

MINUTES OF THE REGULAR MEETING OF AUGUST 13, 1992

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 13, 1992 at 7:30 PM in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of July 23, 1992.

PUBLIC HEARINGS

1. RE: C/Z #1169 -- Victor J. Little, Jr.

Victor J. Little, Jr. was present on behalf of this application to amend the Zoning Map from AR-1 Agricultural Residential to C-1 General Commercial in Lewes and Rehoboth Hundred, located on the north side of Route 9, 1,400 feet east of Route 281, to be located on a parcel containing 3.71 acres more or less.

Mr. Lank summarized comments received from the Sussex Conservation District.

Mr. Lank advised the Commission that on April 29, 1992 the Office sent a request for service level evaluation to DelDOT for comments on this application, that several telephone calls were made to DelDOT for response on this and other applications, that on June 30, 1992 this application was accepted since the Office had been awaiting comments from DelDOT in excess of 40 working days, that the Memorandum of Understanding between DelDOT and the Sussex County Council provided that response would be made within 20 working days, that a response was received from DelDOT on July 2, 1992 which requested a traffic impact study, and that on July 7, 1992 Mr. Lank had sent a letter to DelDOT referencing the process.

Mr. Little advised the Commission that he intends to utilize the site for his fencing business, that he proposes to build a residence at the rear of the site, that an existing barn on the site will be converted and expanded for a shop, office, and storage of materials, that he only proposes to develop the front 300 feet of the site and requested that the application be reduced to that area within 300 feet of Route 9, that the business will operate year round, that no negative impact is anticipated on the neighborhood, that the area is mixed with farming, residential, commercial uses, and a kennel, that typically a minimum of 10 employees are on staff including office help, that a maximum of 15 to 18 employees may be staffed including subcontractors, that the business sells fencing, fencing materials and hardware for fencing only, that a small amount of over the counter business exist, that fencing is built per order, that fencing materials are

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delivered by tractor trailers once every third or fourth week, that materials are delivered by 10 wheel trucks or flat beds once or twice a week, that 8 vehicles are presently utilized by the business, two of which are small pickup trucks, and that the business utilizes two back hoe tractors and flat bed trailers.

Mr. Robin Reifsnyder spoke in support of the application since the application was being reduced to the revised 300 foot depth.

Mrs. Karen Reifsnyder stated that they would have opposed the application for the entire parcel, but do not oppose the smaller size rezoning.

At the conclusion of the public hearing, 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 Sussex Conservation District, that the soils on the site are mapped as Rumford loamy sand and Woodstown sandy loam, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction, that the farmland rating of the soil type is Prime, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any off-site drainage improvements, and that it may be necessary for some on-site drainage improvements.

The Commission found that DelDOT had not responded within the 20 working days agreed upon in the Memorandum of Understanding with the County Council for response on applications, that the Planning and Zoning Commission Office had attempted by telephone on several occasions to get a response after the 20 working days had passed, that the Office accepted the application after waiting in excess of 40 working days for a response, and that DelDOT finally forwarded a response written May 20, 1992 which was received on July 2, 1992. The late response from DelDOT requested a traffic impact study.

The Commission found that the applicant was present and plans to utilize the site for a fencing business, that he proposes to build a dwelling at the rear of the site and therefore requested that the rezoning be reduced to the front 300 feet depth of the site, that an existing barn on the site will be converted and expanded for a shop, office, and storage for the business, that the business will operate year round, that no negative impact is anticipated on the neighborhood, that the area is mixed with some

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farming, residential uses, commercial uses, a private club, and kennels, that typically a minimum of 10 employees are on staff including office staff, that a maximum of 15 to 18 employees have been staffed including sub-contractors, that the business sells fencing, fencing material and fencing hardware, that a small amount of over the counter business exist, that fencing is built per order, that fencing materials are delivered by tractor trailers once every third or fourth week, that materials are delivered by 10 wheel trucks once or twice a week, that eight vehicles are presently utilized by the business of which two are small mini trucks, and that the business does utilize 2 back hoe type tractors with flat bed trailers.

The Commission found that the immediate neighbors to the east were present and do not oppose the reduced size of the application, but would oppose the entire parcel being rezoned.

Motion by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the front 300 feet of the parcel be approved as requested by the applicant, since the site adjoins an existing C-1 General Commercial District, and since the site is in close proximity to other commercial districts and uses.

OTHER BUSINESS

1. RE: William D. Whaley

The Commission reviewed a commercial site plan for a print shop to be located on the northerly side of Route 481 east of Route 113.

