street, in the rear of the building. Proposed hours of operation would be 9:00 A.M. to 5:00 P.M., six (6) days per week.

No one was present in opposition.

At the conclusion of the public hearing, 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 a representative of the State Division of Highways, that a traffic impact study is not recommended and that the present level of service "C" of Route 401 will not change as a result of this application.

The Commission found based on comments received from a representative of the Sussex Conservation District, that the soils on site are suitable for the intended use, that only slight limitations are anticipated for the use in reference to erosion and sediment control during and after construction, that the farmland rating is of statewide importance, that no storm flood hazard area is affected, that no on site or off site drainage improvements are necessary, and that no tax ditch is affected.

The Commission found that the applicant was present with legal counsel and plans to utilize the site for a gift shop, that the site has been used in the past for a feed house and storage warehousing, that the site is served by town water, a private septic system, that adequate space for parking is available from Carey Street, that the site is protected by town police, that the fire company is approximately 1/4 mile away, that no impact is anticipated on traffic, the neighborhood, or property values, and that the site adjoins a UB Urban Business District.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, 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.

4. RE: C/Z #1011--David B. Webb, Jr.

David Webb was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broad Creek Hundred, located 600 feet west of Route 13, southwest of Route 481, containing 18.7 acres more or less.

Mr. Lank stated comments were received from the State Highway Department. They will not request a traffic impact study and feel the existing level of service "A" of Route 13 could increase to level of service "B" if this site is fully developed to its maximum use.

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

Mr. Webb stated a portion of this parcel is zoned C-1 General Commercial. There are existing warehouses on the C-1 portion of the site.

Mr. Webb stated he plans to develop the proposed site with warehouses similar to the existing ones. There will be no additional entrances created. The site will have on site water and septic system.

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 a representative of the State Division of Highways, that a traffic impact study was not recommended and that the existing level of service "A" may change to level of service "B" if the site is fully developed to an equivalent use in per acre trip generation to discount shopping.

The Commission found, based on comments received from a representative of the Sussex Conservation District, that the soils on site are suitable for the intended use, that moderate limitations are anticipated for the use in reference to erosion and sediment control after completion, that the farmland rating is of statewide importance, that no storm flood hazard area is affected, that no on site or off site drainage improvements are necessary, and that no tax ditch is affected.

The Commission found that the applicant was present and plans to utilize the site for distribution and warehousing similar to existing units on the portion of the property zoned C-1 General Commercial, that all access is proposed from the existing commercial entrance on Route 481 only, that individual septic systems are proposed for each building, and that a central well may be installed to serve the buildings.

Motion made by Mrs. Monaco, 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 rezoning will be an extension of an existing C-1 General Commercial District on the same parcel.

5. RE: C/Z #1012--Ellen L. Rayne and Others

Ellen Rayne was present on behalf of this application to amend the zoning map from MR Medium Density Residential to GR General Residential in Baltimore Hundred, located on the southeast side of Route 396, approximately 1,800 feet southeast of Route 17, containing 4.05 acres more or less.

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

Mr. Lank stated the site is an existing recorded subdivision with four (4) dwellings and seven (7) vacant lots.

Ms. Rayne stated her home was destroyed by fire. Since she could only place a manufactured home on an emergency basis for one (1) year, she chose to apply for change of zone to be able to place a manufactured home on the site permanently.

Ms. Rayne stated her neighbors within the subdivision are in support of this application and their properties are included in this 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, based on comments received from a representative of the Sussex Conservation District, that the soils on site have slight limitations for erosion and sediment control during construction and after completion, that the farmland rating is prime, that no storm flood hazard area is affected, that no on site or off site drainage improvements are necessary, and that no tax ditch is affected.

The Commission found that the site has four (4) dwellings and seven (7) vacant lots of the fourteen (14) lots.

The Commission found that the application was represented by Ellen L. Rayne and that the property owners plan to utilize the lots for either dwellings or manufactured homes.

