

MINUTES OF THE REGULAR MEETING OF JULY 25, 1991

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 25, 1991, at 7:30 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mr. Magee, Mrs. Monaco, Mr. Smith, Mr. Schrader -Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner I.

PUBLIC HEARINGS

1. RE: C/U #976--Sussex County Vocational Technical School

George Frunzi, Superintendent, and Ron Gray, consultant, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for a Governmental Building - School Expansion lying on the northwest side of Route 9, 3/4 mile southwest of Route 46, and to be located on a parcel containing 107.66 acres more or less.

Mr. Lank summarized comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, the Division of Water Resources Underground Discharge Branch, the Office of the State Fire Marshal, the Division of Water Resources Water Supply Branch, and the Sussex Conservation District.

Mr. Gray stated the applicants plan to construct an addition to the existing school to be used as a gymnasium/auditorium, classrooms, and athletic facilities.

Jack Halp, architect, stated the project will be done in phases depending on enrollment growth.

The additions include a 36,000 square foot gymnasium and academic facilities. The existing entrance to the site will be relocated and an additional entrance will be created. The wetlands on the site have been delineated. The applicants will meet all agency requirements.

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 D.N.R.E.C. Office of the Secretary, Office of Land Use Review and Coordination, that comments have been requested from the D.N.R.E.C. Division of Fish and Wildlife; the Division of Soil and Water Conservation; the Division of Water Resources Underground Discharges Branch, the Watershed Assessment Branch and Wetlands and Aquatic Protection Branch; the Department of Agriculture; the Bureau of Archaeology and Historic Preservation; the Department of Health and Social Services Division of Public Health; the Department of Transportation, the Office of the State Fire Marshal; and the Sussex Conservation District.

The Commission found, based on comments received from the D.N.R.E.C. Underground Discharge Branch, that the Kleig and Woodstown soils on-site are suitable for on-site wastewater disposal; that a site evaluation must be conducted by a licensed soil scientist; and that the maximum siting density shall be 500 gallons per day per half acre.

The Commission found, based on comments received from the Office of the State Fire Marshal, that the office has no objection to the application, and that fire regulations will be applied on the site and building plans when reviewed.

The Commission found, based on comments received from the D.N.R.E.C. Water Supply Branch; that individual on-site wells may be installed provided regulations are met.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on-site are mapped to be Fallsington sandy loam, Pocomoke sandy loam, Osier loamy sand, and Woodstown sandy loam; that in reference to erosion and sedimentation control moderate limitations may be anticipated during construction and slight limitations after completion of any construction; that the farmland rating of the soil types vary from prime to State wide importance; that no storm flood hazard area is affected; that it may not be necessary for any on-site or off-site drainage improvements; and that the Tyndall Branch Tax Ditch runs along the west and northwest property lines with a 16.5 foot right of way from the top of the slope of the ditch.

The Commission found that the application was represented by a school representative, a consultant, and an architect.

The Commission found, based on comments made by representatives of the application, that the purpose of the application is for renovation of the existing school and construction of new educational facilities; that a new auditorium, three (3) classrooms, and athletic facilities are proposed for



school activities; that the expansions will be phased in as the facilities and student population grows; that an existing entrance will be relocated to better serve the parking areas; that security and safety issues have been addressed with the Office of the State Fire Marshal and DelD.O.T., that quality masonry construction will continue to be utilized; that no negative impacts are anticipated on the area; that the architect and/or consultants are working with all appropriate agencies; that the site is presently served by on-site central water and sewer treatment systems which may require expansions; that students will be full time, grades 9 through 12; and that parking facilities will be doubled from the existing 200 to 400 spaces.

Motion made by Mr. Smith seconded by Mr. Magee, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the condition that the site plan shall require review and approval by the Planning and Zoning Commission, and that any future expansions, on-site, shall be required to be reviewed by the Planning and Zoning Commission without the necessity for public hearings.

2. RE: C/U #977--Hickman's Seafood  
c/o William R. Hickman

Application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for Propane Gas Sales as Accessory to an Existing Seafood Business lying on the east side of Route 381, 0.4 mile north of Route 54, and to be located on a parcel containing 0.827 acre more or less.

Mr. Lank advised those present that this application has been withdrawn.

3. RE: C/Z #1130--S. Layton and Star G. Ayers

Timothy Ayers 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 on the west side of Route 13, 740 feet south of Route 481, to be located on a parcel containing 1.036 acres more or less.

Mr. Lank summarized comments received from the State Division of Highways and the Sussex Conservation District.

Mr. Ayers stated the front portion of the parcel is zoned C-1 General Commercial. They want the entire parcel zoned the same. They plan to make an addition to the existing building for warehousing space.

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 DelD.O.T., that a traffic impact study was not recommended, and that the present level of service "B" of Route 13 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on-site are mapped as Evesboro sandy loam; that the suitability of the soils for the intended use vary from none to slight limitations; that the evaluation of the soils with respect to erosion and sedimentation control may have moderate limitations during construction and slight limitations after completion of any construction; that the farmland rating of the soil type is of State wide 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 by review of the surveyors plat, that the first 600 feet of depth from Route 13 is zoned C-1 General Commercial, approximately 2.75 acres; and that the remaining portion is AR-1 Agricultural Residential.

