

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 14, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 14, 1989, at 7:45 P.M. in the Court of Common Pleas with the following present:

Mr. Allen, Mr. Hickman, Mrs. Monaco, Mr. Smith, Mr. Jones - Assistant County Attorney, Mr. Lank - Director, and Mr. Moore - Planner I.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the minutes of August 10, 1989, and August 24, 1989, as circulated.

PUBLIC HEARINGS

1. RE: C/U #915--Frederick R. Mitchell

Ronald Prisco, attorney, and Frederick Mitchell were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Broadkill Hundred for Rebuilding Parts for Seammers and Fillers (Cannery Services) on the north side of Route 231, 1/2 mile west of Route 30, and to be located on a parcel containing 2.47 acres more or less.

Mr. Lank summarized comments received from the LUPA agencies contacted, the State Highway Department, and the Sussex Conservation District.

Mr. Lank read into the record the statement on a petition received containing 12 signatures of area residents who have no objection to this application.

Mr. Prisco stated the applicant plans to repair machinery used in commercial canning. All work done at this location would be done inside. Some work is done at the individual factory sites.

Mr. Mitchell stated he has seven (7) full time and three (3) part time employees.

Mr. Mitchell stated the building to be used is 40 feet by 44 feet. The area to be used for storage would be fenced.

No one was present in opposition.

Minutes  
September 14, 1989  
Page 2

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 that the applicant was present with legal counsel and plans to utilize the site for general machine work on canning equipment including, seamers, fillers, track works, cables, cappers, and other general cannery equipment.

The Commission found, based on comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, that comments have been requested from the D.N.R.E.C. Waste Management Section, the D.N.R.E.C. Division of Fish and Wildlife, the Bureau of Archaeology and Historic Preservation, the Department of Transportation, and the Sussex Conservation District.

The Commission found, based on comments received from the State Division of Highways, that a traffic impact study is not recommended and that the level of service "A" of Route 231 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area is affected, no on site or off site drainage improvements are necessary, no tax ditch is affected, that the Evesboro soils on site are suitable for the intended use, that the farmland rating is of statewide importance, and that slight limitations are anticipated for erosion and sediment control during and after completion of construction.

The Commission found that a petition was received in support of the application with twelve (12) signatures.

The Commission found, based on comments made by representatives of the application, that a majority of the work performed is for local industries, that the site is used part time, that a lot of the work is performed on job sites, that seven (7) full time and three (3) part time employees are anticipated, that there are no major machinery noises, that no adverse impact is anticipated on the neighborhood, property values, or Route 231, and that adequate space is available on site for parking.

Motion made by Mr. Hickman, seconded by Mrs. Monaco, 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:

1. The site plan shall require the review and approval of the Planning and Zoning Commission.

2. The Conditional Use shall be limited to the maintenance and repair of general cannery equipment, including, but not limited to, seamers, fillers, cappers, track works, and cables.

2. RE: C/U #916--James W. Ward, Sr.

James Ward was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for Multi-Family Use (2 Units) on the southeast side of Route 387, 1,700 feet south of Route 392, and to be located on a parcel containing 31,498 square feet more or less.

Mr. Lank summarized comments received from Indian River School District, Sussex Conservation District, and the State Highway Department.

Mr. Ward stated he plans to use the second floor of his garage as an apartment for family members to rent during the summer months.

Mr. Ward stated his residence is on the site. He stores antique cars in the first floor of the existing garage.

Mr. Ward stated he has a variance approval from the Board of Adjustment for the steps leading to the second floor of the garage, which was originally to be used for storage.

Mr. Ward stated the apartment will have no heat, therefore, it could not be used year round.

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 that the applicant was present and plans to utilize the site for two (2) single family detached dwellings.

The Commission found, based on comments received from the Indian River School District, that it does not appear that this application will have a significant impact on the District.

The Commission found, based on comments received from the State Division of Highways, that a traffic impact study is not recommended, and that the level of service "A" will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area is affected, no on site or off site drainage improvements are necessary, no tax ditch is affected, that the Evesboro soils on site are suitable for the intended use, that the farmland rating is of statewide importance, and that slight limitations are anticipated for erosion and sediment control during and after completion of construction.

