

MINUTES OF THE REGULAR MEETING OF AUGUST 22, 1991

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 22, 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. Bayard - County Attorney, Mr. Lank - Director, and Mr. Abbott - Planning Technician.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of August 8, 1991, as circulated.

PUBLIC HEARINGS

1. RE: C/U #980--Brian Bearese

Brian Bearese and Jeff Sakemiller were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Georgetown Hundred for Yard Crafts and Produce Sales lying on the north side of Route 18, 425 feet east of Route 522, and to be located on a parcel containing 20,000 square feet more or less.

Mr. Lank summarized comments received from the Division of Highways, the Sussex Conservation District, and the Indian River School District.

Mr. Lank read one of eighteen form letters received from customers and area residents in support of the application.

Mr. Bearese stated that he proposes to display and sell crafts, produce, and collectibles outside; that crafts will be sold year round; that produce will be sold seasonally; that the business will operate seven (7) days per week from 7:00 A.M. to 7:00 P.M.; that no adverse impact is anticipated on Route 18, the neighborhood, or property values; and that he would not object to a restriction limiting the size of the signage.

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 the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on-site are mapped to be Keyport fine sandy loam; that the suitability of the soils for the intended use may have slight to moderate limitations; that the evaluation of the soils with respect to erosion and sedimentation control may have slight limitations during and after completion of construction; that the farm land 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, based on comments received from the Indian River School District, that at this time it does not appear that this application will have a significant impact on the District.

The Commission found that the applicant was present and plans to utilize the site for a yard sale for the sale of crafts, produce, and collectibles; that the crafts and collectibles will be offered for sale year round; that the produce will be offered for sale seasonally; that the business will operate seven (7) days per week from 7:00 A.M. to 7:00 P.M.; that no adverse impact is anticipated on Route 18, the neighborhood, or property values; and that he would not object to a restriction on the size of signage.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support and with the following stipulations:

A. The site plan shall be required to be reviewed by the Planning and Zoning Commission.

B. There shall be no displays within 40 feet of the front property line, 20 feet of the side property lines, and 30 feet of the rear property line.

C. One on-premise ground sign, not exceeding 32 square feet on both sides or facings, may be permitted.

D. The entrance location shall be subject to approval by the State Division of Highways and shall be included on the site plan.

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E. Adequate off-street parking shall be provided. A gravel parking area may be permitted in lieu of paving.

F. No parking signs shall be placed along Route 18 as required by the State Division of Highways.

2. RE: C/Z #1133--Charles T. Wolstenholme  
T/A Milton Canvas Products

Charles T. Wolstenholme was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broadkill Hundred, located on the east side of Route 5, 850 feet north of Route 9, to be located on a parcel containing 0.85 acre more or less.

Mr. Lank summarized comments received from the Division of Highways, the Sussex Conservation District, and the Indian River School District.

Mr. Wolstenholme stated that he plans to utilize the site for a boat storage area in the future; that the site is presently vacant; that no adverse impact is anticipated on the neighborhood, property values, or Route 5; that the existing entrances have been approved for the Commercial uses intended; that the adjoining land, recently zoned C-1 General Commercial, will be utilized for the canvas shop; that the area containing Christmas trees will continue to be utilized for that purpose; that the boat storage area will be fenced with chain link type fencing; and that security lighting will be provided.

Shelly Wilson and Jeanette Wagner spoke in opposition to boat storage on the entire site. They stated that they had no objection to the site intended for the boat storage.

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 5 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 loamy sand; that the suitability of the soils for the intended use may vary from none to slight limitations; that the

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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, based on comments received from the Indian River School District, that at this time it does not appear that the proposal will have a significant impact on the district.

The Commission found, that the site is presently vacant; that the site is a portion of a site recently zoned C-1 General Commercial; that no adverse impact is anticipated on the neighborhood, property values, or Route 5; that the existing entrances have been approved for commercial use; that the area of this application is intended for future boat storage; that the area will be fenced with chain link type fencing and will have security lighting; that the area presently utilized for the growing of Christmas trees will continue to be utilized for that purpose.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support, and since the rezoning will be a continuation of an existing C-1 General Commercial District.

3. RE: C/Z #1134--Carl T. Kemp

Carl T. Kemp was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Broadkill Hundred, located on the northeast corner of the intersection of Route 16 and Route 30, to be located on a parcel containing 33,993 square feet more or less.

Mr. Lank stated that no comments were requested from DelD.O.T. since a business already exists on the premises.