The Commission found that Mrs. Rayne lost her dwelling by fire, that since the parcel was zoned MR Medium Density Residential, only a one (1) year emergency mobile home permit could be obtained, and that only GR General Residential zoning would permit mobile homes permanently.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, 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.

#### OTHER BUSINESS

1. RE: Louise Palmer  
3 lots, 50 foot right of way

The Commission reviewed a proposal to subdivide 4.75 acres into three (3) lots with access from a fifty (50) foot right of way.

Robert Williams was present on behalf of the proposal.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the three (3) lot subdivision as submitted.

2. RE: Charles Hearn  
4 lots  
Route 13A

The Commission reviewed a proposal to subdivide 20.7 acres into four (4) lots. Three lots having access from a fifty (50) foot right of way, the fourth having access from Route 13A.

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No one was present on behalf of the proposal.

Motion made by Mrs. Monaco, seconded by Mr. Hickman, and carried unanimously to approve the four (4) lot subdivision with the stipulation that entrance permits be obtained from the Highway Department prior to recordation.

3. RE: Roxana Mini Storage  
Route 382

The Commission reviewed a site plan for a commercial mini storage complex.

John Teague, Land Tech, Inc., was present on behalf of the project.

Mr. Moore stated that all permits have been obtained.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the site plan as a final.

4. Lewis West  
3 lots  
Route 226

The Commission reviewed a proposal to subdivide 18.3 acres into three (3) lots with access from a fifty (50) foot right of way.

No one was present on behalf of the proposal.

The Commission questioned the existing access.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to defer action pending further review.

5. RE: John Landon, Jr.  
1 lot, 30 foot right of way

The Commission reviewed a proposal to create two (2) lots having access from an existing thirty (30) foot right of way.

Mr. Moore stated that no additional access is available.

No one was present on behalf of the application.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the two (2) lot subdivision as submitted.

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6. RE: Donald Martin  
3 lots  
Pit Road

The Commission reviewed a proposal to extend the existing fifty (50) foot Pit Road to subdivide 9.9 acres into three (3) lots having access from the extended Pit Road.

Mr. Martin was present on behalf of the application.

Motion made by Mrs. Monaco, seconded by Mr. Hickman, and carried unanimously to approve the three (3) lot subdivision with the stipulation that any further subdivision shall require a major subdivision application.

7. RE: Edward Schaeffer  
2 lots  
Route 88

The Commission reviewed a proposal to subdivide 1.0 acre into two (2) lots having 100 feet and 110 feet of frontage.

No one was present on behalf of the proposal.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the two (2) lots with a stipulation that they share a common entrance.

8. RE: Guy McClary  
2 lots  
Kent Avenue

The Commission reviewed a proposal to subdivide 2.3 acres into two (2) lots having access from the existing Kent Avenue.

No one was present on behalf of the proposal.

Motion made by Mrs. Monaco, seconded by Mr. Hickman, and carried unanimously to approve the two (2) lot subdivision as submitted.

#### OLD BUSINESS

1. RE: Subdiv. #88-2--Briarwood Estates

The Commission reviewed the final plot for the proposed 72 lot subdivision.

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

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a final.

2. RE: Subdiv. #89-3--Dove Knoll

The Commission reviewed the preliminary plans for the proposed 112 unit subdivision.

Mr. Moore stated that the feasibility for waste water disposal has been obtained and the street revisions have been completed.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the 112 lot subdivision as a preliminary.

3. RE: Subdiv. #88-24--Webb's Landing

The Commission reviewed the final subdivision plot for a 35 lot subdivision.

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

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a final.

4. RE: James Cullen

Removed from the agenda.

5. RE: Robert Stickels, County Administrator  
Western Sussex Land Use Plan

The Commission and Mr. Stickels discussed the need for a Land Use Plan for the western portion of Sussex County due to the Quality of Life legislation.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, and carried unanimously that Whitman, Requardt and Associates of Baltimore, Maryland, be contracted to prepare the Land Use Plan for Western Sussex, subject to acceptance of a bid by the Sussex County Council.

Meeting Adjourned 10:05 P.M.