The Commission found, based on comments made by the applicant, that the garage existing on premises has a second floor, that a small apartment is intended for the use of his son and family, that a small kitchen is proposed, no heat, no addition to the septic system is proposed, that some room partitions are in place, that the County Board of Adjustment recently approved a variance for access steps to the second floor for the originally intended storage area, and that no adverse impact is anticipated on the neighborhood or property values.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since no other multi-family uses exist in the area and since a multi-family use would be out of character in the single family and agricultural character of the area.

3. RE: C/U #917--Curtis Steen

Eugene Bayard, attorney, and Curtis Steen, Jr., were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Dagsboro Hundred for a Borrow Pit on the east side of Route 31, approximately 800 feet south of Route 332, and to be located on a parcel containing 6.6 acres more or less of a 37.7 acre tract.

Mr. Lank summarized comments received from the LUPA agencies contacted and the Sussex Conservation District.

Mr. Lank read into the record comments received from the Department of Agriculture.

Mr. Lank stated a note was received from Floyd Brasure and Paul Brasure in opposition to this application.

Mr. Bayard stated the proposed site is presently tilled.

Mr. Bayard read into the record a letter signed by area residents stating they do not object to this application.

Jay Murray stated he has contracted to purchase all the dirt from this pit to be used in his business.

Jeff Clark, Land Tech, Inc., stated the excavation area would be 6.6 acres, the reclamation would be directed by the Soil Conservation Agency.

Mr. Bayard read into the record a list of conditions proposed by the applicant.

Mr. Steen stated hours of operation would be from 7:00 A.M. to 5:00 P.M., and would be closed Friday and Saturday during the summer and all legal holidays. There would be a maximum of fifty (50) truck trips per day to the site. A bond would be posted to guarantee completion of the project.

David Rutt, attorney representing area homeowners, spoke in opposition due to property devaluation, childrens' safety, dust, noise, increased traffic, truck traffic, damage to roads, water and septic problems, no need due to the number of pits already in the area, and the proposed use was misrepresented to the neighbors contacted for their support.

Mr. Rutt presented a petition in opposition to this application containing 122 signatures.

Wayland Clogg, Debbie Baker, James Evans, F.M. Gum, Beverly Roberts, and Paul Clogg spoke in opposition for similar reasons.

Thirty-three persons were 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 that the applicant was present with legal counsel, the proposed contractor, and an architect, and that the site is intended for a borrow pit operation.

The Commission found, based on comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, that comments have been requested from the D.N.R.E.C. Waste Management Section, the Bureau of Archaeology and Historic Preservation, the Department of Transportation, the Department of Agriculture, and the Sussex Conservation District.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area is affected, that no on site or off site drainage improvements will be necessary, that no tax ditch is affected, that the Evesboro soils on site may have severe limitations during construction, that a sediment and erosion plan shall be required with review and approval required by the District, and that the farmland rating is of statewide importance.

The Commission found, based on comments received from the State Department of Agriculture, that the Land Evaluation and Site Assessment (LESA) analysis of the site scored 192 points out of 300, an average score, indicating that this parcel contains moderately productive soils and is located in an area where farming and agriculture is an important but not dominant land use and that the close proximity to Dagsboro lowered its potential score, that the Department supports this application.

The Commission found, based on comments by representatives of the application, that a model borrow pit design is proposed, that construction jobs need dirt in volume, that the type of select material on site is needed for road work, that the type G material on site is acceptable for State and County road projects, that all materials are intended for projects located in Sussex County, that no water well, septic system, electric, or fire protection is necessary at the site, that the reclamation plan is designed per Soil Conservation Service specifications, that the actual pit area is approximately 4 acres, with a 1.4 acre stock pile area and a 1.2 acre right of way, that 4:1 slopes are proposed to waters edge, that 2:1 slopes are proposed below the water line, that the maximum depth proposed is twenty (20) feet once the pond is reclaimed for waterfowl and fish, that no material shall be brought from off site for processing, mixing, or similar purposes, that no fuel shall be stored on site, that a water truck shall be on site at all times, that no area of excavation shall occur within 1,000 feet of Road 331, that the borrow pit shall be surrounded by a landscaped, unexcavated buffer strip of open space at least 100 feet in width along all adjacent property boundaries, that water quality testing to insure safety of pit activity will be performed once every six months during the life of the pit, that the pit shall be surrounded by a six (6) foot chain link fence and shall have a gate with lock, that all on site accessways shall be graded and maintained to minimize dust, that restoration of the site shall occur continuously as the pit operation proceeds, that final grades of the reclaimed area shall be appropriate for the waterfowl/fish pond, that final site drainage shall be designed, sloped, revegetated or treated by other measures so that erosion is prevented, that all restoration material used in final grading shall be free from refuse or trash

