

MINUTES OF THE SPECIAL MEETING OF JULY 20, 2000

A special meeting of the Sussex County Planning and Zoning Commission was held on July 20, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:30 P.M. with Chairman Allen presiding. The following members were present: Mr. Allen, Mr. Gordy, Mr. Lynch, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Ms. Mowbray - Zoning Inspector III.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to adopt the agenda as revised, noting that C/Z #1407 was withdrawn on July 14, 2000.

Mr. Schrader explained how the public hearings would be conducted.

III. PUBLIC HEARINGS

C/U #1342 -- application of MARK WOLFE to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an amendment to Conditional Use No. 1325 to allow for another rental room for a total of 3 multi-family units to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 28,393 square feet, more or less, lying south of Road 275-A, 1/4 mile east of Road 274.

Mr. Lank asked if anyone was present on behalf of the application.

The Commission found that no one was present on behalf of the application.

There was a consensus of the Commission that the item be deferred to the end of the agenda.

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

Mr. Lank asked if anyone was present on behalf of the application.

The Commission found that no one was present on behalf of the application.

Mr. Schrader advised the Commission that since no one was present on behalf of the application there was no record of support for the application, that failure to appear is a default of the application, and that the Commission may deny the application for the lack of a record of support.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with a recommendation that it be denied since there was record of support. Motion Carried 4 - 0.

C/U #1343 -- application of FREDERICK J. WINWARD to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a landscaping business with related storage of materials and equipment to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 10.78 acres, more or less, lying on the north side of a 50 foot private road, 450 feet west of Route 17 and 1/4 mile southwest of Road 365.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service "C" of Route 17 will not change as a result of this application.

The Commission found, based on the site plan submitted, that the site plan included a nursery area, 2 greenhouses, some sheds, an area for parking, debris storage, dirt storage, and an area for mulch and gravel storage.

The Commission found that Frederick J. Winward was present and stated in his presentation and in response to questions raised by the Commission that he proposes to continue his landscaping business from the site; that he has been in business at the site for 4-years; that he has been in the landscaping business for 18-years; that he has 4 employees; that the dirt piles are for packing soils for hauling to job sites at the beach; that the mulch and gravel storage is for job sites; that he does no retail sales on the site; that the greenhouses exists on the site; and that he has no objection to a stipulation that there shall be no retail sales on the site.

The Commission found that no parties were present in support of or in opposition to this application.

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.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) There shall be no retail sales on the site; 2) The site plan shall be subject to review and approval by the Planning and Zoning Commission. Motion Carried 4 - 0.

C/U #1344 -- application of BRENT M. ADAMS, JR. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a florist shop to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 0.9908 acres, more or less, lying east of Road 583 across from Road 585.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "B" of Road 583 will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the Town of Bridgeville's service area, per the Western Sussex Water and Sewer Study, and that the applicant should contact the Town of Bridgeville for water and sewer availability.

The Commission found that Christine Adams was present on behalf of the application and stated in her presentation and in response to questions raised by the Commission that she proposes to move her florist shop in Greenwood to this site upon completion of the remodeling; that her business is mostly call-in and deliver; that she has very few customers on-site; that her typical hours are 9:00 A.M. to 5:00 P.M.; that they take deliveries out twice a day; that there is no outside storage; that they plan on living on the premises upon completion of the remodeling of the farmhouse; that she has one additional employee; that she sells cut flowers and prepares arrangements; and that she purchases the flowers and accessories for vendors and arranges the flowers for sale.

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

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.

Motion by Mr. Wheatley, 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) There shall be no outside storage; 2) The site plan shall be subject to review and approval by the Planning and Zoning Commission.
Motion Carried 4 - 0.

C/Z #1406 -- application of DANIEL E. FINK, SR. to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, land lying east of U.S. Route 113, 700 feet north of Road 213 and 1,700 feet south of Route 40, to be located on 14,976 square feet, more or less.

