

## MINUTES OF THE REGULAR MEETING OF JULY, 25, 1996

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 25, 1996, at 7:30 PM, in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the minutes of July 11, 1996, as amended.

Mr. Schrader explained how the public hearings and agenda items are conducted.

### II. PUBLIC HEARINGS

#### 1. RE: C/Z #1282--Donald McCann

Donald McCann was present on behalf of his application to amend the zoning map from MR Medium Density Residential to GR General Residential in Nanticoke Hundred, located on the east side of Road 527, 1.0 mile southwest of Road 579, to be located on a parcel containing 14.8 acres more or less.

Mr. Lank summarized comments received from the Sussex Conservation District and the State Planning Coordinator.

Mr. McCann advised the Commission that he purchased the property about two years ago, that he is trying to sell the lots, that a manufactured home subdivision adjoins this property, that the rezoning is needed for lower cost homes, that there would be no negative impacts to the area, that there are other manufactured homes in the area, that he is ready to construct the streets within the subdivision, that the plans have been submitted to the required agencies, that the lots will be marketable, that three dwellings have been constructed along Road 527, that there will be no future subdivision of the property, and that two existing lots will be deleted for stormwater management areas.

No parties appeared 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.

The Commission found based on comments from the Sussex Conservation District that the soils are mapped as Evesboro loamy



sand, that the suitability of the soils for the intended use are relatively free of limitations or the limitations are easily overcome, that during any construction the applicant will be required to follow recommended erosion and sediment control practices, that after completion of any construction the applicant be required to maintain vegetation, that the farmland rating of the soil is of Statewide Importance, that no storm flood hazard area is affected, that no tax ditch is affected, and that it may be necessary for on site and off site drainage improvements.

The Commission found, based on comments received from the State Planning Coordination Office that comments have been received from the Delaware State Housing Authority, the Department of Natural Resources and Environmental Control, the Department of Health and Social Services, Division of Public Health, the Department of Agriculture, the Division of Historical and Cultural Affairs, the Department of Public Instruction, the Office of the State Fire Marshal, and the Office of the Budget.

The Commission found based on comments from the Delaware State Housing Authority that manufactured housing is less expensive than stick built homes, that it is an affordable option for low and moderate income families, that if the project is for low to moderate income families they may not have access to the services that are needed for these families if transportation is a question since the closest municipality is located five miles away, that they would like for any housing development to have close and easy access to employment centers, food and retail markets, day care, medical centers, schools, and multi model forms of transportation.

The Commission found based on comments from the Department of Natural Resources and Environmental Control the Division of Parks and Recreation that the property does not contain lands listed on the State Natural Area Inventory or within a State Resource Area, that the boundary of the Ellendale/Redden State Resource Area is just west of Road 527 across from the proposed site and that development is not encouraged towards State Resource Areas.

The Commission found based on comments from the Department of Natural Resources and Environmental Control Division of Water Resources Customer Services Section that no wetlands are mapped on site and that there is no Superfund site within a 1 mile radius of the property.

The Commission found based on comments from the Department of Natural Resources and Environmental Control Division of Water Resources Water Supply Section that public water supply is not



available to this site, that the Wells Permit Branch will consider applications for individual domestic wells, that it is anticipated that an adequate ground water supply is available the Branch cannot guarantee the quality or quantity of the groundwater, and that all wells must be approved by a well permit and must conform to the current regulations governing the construction of water wells.

The Commission found based on comments from the Department of Health and Social Services Division of Public Health that if an on site water system will be developed all plans and specifications for the system must be approved by the Division prior to construction.

The Commission found based on comments from the Department of Agriculture that the density remains the same in either zoning district, that the GR zoning will allow for manufactured homes, that the property is not located near an Agricultural Preservation District, that the property is not zoned for or used for agricultural purposes, and that the rezoning is not relevant to agriculture.

The Commission found based on comments from the Division of Historical and Cultural Affairs that there are no known historic resources for this site.

The Commission found based on comments from the Department of Public Instruction that they have no objections to the rezoning.

The Commission found based on comments from the Office of the State Fire Marshal that they have no objections to the rezoning.

The Commission found based on comments from the Office of the Budget that they are unaware of any potential need of this land for a State facility nor do they have any funding to any agency to acquire this particular site.

The Commission found based on comments made by the applicant that he purchased the property about two years ago, that he is trying to sell the lots, that a manufactured home subdivision adjoins this property, that the rezoning is needed for lower cost homes, that there would be no negative impacts to the area, that there are other manufactured homes in the area, that he is ready to construct the streets within the subdivision, that the plans have been submitted to the required agencies, that the lots will be marketable, that three dwellings have been constructed along Road 527, that there will be no future subdivision of this property, and that two existing lots will be deleted for



stormwater management areas.

The Commission found that no parties appeared in opposition to this application.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to forward this application to the County Council with the recommendation that it be approved.

2. RE: Subd. #96-8--Donald L. Ward

Donald Ward was present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 22.52 acres into 25 lots, located on the northwestern side of Road 433, 757.51 feet northeast of Road 410.