and shall be compacted, that final soil depth and type shall be appropriate for the waterfowl/fish pond, that the pit hours of operation shall be limited to 7:00 A.M. through 5:00 P.M., Monday through Saturday except that the pit will be closed on Fridays and Saturdays during the months of June, July and August, that the pit shall be closed on all legal holidays, that the pit shall not be open on any Sundays, that the pit shall have a life of 30 months from the date the excavation begins, that the maximum number of truck trips per day shall not exceed 50, that a bond in the amount of \$10,000.00 shall be posted by the applicant to assure completion of the reclamation and creation of the waterfowl/fish pond upon receipt of final site plan approval by the Planning and Zoning Commission, that the D.N.R.E.C. Water Supply Branch doubts any affect on wells as long as no water is drawn from the pond, that the project is limited to one contracting firm, that no adverse impact is anticipated on the neighborhood or property values, and that the opposition should consider the ultimate use a farm pond.

The Commission found that fifteen (15) letters stating no objection were submitted by the applicant from area residents.

The Commission found that several parties were present in support of the application.

The Commission found that 33 parties were present in opposition, some of which were represented by legal counsel.

The Commission found that 11 letters in opposition were read and/or submitted for the record.

The Commission found that Robert L. Helm, Everett J. Lewis, Alvin and Henrietta Daisey, Ruth D. Rowe, Richard A. Baker, and Beatrice Rowe have requested their letters of support be voided and stated by letter their objection to a borrow pit.

The Commission found that a petition containing 122 signatures of residents within one mile of the site was submitted in opposition.

The Commission found, based on comments by parties present in opposition, that concerns were expressed referencing Route 331 traffic congestion by both heavy trucks and automobiles, water quality, possible health hazards due to stagnant water, public nuisances since a pond can be attractive to children, dust, number of trips per day by dump trucks, erosion, areas impacted by dump trucks if the site is approved, impact on Millsboro and Dagsboro streets, water depth, water quality testing after the project

is completed, the negative impact on the residential character of the area, the change in the character of the area caused by large volumes of additional trucks per day, the concern for childrens' safety since approximately 47 children in grades kindergarden to 6th grade live in the immediate area, the need was questioned since other pits in the general area have select material, no drainage serves the area, security, noise of loaders and trucks, and that the use does not benefit the general welfare of the public.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried three (3) to one (1), with Mr. Allen opposed to forward this application to the Sussex County Council with the recommendation that it be denied, based on the record of opposition, since no need was shown for a pit in this area, traffic, the number of loads possible per day, and childrens' safety.

4. RE: C/Z #1025--Red Mill Associates, L.P.

David Rutt, attorney, and Bill Vernon, partner, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to MR Medium Density Residential in Broadkill Hundred, located on the southwest side of Route One, 930 feet north of Route 88, containing 51.55 acres more or less.

Mr. Lank summarized comments received from the LUPA agencies contacted, the State Highway Department, the Sussex Conservation District, and the Department of Agriculture.

Mr. Vernon stated they plan to offer affordable housing ranging from \$70,000.00 to \$90,000.00 for lot and home. Central sewer would be provided by a treatment plant on site. Central water would be provided. Wooded buffers would be maintained around the project. The project would be developed in phases.

Jeff Clark, Land Tech, Inc., spoke concerning the development layout and proposed recreation facilities including a pool and bathhouse.

