

Minutes of the Regular Meeting of July 23, 1998

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 23, 1998, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Building, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Hastings, Mr. Lynch, Mr. Phillips, Mr. Wheatley, Mr. Bayard - County Attorney, Mr. Lank - Director, and Ms. Mowbray - Zoning Inspector III.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the minutes of July 9, 1998 as corrected.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried with 4 votes to approve the minutes of July 16, 1998 as circulated. Mr. Wheatley abstained from voting since he was not present on July 16, 1998.

Mr. Bayard explained the meeting process.

II. PUBLIC HEARINGS

Subd. #98-3—application of MIKE MOCK to consider the subdivision of land in a C-1 General Commercial and AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred by dividing 5.68 acres into eleven (11) lots, located northeast of Road 268, 500 feet north of Delaware Route One.

Mr. Lank read a letter, dated March 6, 1998, from DelDOT; a letter, dated June 15, 1998, from DelDOT; and a memorandum, dated July 22, 1998, from the Sussex Conservation District.

Mr. Lank read a letter in opposition from the Citizens Coalition, Inc., dated July 23, 1998.

Mike Mock was present and stated that he submitted a subdivision plan in compliance with the Code; that he still needs to get a cross access agreement between Mr. Parsells, Mrs. Holston, and DelDOT; that the highest and best use of the property is commercial; that there is no validity to denial of the

subdivision; and that he has several interested parties in purchasing lots, i.e. post office, business uses, and churches.

Mr. Bayard stated that the County Council remanded this application back to the Commission for new evidence and questioned what evidence was new.

Mr. Lank advised the Commission that the application was the same as when it was originally submitted.

Mr. Wheatley stated that the plot does not show access to the acreage to the rear as requested by DelDOT.

Keith Parsells, an adjoining landowner, was present in opposition, and stated that he has not been contacted by Mr. Mock since the original public hearings; that he has spoken to George Shaw of DelDOT about entrance improvements; questioned the type of users in the subdivision; questioned the amount of traffic; questioned stormwater management; that he is concerned about dense traffic and access to Kings Highway; that he has utilized Fire Police to direct traffic during funerals due to traffic; and suggested that a more appropriate entrance to the parcel would be across from the intersection of Route 268 (Kings Highway) and Road 268A.

Mr. Parsells submitted a copy of a June 15, 1998 letter and sketch sent out to businessmen in the area from Mr. Mock which depicted a large cul-de-sac and access to the rear acreage.

Mr. Parsells submitted a letter in opposition to the application from Peter and Mary Beaman, adjoining landowners.

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

Mr. Bayard stated that the public hearing should be continued.

Mr. Bayard stated that all documents to be submitted by the applicant or others should be received no later than August 20, 1998.

The public hearing will be continued to August 27, 1998.

C/U #1252—application of Pamela J. Asa to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an antique shop to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 1.09 acres, more or less, south of Route 20, 200 feet east of Road 483.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service “D” of Road 20 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand, which has slight limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that the farmland rating of the soil type is of Statewide Importance; that no storm flood hazard area or tax ditch is affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the applicant was present and stated that she proposes to convert a three (3) car garage into an antique shop; that adequate space is available on the site for parking; that the business will be open year round; that business hours will be from 10:00 a.m. to 5:00 p.m. Thursday through Sunday; that there will be no outside storage; that no additional lighting is proposed; that a 20” by 30” sign is proposed; that she may do some antique restoration on the site; and that she has no objection to restrictions or limited uses.

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

1. Business activities shall be limited to the building labeled as a garage on the site plan with the necessary supportive parking.
2. Business hours shall be from 10:00 a.m. to 5:00 p.m. Thursday through Sunday.
3. There shall be no outside storage.
4. Outside display of items for sale shall be limited to three (3) pieces.
5. Signage shall not exceed 32 square feet per side or facing.
6. A "No Parking" sign, not larger than 12" by 24", shall be placed on the site near the shoulder, or "No Parking" signs shall be placed along the right of way of Route 20, if required by DelDOT.
7. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

III. OTHER BUSINESS

1. Savannah Suites
Final Commercial Site Plan – Route 9

Mr. Wheatley did not participate in the review of this application.