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

Mr. Kemp stated that the site is presently occupied by a package store and his residence; that he proposes to continue utilizing the site for the package store and a bait and tackle shop; that the Office of the State Fire Marshal and the County Building Code Enforcement Office has approved the building plans; that no negative impact is anticipated on the neighborhood, property values, or Route 30 and Route 16; and that the site is in close proximity to a truck repair shop and several commercial uses.

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 Sussex Conservation District, that the soils on-site are mapped as Rumford loamy sand and Sassafras 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 sedimentation control may have moderate limitations during construction and slight limitations after completion of any construction; that the farm land rating of the soil type is prime; 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 plans to continue utilizing the site for an existing package store and a new structure for a bait and tackle shop; that adequate space on-site is available for parking; that the Office of the State Fire Marshal and the County Building Code Enforcement Office has approved the building plans; that the site is in close proximity to a truck repair, an auto body shop, an electrical contractor's shop, and a plumbing contractor's shop; and that no negative impacts are anticipated on the neighborhood, property values, or Route 16 and Route 30.

Motion made by Mr. Magee, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support, since the site is already utilized for a business activity, and since the site is in close proximity to other business and commercial uses and districts.

4. RE: Subdiv. #91-21--William Kelly

John Sergovic, Esquire, and Danny Morris, Coast Survey, Inc., were present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred by dividing 61.60 acres into 66 lots, located on the eastern side of Route 279, 800 feet south of Route 24.

Mr. Lank summarized the Technical Advisory Committee meeting of August 19, 1991.

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Mr. Abbott summarized comments received from D.N.R.E.C., Water Supply Branch, in reference to this application received on August 19, 1991.

Mr. Abbott summarized comments received from D.N.R.E.C., Pollution Control Branch, in reference to this application received on August 21, 1991.

The Commission members had questions concerning buffer zones and restrictive deed covenants. Mr. Sergovic addressed these matters.

Mr. Lank stated that this plat has a conservation zone, and that the lots in this zone are at least one acre.

Mr. Sergovic stated that comments received from the Technical Advisory Committee are being addressed with the appropriate agencies.

There was no one present in support of this application.

Diane Dean spoke in opposition due to the number of lots proposed, the individual septic systems, traffic concerns, Love Creek is in a critical stage, danger to wildlife habitat, and that there are enough developments in the area.

Doug Miller of Save Sussex County, spoke in opposition due to the proposed DelD.O.T. east/west corridor, septic systems, and that there are enough developments in the area.

Til Purnell introduced a letter from Fran Wolfe in opposition to this application.

Til Purnell spoke in opposition due to on-site septic systems, that a central sewer system is needed due to wells possibly being polluted, and that there are already enough developments in Sussex County.

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

5. RE: Subdiv. #91-22--Donald Birch and Walter Singier

Danny Morris, of Coast Survey, Inc., and Donald Birch were present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 30.80 acres into 23 lots, located on the southeastern side of Route 530, 200 feet northeast of Chestnut Lane.

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Mr. Lank summarized the Technical Advisory Committee meeting of August 19, 1991.

Mr. Abbott summarized comments received from D.N.R.E.C., Water Supply Branch, in reference to this application received on August 19, 1991.

Mr. Abbott summarized comments received from D.N.R.E.C., Pollution Control Branch, in reference to this application received on August 21, 1991.

The Commission raised questions concerning the length of the road, buffer zone, existing ditch in back of property and wetland areas.

Mr. Morris addressed these concerns. The developer does not have any problems with these concerns.

There was no one present in support of this application.

There was not one present in opposition to this application.

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

OTHER BUSINESS

1. RE: Alvannah Davis

The Commission reviewed a site plan requesting to extend an existing fifty (50) foot right of way and create two (2) new lots off of Route 225.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve this request with the stipulation that the illegal manufactured home be removed prior to recording a survey.

2. RE: Tom Clark

The Commission reviewed a site plan and survey requesting to subdivide three (3) lots and create a fifty (50) foot right of way.

Mr. Clark stated that he intended to subdivide prior to the policy change of having the road constructed to County or State specifications. Mr. Clark did not know of this change.

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After some discussion by the Commission, it was the consensus of the Commission that Mr. Clark may apply for a public hearing to subdivide the property and request a waiver of the street construction design.

OLD BUSINESS

1. RE: C/U #952--Edward Fleming  
Time Extension

Mr. Lank advised the Commission that a letter from Eric Howard, Esquire, has been received requesting a one (1) year time extension since no substantial construction has begun on the property for the intended use.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried 4-1, with Mr. Magee not voting, to approve a one (1) year time extension.

Meeting Adjourned at 9:30 P.M.

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Lawrence B. Lank, Secretary