Clark Carbaugh, Utility Systems, Inc., spoke concerning proposed central water and sewage systems.

Mr. Rutt presented a letter of feasibility from D.N.R.E.C.

Fred Chappell and Catherine Chappell spoke in opposition due to water and septic problems, trespassing, and over crowding of the area.

At the conclusion of the public hearings, the Chairman referred back to this application.

Minutes  
September 14, 1989  
Page 9

The Commission found that one of the developers was present with legal counsel and plan to utilize the site for a 131 lot single family subdivision.

The Commission found, based on comments received from the D.N.R.E.C. Land Use Planning Act Coordinator, that comments have been requested from the D.N.R.E.C. Waste Management Section, the D.N.R.E.C. Division of Fish and Wildlife, the Bureau of Archaeology and Historic Preservation, the Department of Transportation, the Department of Agriculture, and the Sussex Conservation District.

The Commission found that the D.N.R.E.C. Waste Management Section advises the State regulations prohibit the burial of construction debris except at facilities that have been specifically permitted or approved by the Department to accept this type of waste.

The Commission found, based on comments received from the State Division of Highways, that a traffic impact study is not recommended, that capacity to Route One at this road segment is controlled by one or more intersections, and that the level of service "B" of Route One will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area is affected, no off site drainage improvement will be necessary, on site drainage improvements will be necessary, no tax ditch is affected, that the Sassafras, Evesboro, and Fallsington soils on site are suitable for the intended use, that moderate limitations are anticipated for erosion and sediment control during construction, that slight limitations are anticipated for erosion and sediment control after completion of construction, and that the farmland rating is prime.

The Commission found, based on comments received from the Department of Agriculture, that the Land Evaluation and Site Assessment (LESA) analysis scored 201 out of 300 points indicating an average site for economical, long term agricultural production, that the Land Evaluation scored above average reflecting the highly productive qualities of Sassafras Loam soils, that the Site Assessment score reflects the fact that 18% of the area within one and one half miles has been developed, agricultural investment within the parcel is below average and the size of the development will have a small impact on agriculture, that the site's location is attractive for higher density residential development due to its proximity to Route One, Red Mill Pond, and the beaches.

Minutes  
September 14, 1989  
Page 10

The Commission found, based on comments submitted by the applicants from the D.N.R.E.C. Division of Water Resources On-site Wastewater branch, that the site is feasible for on site wastewater disposal.

The Commission found, based on comments made by representatives of the application, that 131 lots are proposed for single family detached homes, that the developer plans to have homes built and ready for occupancy with a home, driveway, all utilities, and landscaping, that a package sewer treatment system is proposed, that central water with fire protection capabilities is proposed, that a minimum amount of trees are planned to be removed, that the project shall be phased to the demand for housing, that fire hydrants will also be available to local fire companies serving the general area when needed, that approximately three (3) acres of open space are proposed, that the package sewer treatment system will be operated and maintained by Utility Systems, Inc. within the project area, and that building restrictions will control the quality of construction.

The Commission found that two parties were present in opposition to the number of lots, draw down of water by a central water system, control over the sewer system, and trespassing.

Motion made by Mr. Smith, seconded by Mr. Hickman, 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.

5. RE: C/Z #1026--John F. and Perneltha H. Benson

Larry Fifer, attorney, and John Benson were 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 east side of Route 13, 1,350 feet south of Route 470, containing 3.97 acres more or less.

Mr. Lank summarized comments received from the LUPA agencies contacted and the Sussex Conservation District.

Mr. Fifer stated a portion of the parcel is under conditional use approval for an office and warehouse.

Mr. Benson stated he plans to rent the warehouse space. There are other commercial uses and zoning in the area.

Mr. Benson stated no changes will be necessary to the existing water or septic system.

Minutes  
September 14, 1989  
Page 11

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. Land Use Planning Act Coordinator, that comments have been requested from the D.N.R.E.C. Waste Management Section, the Bureau of Archaeology and Historic Preservation, the Department of Transportation, the Department of Agriculture and the Sussex Conservation District.