The Commission reviewed the final site plan for medical offices south of Route 9 (also referred to as Route 18 and Savannah Road).

Mr. Lank advised the Commission that all appropriate agency approvals have been received.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried with 4 votes to approve the site plan as a final.

2. Peter A. Economos
C/U #1249 – Site Plan – Route 9

The Commission reviewed the site plan for C/U #1249, a used car sales facility.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a final subject to receipt of all appropriate agency approvals.

3. Marjorie M. Ritter
3 Lots on an existing 50' Right of Way
Ritter Road

The Commission reviewed a concept to create 3 lots on Ritter Road off of Route 18 (Savannah Road). The lots contain 9.10 acres, 10.00 acres, and 15.09 acres.

Mr. Lank advised the Commission that 2 lots were approved across Ritter Road in December 1996.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the concept as submitted. Any further subdivision of the parcel or parcels shall require public hearings.

4. Theodore & Agnes Nielson
Lot & 50' Right of Way – Road 226

Mr. Lank advised the Commission that the item has been removed from the agenda, since it has been found to already be recorded in 1990.

5. Robert & Antoinette Meunier, John & Mary Ann Oakley
Lot & 50' Right of Way – Road 319

Mr. Lank advised the Commission that the owners are requesting a waiver in the topographic requirement for the lot and that their attorney has advised the Department that they will provide the topography for the right of way.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to permit the applicant a waiver in the topographic survey requirement for the area of the two lots only.

6. Douglas Bradley
Lot & 50' Right of Way – Road 494

Mr. Lank advised the Commission that Mr. Bradley is the proposed purchaser of a lot off of a private easement off of Road 494; that Mr. Bradley is only purchasing a portion of the parcel; and that the owner is proposing to keep a residual parcel.

It was noted that to create frontage for two (2) parcels would require increasing the length of the easement, and that increasing the length of the easement would be considered an extension to a street, which requires an application for a major subdivision.

Motion made by Mr. Hastings, seconded by Mr. Wheatley, and carried unanimously to deny the concept as submitted since a major subdivision application is necessary due to the street extension.

7. Bertie E. Dawson
C/U #1177 – Time Extension

Mr. Lank advised the Commission that the applicant has requested a time extension for C/U #1177, approved by County Council on July 22, 1997, since they are still waiting for the Corps. of Engineers wetlands delineation approval.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to grant a one (1) year time extension. The extension will terminate on July 22, 1999.

8. Beneficial National Bank
Multi-Family Site Plan – Route One

The Commission reviewed a site plan for 19 multi-family units, which had been deferred on July 9, 1998.

Jeff Clark was present on behalf of Beneficial National Bank and discussed the history of the site; that the wetlands had to be re-established; that a new foot-print of the buildings has been provided; that the site plan is similar to the original site plan approvals; and that the number of units is still 19.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to defer action.

9. Kelly A. Kruger
Lot on existing 50' Right of Way – Road 321

The Commission reviewed a concept for a lot on a private road off of Road 321.

Motion by Mr. Phillips, seconded by Mr. Hastings, and carried unanimously to approve the concept as presented.

IV. OLD BUSINESS

Subdivision #97-9 – application of BLUE HERON, INC. to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Georgetown Hundred by dividing 12.84 acres into 6 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located at the northeast end of Whispering Woods Court, approximately 600 feet east of Whispering Woods Drive, within Blue Heron Estates, on the east side of Road 317, north of Morris Mill Pond.

The Commission reviewed the final subdivision plans.

Mr. Lank advised the Commission that all appropriate agency approvals have been received except for the Office of the State Fire Marshal.

Motion by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the subdivision as a final subject to receipt of approval from the Office of the State Fire Marshal.

C/Z #1341—application of JUDITH TAGGART BULLIS to amend the comprehensive zoning map from MR Medium Density Residential District to a B-1 Neighborhood Business District in Baltimore Hundred, located east of Route One and 300 feet north of Road 361A, to be located on a parcel containing 1.16 acres, more or less.

Mr. Lank advised the Commission that the application has been withdrawn.

Meeting adjourned at 9:30 P.M.