

MINUTES OF THE REGULAR MEETING OF AUGUST 11, 1994

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 11, 1994, at 7:30 P.M., in Room 115 of the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mrs. Monaco, Mr Phillips, Mr. Ralph, Mr. Schrader - Assistant County Attorney, and Mr. Abbott - Planner II.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the minutes of July 14, 1994, as circulated, and the minutes of July 28, 1994 as amended.

II. PUBLIC HEARINGS

1. RE: C/U #1084--David A. & Patricia Tucker

David Tucker was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for Automotive Repairs lying on the northwest corner of the intersection of Route 16 and Route 227 to be located on a parcel containing 1.01 acres more or less.

Mr. Abbott summarized comments received from the Delaware Department of Transportation and the Sussex Conservation District.

Mr. Tucker advised the Commission that he proposes to work on cars and trucks, that he has done mechanical work before, that this would be a full time job, that the business would be open from 8:00 AM to 5:00 PM six (6) days a week, that the business will be a small operation, that there would be minimal storage of vehicles outside, that he would use the existing 40' x 60' building for repairs, that the site would not be a salvage yard, that there are not any problems with drainage, and that he has owned the property for seven (7) years.

Wayne Harris and Dennis Wyatt spoke in support of this application stating that the applicant is a good mechanic.

No parties appeared 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 DelDOT that a traffic impact study was not recommended and that the applicant can continue the process.

The Commission found based on comments received from the Sussex Conservation District that no storm flood hazard area is affected, that it may not be necessary for any off-site drainage improvements, that it may be necessary for on-site drainage improvements due to wet soils, that no tax ditch is affected, that the soils are mapped as Pocomoke sandy loam, that the suitability of the soils for the intended use may be severe due to wetness, that during any construction the applicant should follow an erosion and sedimentation control plan, that after completion of any construction a vegetative cover should be maintained, and that the farmland rating of the soil is prime and of statewide importance.

The Commission found based on comments made by the applicant that he proposes to work on cars and trucks, that he has done mechanical work before, that this would be a full time job, that the hours of operation would be 8:00 AM to 5:00 PM six (6) days per week, that the business would be a small operation, that there would be minimal outside storage of vehicles, that the existing 40' x 60' will be used for repairs, that the site would not be a salvage yard, that there are not any drainage problems on site, and that he has owned the property for seven years.

The Commission found that two (2) people spoke in support of this application.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to forward this application to the County Council with the recommendation that it be approved with the following stipulations:

1. Hours of business shall be 8:00 AM to 5:00 PM, six (6) days per week.
2. No more than three (3) vehicles shall be stored outside.
3. The site plan shall be subject to review and approval of the Planning and Zoning Commission.

2. RE: C/U #1085--Stanley & Constance Walker

Stanley Walker was 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 Truck and Farm Equipment Repair Shop lying on the northwest side of Route 579, 0.7 miles north of Route 18 to be located on a parcel containing 5.0 acres more or less.

Mr. Abbott summarized comments received from DelDOT, the Sussex Conservation District, and the Indian River School District.

Mr. Walker advised the Commission that he proposes to work on trucks and farm equipment, that he would like to construct a building to do the repairs, that the building has not been built yet since he wanted to obtain approval first, that he has spoken to his neighbors and no one has objected, that the area to be cleared for the use would be about 2.5 acres, that he would leave as many trees as possible for a buffer, that the hours of operation would be approximately 7:00 AM to 7:00 PM six (6) days per week, that there are other commercial uses on Route 18, and submitted a petition with five (5) signatures in support of this application.

No parties appeared 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 DelDOT that the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area is affected, that it may not be necessary for any off-site or on-site drainage improvements, that no tax ditch is affected, that the soils on site are mapped as Kenansville loamy sand and Rumford loamy sand, that the suitability of the soils for the intended use is slight limitations, that during construction an erosion and sedimentation control plan should be followed, that after completion of construction a vegetative cover should be maintained, and that the farmland rating of the soils are prime and of state wide importance.

The Commission found, based on comments received from the Indian River School District that the proposed change will not have a significant impact on the district.

The Commission found, based on comments made by the applicant, that the proposed use is for truck and farm equipment repairs, that he would construct a garage for the repairs, that the building has not been built since he wanted to obtain approval first, that he has spoken to his neighbors and no one objected, that he would clear about 2.5 acres, that many trees as possible will be left for a buffer, that the hours of business will be from 7:00 AM to 7:00 PM, six (6) days per week, that there are other commercial uses on Route 18, and that a petition with five signatures in support was submitted.

The Commission found no parties appeared in opposition.

Motion made by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to forward this application to the County Council with the recommendation that it be approved with the stipulation that the site plan be subject to review and approval by the Planning and Zoning Commission.

III. OTHER BUSINESS

1. RE: Indian Village

The Commission reviewed a concept to create three acreage tracts with access from a public street in Indian Village subdivision.

Mr. Abbott advised the Commission that two tracts will have access from Burton Street in Indian Village and that the other tract will have access from a street in Clear Brook acres subdivision.

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

2. RE: Padula Construction

The Commission reviewed the site plan for C/U #1036 for a contractors storage yard on Route 265-A.

Mr. Abbott advised the Commission that one of the stipulations was that a stockade fence be erected along the property facing Route 265-A, that a fence 100 foot in length has been built and questioned if this met the requirement.

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

3. RE: County Development Associates L.L.C.

The Commission reviewed a subdivision and site plan concept on Route One.

Preston Dyer, developer, was present and advised the Commission that the entrance is tied into the K-Mart entrance as per DelDOT requirements, that all lots except two will have access from an internal street.

Mr. Schrader questioned if the developer has submitted any supporting statements.

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It was the consensus of the Commission that the staff receive comments from DelDOT concerning the access areas.

Meeting adjourned at 8:30 PM.