The Commission found, based on comments received from the Sussex Conservation District, that the Fallsington soils on site are suitable for the intended use, that moderate limitations are anticipated for erosion and sediment control during construction, that slight limitations are anticipated for erosion and sediment control after completion of construction, that the farmland rating is prime, that no storm flood hazard area is affected, that no off site drainage improvements will be necessary, that on site drainage improvements will be necessary, and that no tax ditch is affected.

The Commission found that the applicant was present with legal counsel and plans to utilize the site for retail sales of small farm and garden machinery, that the site is presently operating under a conditional use status and that the change in zoning would permit changes in use of the structure on the premises, that land adjoining to the south is commercial, that land adjoining to the north is industrial, that no negative impact on adjacent properties is anticipated, that there is no need for additional septic or water on site, that no drainage problems presently exist, and that no negative impact on traffic is anticipated.

No parties were present in opposition.

Motion made by Mrs. Monaco, seconded by Mr. Smith, 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 site is adjacent to commercial and industrial properties.

OTHER BUSINESS

1. RE: Cora McCabe  
3 lots  
Route 84

The Commission reviewed a proposal to subdivide 18.5 acres into three (3) lots with access from a fifty (50) foot right of way.

No one was present on behalf of the proposal.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the three (3) lot subdivision as submitted.

2. RE: Wayne Weber  
3 lots  
Route 373

The Commission reviewed a proposal to subdivide 43 acres into three (3) lots with access from a fifty (50) foot right of way.

No one was present on behalf of the proposal.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the three (3) lot subdivision as submitted.

3. RE: Rilafin Partnership  
4 lots  
Route 594

The Commission reviewed a proposal to subdivide 47 acres into four (4) lots.

No one was present on behalf of the proposal.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the four (4) lot subdivision with the stipulation that Lot #1 have access to Route 594 and that Lots 2, 3, and 4 have access only from the fifty (50) foot right of way.

4. RE: Robert Young  
3 lots  
Route 637

Withdrawn.

5. RE: Roy Street  
2 lots  
Route 291

The Commission reviewed a proposal to subdivide 5.7 acres into two (2) lots with access from a fifty (50) foot right of way.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the two (2) lot subdivision as submitted.

6. RE: Richard Bennett  
1 lot, 50 foot right of way  
Route 113

The Commission reviewed a proposal to create one (1) additional lot on an existing fifty (50) foot right of way.

Mr. Moore stated that the required entrance permits have been obtained from the Highway Department.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the one (1) acre parcel as a concept, pending Board of Adjustment approval to retain the existing mobile home on less than five (5) acres in an AR-1 District.

7. RE: Subdiv. #88-26--Seawinds

The Commission reviewed the final subdivision plat for the proposed 51 lot subdivision.

Mr. Moore stated that all necessary approvals have been obtained.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the subdivision as a final.

#### OLD BUSINESS

1. RE: C/Z #1021--Woodin, Wentling & Associates

No one was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to RPC Residential Planned Community in Lewes and Rehoboth Hundred, located on the west side of Route 274, 1.5 miles south of Route One, containing 90.01 acres more or less.

Minutes  
September 14, 1989  
Page 14

The Chairman referred back to this application which was deferred on August 24, 1989.

Motion made by Mr. Hickman, seconded by Smith, and carried unanimously to defer action.

2. RE: C/Z #1023--Merritt Burke, III

No one was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to HI-1 Heavy Industrial in Georgetown Hundred, located on the northwest side of Route 319, south of Conrail Railroad, containing 56.53 acres more or less.

The Chairman referred back to this application which was deferred on August 24, 1989.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on information received from the State Division of Highways, that originally a traffic impact study had been requested and that the traffic impact study request was waived since no entrance will be on Route 9.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied, and with the recommendation that the site be zoned LI-2 Light Industrial since the rezoning will be an extension to an LI-2 Light Industrial District, since a railway is adjacent, and since the site has frontage along Route 319 for access to Route 9 and based on the record of support.

3. RE: C/Z #1024--Merritt Burke, III

No one was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to LI-2 Light Industrial in Georgetown Hundred, located on the southwest side of Route 319, northwest of the Sussex County Industrial Park, containing 92.63 acres more or less.