The Commission found, based on comments received from DelDOT, that the Department does not recommend a traffic impact study since they are opposed to the application; that development of this parcel would be in conflict with the goals of the Corridor Capacity Preservation Program; and that the Department ask that the County deny the application.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State objects to the rezoning of this parcel because it is located in a Rural area of the Strategies for State Policies and Spending map and because it is in a preservation area of DelDOT's Statewide Long-Range Transportation Plan; that the State urges the County to deny the application; however, the Office would like to note for the owner/developer that even if the County does approve this rezoning, DelDOT would not issue a commercial entrance permit for the proposed development.

The Commission found that Daniel E. Fink, Sr. was present and stated in his presentation and in response to questions raised by the Commission that the site is adjacent to K & L Sales, a shed and outside furniture business, a liquor store; that a furniture store exists just south of the site; that a used car sales facility exists across U.S. Route 113; that he attends auctions and purchases items; that he would like to repair and then resell bobcats, backhoes, and similar equipment from the site; that two entrances exist on the site; that he may tear down the dwelling on the site; that he recently purchased properties to the rear of the site with plans to expand the site in the future; and that he may place an office trailer on the site for a sales office.

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

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.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action. There was a consensus of the Commission that the Staff should contact Mr. Fink and suggest that he contact the adjoining landowners for a joint access arrangement, cross access easement, or combined entrance use for submittal to DelDOT.
Motion Carried 4 - 0.

C/Z #1407 -- application of PRESTION A. SCHELL to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying west of Route One, 1/2 mile south of Route 88 and north of Northeast Boulevard (a.k.a. Best Lane), to be located on 7.1 acres, more or less.

The Commission noted that this application was withdrawn on July 14, 2000.

C/Z #1408 -- application of AAA STORAGE LIMITED PARTNERSHIP to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying 125 feet southwest of County Road 14B, just off Route One at the base of the Nassau Bridge (west side), to be located on 39,883 square feet, more or less.

The Commission found, based on comments received from DelDOT, that comments were received on January 18, 2000 and February 22, 2000; that the original parcel contained approximately 6 acres for rezoning; that the Department withdrew its recommendation for a traffic impact study; that the Department suspects that traffic from the proposed mini-storage would be negligible; and that the Department has met with the applicants and have preliminarily identified certain rights-of-way that the Department is asking them to reserve.

The Commission found, based on comments received from the State Office of Planning Coordination, that the parcel is located in an Secondary Developing area of the Strategies for State Policies and Spending map, which was approved by the Cabinet Committee on State Planning Issues in December 1999; that in these Developing areas State policies will be to promote efficient, orderly development and the coordinated phasing of infrastructure investment; and that this parcel is in an area that is already developed and the State does not feel that rezoning this parcel for commercial use as a self-storage unit will promote additional growth or conflict with the goals of the strategies.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that capacity is available for the storage facility; that if other improvements are constructed, the capacity cannot exceed 4 units per acre; that a 6-inch lateral has been provided for the parcel; that system connection charges will be required if facilities are constructed that will use the sanitary sewer system, and that the system connection charge rate for the period July 1, 2000 to June 30, 2001 is \$2,954.00 per EDU.

The Commission found that the Lewes Fire Department, Inc. has sent a letter of support of the application.

The Commission found that R.A. Raley, on behalf of BAR-SGR, L.L.C., adjoining landowners, has sent a letter of support of the application.

The Commission found that Bradley and Laura Ritter were present with Robert Witsil, Jr., Attorney, and stated in their presentations and in response to questions raised by the Commission that there is no record of opposition to the application; that they propose an extension to the already zoned C-1 General Commercial portion of their property (approximately 7.1 acres); that the majority of the front of the site was zoned in 1971 to commercial; that the majority of the commercial portion of the site south of the drive is a pond, originally dug for soils for construction of Route One; that the site is located in a Development District according to the 1997 Comprehensive Plan; that 10-foot of additional right-of-way is being provided to DelDOT; that access already exists to the site; that they propose to build 5 buildings for a total of 200 rental storage units and a small office; and that the site is not suitable for residential use due to it's location.

The Commission found that Mr. Witsil submitted a list of storage facilities with the number of vacancies; a letter of support from Marilyn Davis and Robert Wingo; some findings of fact; 4-photographs; a copy of the 1997 Comprehensive Plan Future Land Use Map; and a site plan.

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

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.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved. Motion Carried 4 - 0.

Meeting adjourned at 8:35 P.M.