Mr. Lank advised the Commission that the site plan has been revised to show 25 foot wide driveways and that parking spaces are a minimum of 15 feet from the right of way of Route 481.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the site plan. Issuance of a building permit shall be subject to receipt of all agency approvals and permits.

2. RE: Joseph Deutsch

The Commission reviewed the site plan for Conditional Use #1013 for the Assembly of Pumping Systems.

Mr. Lank advised the Commission that the site plan has been altered to show the parking area in front of the building as required with the Conditional Use.

Motion by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the site plan as revised.

3. RE: Baxter Farms, Inc.

The Commission reviewed a site plan for two (2) lots on the southerly side of Route 18.

Mr. Lank read a letter from John Sergovic, Jr., Attorney, on behalf of the purchasers, and the entrance permit from DelDOT.

Motion by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the two (2) lot subdivision.

4. RE: Danny and Joni Moore

The Commission reviewed a concept to create a parcel with a 50 foot wide right of way from an existing street in Waples Pond Trailer Court, a non-conforming park containing dwellings, cabins, and manufactured homes.

Motion by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the concept.

5. RE: Arnold and Barbara Huffman

The Commission reviewed a concept to subdivide a 16.79 acres into two (2) parcels off of Route 431.

Mr. Lank advised the Commission that the front parcel contains an auction barn and a manufactured home, and that the rear parcel, containing 11.29 acres, is proposed for a manufactured home for a family member. Mr. Lank added that the access to the existing auction barn and manufactured home exist at Route 431.

Motion by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the concept.

6. RE: John H. Parker

The Commission reviewed a concept to subdivide 5.9 acres into two (2) parcels off of a private right of way to Route 305.

Mr. Lank advised the Commission that two (2) dwellings exist on the site. The dwellings are approximately 19 and 25 years old.

Mr. Lank advised the Commission that the owners propose to create a 50 foot wide easement across the front parcel to provide access to the rear parcel and dwelling.

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Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the concept.

7. RE: Angola Estates

The Commission reviewed a revised site plan for a portion of Phase II of the GR-RPC General Residential - Residential Planned Community.

Mr. Lank advised the Commission that the revisions establish that this Phase will be developed with designated buildable area, that the buildable areas will be staked with iron pipe, that all buildable areas are a minimum of 20 feet apart, and that the concept is a continuation of Phase I and an existing portion of Phase II.

Mr. Lank advised the Commission that agents for the project have advised him that the remaining Phases of the project will most likely be developed as a subdivision with lots for sale.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the revision to Phase II.

8. RE: Sugar Maple Farms, Section II

The Commission reviewed a revised preliminary for Section II of Sugar Maple Farms.

Mr. Lank advised the Commission that the Subdivision was being revised due to agreements between the developers and DelDOT, that a 174 foot wide strip was to be purchased by DelDOT along Route One, that the taking of the strip makes it necessary to revise the layout, that the project is proposed to be reduced from 131 lots to 114 lots with less street right of ways and additional open spaces, and that the only entrance to the project will be from Route 207.

Jeff Clark of Land Tech, Inc. was present on behalf of the developer and advised the Commission that the streets are intended to be construction to County standards, and that individual wells and septic systems are proposed.

Motion by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the revised plans as a preliminary. Final plans may be submitted to the Commission upon receipt of all agency approvals.

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Old Business

1. RE: Subdiv. #90-10 -- Starlight Meadows

The Commission reviewed revised plans to subdivide 30.14 acres into 34 lots located on the north side of Route 235A, 0.5 mile west of Route 5. The original preliminary approval granted 39 lots.

Mr. Lank advised the Commission that the street layout has been altered to create short cul-de-sac streets.

Motion by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a final subject to receipt of all appropriate agency approvals.

2. RE: Subdiv. #92-6 -- Melvin Joseph Construction Co.

Mr. Lank advised the Commission that DNREC has advised the developer's Engineers that the wastewater disposal plan is feasible under current regulations governing the design, installation and operation of on-site wastewater treatment and disposal systems for the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 14.8 acres of a 21.77 acre tract into 22 lots, located on the southwest side of Route 412, 100 feet north of Springwood Drive in Lakewood Estates, Section One, Subdivision.

Mr. Magee reminded the Commission that the applicant had advised them that the lot numbering would be corrected to be a continuation of the lot numbering within Section One of Lakewood Estates.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a preliminary.

3. RE: Randall Arendt

The Commission discussed the draft prepared by Mr. Arendt.

There was a consensus of the Commission that Mr. Schrader and Mr. Lank prepare the draft in legal format as an Ordinance for scheduling for public hearings.

Meeting adjourned at 8:50 P.M.