The Chairman referred back to this application which was deferred on August 24, 1989.

The Commission discussed the points and issues raised during the public hearing.

Minutes  
September 14, 1989  
Page 15

The Commission found, based on information received from the State Division of Highways, that originally, a traffic impact study had been requested, and that the traffic impact study request was waived since no entrance will be on Route 9.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the site is immediately adjacent to the Sussex County Airport, which is zoned LI-2 Light Industrial and based on the record of support.

4. RE: ORDINANCE TO REPEAL ORDINANCE NO. 596 AND  
AMEND ORDINANCE NO. 97 (SIGNS)

AN ORDINANCE TO REPEAL ORDINANCE NO. 596 AND TO AMEND ORDINANCE NO. 97, THE COMPREHENSIVE ZONING ORDINANCE OF SUSSEX COUNTY, AS AMENDED, BY AMENDING ARTICLE 5, ARTICLE 6, AND ARTICLE 11, WHICH MAKE REFERENCE TO REGULATIONS AND PERMITTED USES OF ADVERTISING SIGNS AND BY PROVIDING FOR THE ADOPTION OF PERMIT FEES THEREFORE.

The Chairman referred back to this application which was deferred on August 10, 1989.

The Commission found that Mr. Lank and Mr. Jones had reviewed the ordinance in its entirety and that the requested amendments to the ordinance had been incorporated.

The Commission found that at the August 10, 1989, hearing, one party was present in support of the need for a Sign Ordinance, recommended 500 foot spacing from dwellings, and suggested that the Commission should give more consideration to property owners concerns than to sign company concerns.

The Commission found that several parties representing sign companies were present in opposition and expressed concerns in reference to the committee that worked on the original ordinance proposal, the lack of participation on the committee by representatives of the sign industry, the maximum square footage limitation to 600 square feet, that the national standard sign square footage is 480 square feet, that all illuminated billboards should require an apron and that the apron should not be calculated in the allowable square footage, that if a maximum square footage is required per facing, then the rear of the sign should be covered by signage or a covering rather than exposed backboards, that side yard setbacks should be the same as commercial buildings, not 50 feet, that front yard setbacks for off premise signs should be 25 feet since 40 feet is excessive, that the proposed Ordinance provides

Minutes  
September 14, 1989  
Page 16

for a smaller sign with a greater setback than present regulations, that a F.A.X. system should be considered for permit processes, that illuminated awnings are not specifically covered by the proposed ordinance, and that the amendments are excessive and quite different from the proposal presented with support by the sign Committee.

The Commission found that Article 6, Section 2.2, Section 7, which references permitted signs in all districts, should be amended to permit a ten (10) square foot temporary real estate sign, rather than eight (8) square feet.

Motion made by Mrs. Monaco, seconded by Mr. Hickman, and carried unanimously to forward this Ordinance to the Sussex County Council with the recommendation that it be approved as amended and with the recommendation that Article 6, Section 2.2, Section 7, also be amended to permit ten (10) square foot temporary real estate signs.

5. RE: Subdiv. #89-5

The Commission reviewed the final subdivision plat for the proposed 17 lot subdivision.

Mr. Moore stated that all necessary approvals have been obtained. However, the surveyor made an error on the revised final subdivision plat.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the subdivision as a final, subject to the errors in the final plat being corrected prior to recordation.

6. RE: Kings Creek

Withdrawn from the agenda.

7. RE: David and Russell Banks  
Time Extension

Mr. Moore submitted a request from Charles Coffman, surveyor, asking for a one (1) year extension on the preliminary approval for Subdivision #88-18.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the one (1) year extension.

Minutes  
September 14, 198  
Page 17

8. RE: Myers Grocery  
Non-Conforming Use

The Commission reviewed a request to relocate a non-conforming grocery store from its existing structure to the adjacent building.

Mr. Jones concurred with Mr. Moore that as long as the retail square footage was not increased, constituting an expansion of a non-conforming use, that the store could be relocated on the same parcel.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the request, under the condition that the retail square footage not be increased.

Meeting Adjourned 11:05 P.M.

---

Lawrence B. Lank, Secretary