The Commission found that the application was represented by one of the sons of the applicants, and that the purpose of the application is to obtain consistent zoning for the entire parcel; that no negative impacts are anticipated on Route 13, the neighborhood, or property values, and that expansion of the existing structure and additional warehousing are proposed.

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 since no negative impacts are anticipated and since the rezoning is an extension to the existing zone on the same parcel.

4. RE: Subdiv. #91-19--Target Properties

Karen Brittingham and Bob Nash, of Murphy Surveyors, were present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential District in Nanticoke



Hundred by dividing 153.99 acres into 98 lots, located on the north side of Route 565, 1,978 feet northwest of Route 40.

Mr. Abbott summarized the Technical Advisory Committee meeting of July 22, 1991.

Mr. Abbott summarized comments received from D.N.R.E.C., Water Supply Branch in reference to this application received on July 25, 1991.

Mrs. Brittingham introduced possible deed restrictions for the subdivision.

Mrs. Brittingham stated that DelD.O.T. has been contacted concerning the entrance.

Mrs. Brittingham stated that the minimum lot size is one acre, that the subdivision lies in a Flood Zone "C", and that the wetlands have been mapped by a soil scientist.

Mrs. Brittingham stated that a site feasibility for septic will be submitted to the State D.N.R.E.C.

Mr. Lank read the proposed deed restrictions.

Mrs. Brittingham stated that no building or construction is proposed in wetland areas.

Mr. Nash stated that the applicant will provide landscaped buffers as requested; that sediment and erosion control measures will be met; that a water quality pond may be necessary; and that all agency approvals will be obtained.

Denise Tatman, Jim Mollohan, Pam Busby, Mrs. Tatman, Morris Tatman, Steve Tatman, Joe McCarron, Joanna King, Bob Whisby, Walt Smith, Debbie Kollette, Ray Kollette, and Benjamin Moore were opposed due to the number of proposed lots, septic and water quality, traffic concerns, property values, impact on Woodbridge School District, type of housing, Bridgeville-By-Pass, and farming operations in the area.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action until a septic feasibility has been obtained.

5. RE: Subdiv. #91-20--Country Land Trails Co.

Jim Fuqua, Esquire, and Ronald Moore were present on behalf of this application to consider the subdivision of land in

a GR General Residential District in Indian River Hundred by dividing 25.08 acres into 24 lots, located on the south side of Route 48, 3,490 feet east of Route 296.

Mr. Abbott summarized the Technical Advisory Committee meeting of July 22, 1991.

Mr. Abbott summarized comments received from D.N.R.E.C., Water Supply Branch in reference to this application received on July 25, 1991.

Mr. Fuqua addressed the intended use of the property, well and septic systems, wetlands and streets.

Mr. Fuqua introduced possible deed restrictions. Types of housing will be manufactured homes, and Mr. Moore will have to approve any placements in the development.

Mr. Fuqua stated a need for housing exists in the area.

Mr. Fuqua stated that Red Mill ditch is not a tax ditch and maintenance of the ditch will be the responsibility of the homeowners.

Art and Debra Sunberg spoke in opposition due to manufactured homes being placed, traffic concerns, children in the area, recreation areas, septic and water systems, and single family dwellings in the area.

Mr. Fuqua advised that the property is zoned for manufactured homes.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve this application as a preliminary, not for recordation. Final plats shall be required to be submitted to the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

#### OTHER BUSINESS

1. RE: Colonial Oaks Condominium

The Commission reviewed a site plan of Colonial Oaks Condominium as existing and showing future expansion areas.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the existing area for recordation and the future expansion areas as a concept. Final approval for the expansion area is subject to obtaining all necessary agency approvals.

2. RE: Donald Hovatter  
Shed

The Commission reviewed a site map to place a shed on a vacant lot on Route 13A. Mr. Hovatter owns the adjacent property, and the shed will be used for his farm machinery.

Motion made by Mr. Ralph, seconded by Mr. Magee, and carried unanimously to approve this request.

3. RE: Pleasant Acres

The Commission reviewed an amended site plan for a manufactured home park. Eleven lots existed and the applicants found seven more in the field. The amended site plan showed eighteen lots on the plot.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the site plan as amended.

OLD BUSINESS

1. RE: Subdiv. #90-10--Samuel Alloway, Jr.

Application of Samuel Alloway, Jr. to consider the subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred by dividing 39.45 acres into 53 lots, located on the north side of Route 78, 800 feet east of Route 493, and on the southeast side of Route 493, 1,000 feet north of Route 78.

Mr. Abbott advised the Commission that all appropriate agency approvals have been submitted. Sussex County Engineering will review the central water system prior to issuing any building permits.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve this application as a final.

Meeting adjourned at 9:25 P.M.

---

Lawrence B. Lank, Secretary