Mr. Lank advised the Commission that they and the applicant have received the comments from the Sussex County Technical Advisory Committee meeting that was held July 17, 1996, and questioned if the report need to be read.

Mr. Abbott advised the Commission that Mr. Schrader has reviewed the proposed deed restrictions and that there are minor changes to be made.

The applicant had no statements.

There were no parties present interested in 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 made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to approve this application as a preliminary.

3. RE: Subd. #96-9--Stan Thompson and Bob Durham

Don Miller, surveyor, was present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 48.15 acres into 26 lots, located on the north side of Road 450, 2,350 feet northeast of Road 449, and on the east side of Road 449, 1,200 feet northeast of Road 450.

Mr. Lank advised the Commission that this property is zoned



MR Medium Density Residential and not AR-1 Agricultural Residential. The information was taken from the Surveyors application.

Mr. Abbott summarized the Technical Advisory Committee Report of July 17, 1996, and comments received from Mr. Schrader in reference to the proposed deed restrictions.

Mr. Miller advised the Commission that the septic feasibility statement has been submitted to DNREC, that all wetlands are mapped on site, that the developer will comply with the comments received from the Technical Advisory Committee, that deed restrictions will be imposed, that the entrances will be paved, that there is an entrance to the development on each road, that the lots will be limited due to wetlands on site, that all lots are a minimum of one acre since the property is located in a conservation zone, that the developer may consider putting the wetlands in a conservancy, that the developer may consider having the wetlands as a building restriction line or having a setback from the wetlands, that the roads will be private, and that a stormwater management plan will help the flooding problems in the area.

Diane Vandenmeydenberg, Hugh Vandenmeydenberg, Ann Allen, Richard Mutell, Robert Grossman, Walt Hoyer, Arthur Leigh, and Carolyn Panuska all expressed concerns about the streets being private or public, questioned if the MR Medium Density zoning district is more restrictive than the AR-1 Agricultural Residential zoning district, that the proposed number of homes will have children who will damage the wetlands, that there will be harm to the wildlife habitat, that the area is very scenic, that there is a high water table, that there would be negative impacts to the environment, contamination to drinking water, flooding of Road 449, the lot configurations, possible resubdivisions, and the area being overpopulated.

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. Phillips, and carried 4 to 0, with Mr. Ralph, not participating to defer action pending receipt of a septic feasibility statement from DNREC and the developers intention of having a setback from the wetlands or having the wetlands as a building restriction line.

4. RE: Subd. #96-10--Larry McKinley



Mr. Lank advised the Commission that this application was withdrawn on July 17, 1996, at the completion of the Technical Advisory Committee meeting.

5. RE: Subd. #96-11--David A. Shevock

David Shevock, developer, Doug Jones and Dave Snee, surveyors, were present on behalf of this application 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 9.80 acres into 6 lots, located at the northeast corner of the intersection of Road 269A and Penn Central Railroad.

Mr. Lank advised the Commission that they, the developer and surveyors have been provided a copy of the Technical Advisory Committee Report of July 17, 1996.

Mr. Abbott summarized comments received from the Utility Construction Division of the Sussex County Engineering Department and advised the Commission that Mr. Schrader has reviewed the proposed deed restrictions.

Mr. Shevock advised the Commission that the plan was going to be a leased type condominium project but he is now going to sell the lots, that DelDOT will review the existing entrance to the site and advised the Commission that the project will be developed for service industries.

Mike Tyler a resident of Lewes questioned the nature of the commercial uses since retail stores would be permitted.

Mr. Shevock advised the Commission that the lots will not be used for retail shops.

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. Phillips, seconded by Mr. Lynch, and carried unanimously to approve this application as a preliminary.

III. OTHER BUSINESS

1. RE: C/U #1121--Clinton and Frieda Yoder

The Commission reviewed a site plan for four multi family dwellings at the intersection of Route 16 and Road 585.

Mr. Abbott advised the Commission that the layout is similar as to what was submitted during the public hearing, that approvals have been received from the State Fire Marshal Office and the Sussex Conservation District, that approvals are needed from the State DNREC and DelDOT.

Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all required agency approvals.

2. RE: Glen Stevenson

The Commission reviewed a concept to create a lot off of Water Street.

Mr. Lank advised the Commission that the lot will have to maintain a 150 foot width since it is located within a conservation zone.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to approve the lot as a concept.

3. RE: Lena M. Scott

The Commission reviewed a concept to create a lot with access from a fifty foot right of way off of Road 216A.

Mr. Abbott advised the Commission that there is a right of way leading to the parcel however it may not be fifty foot in width.

Motion made by Ralph, seconded by Mr. Phillips, and carried unanimously to defer action. It was the consensus of the Commission that the developer show by a survey that the right of way is a minimum of fifty feet wide.

4. RE: Subd. #95-7--Sand Chase, Inc.

Mr. Abbott advised the Commission that a request for a one year time extension to obtain final approval has been received for this subdivision.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to grant a one year time extension.

Meeting adjourned at 9:30 PM.