

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 28, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 28, 1989, at 7:45 P.M. in the County Council Chambers, with the following present:

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

PUBLIC HEARINGS

1. RE: C/U #918--Walt and Linda Ashley

Walt Ashley 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 an Automotive Transmission and Auto/Truck Repair Shop on the southwest side of Route 214, 127 feet north of Route 224, and to be located on a parcel containing 1.02 acres more or less.

Mr. Lank stated this application was previously heard as a change of zone, which was withdrawn to apply as a conditional use.

Mr. Lank summarized comments from the State Highway Department and the Sussex Conservation District from the Change of Zone file.

Mr. Ashley stated he plans to repair auto and truck transmissions and other mechanical work. Hours of operation would be from 8:00 A.M. to 6:00 P.M., six (6) days per week. No work would be done on Sunday.

Mr. Ashley stated he plans to fence the rear of his property with chain link fence. A stockade fence will be installed four (4) feet inside that fence. The trees across the rear of the property will be retained.

Mr. Ashley stated he presently has four (4) delivery trucks.

Mr. Ashley requested that the petition in support of his proposal presented at the change of zone hearing be made a part of this file.

Frankie Downs spoke in opposition due to property devaluation and a commercial use in a residential area.

Allen Craft and Gloria White spoke in opposition for similar reasons.

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 State Division of Highways, that if the parcel had been rezoned B-1 Neighborhood Business, a traffic impact study was not recommended and the level of service "A" of Route 214 would not change as a result of the application, therefore, a conditional use for the requested application should not cause any change in the level of service.

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

The Commission found that the applicant was present and plans to utilize the site for an auto transmission and auto/truck repair shop.

The Commission found, based on comments made by the applicant, that the area is primarily residential, that the hours of operation will be 8:00 A.M. to 6:00 P.M., six (6) days per week with no Sunday hours, that no adverse impact is anticipated on the neighborhood, property values, or Route 214, that a four (4) foot high chain link fence is proposed along the rear property line, that a six (6) foot high stockade fence is proposed four (4) feet from the rear property line, that the existing natural tree barrier shall be retained, that one additional security light is proposed, that all work on vehicles shall be performed in the existing 32 foot by 50 foot building, and that if an impound lot is required for vehicles waiting to be repaired, there would be no objection.

The Commission found that three parties were present in opposition and expressed concerns over any additional commercial use in the area, depreciation of property values, noise, and the close proximity of the shop to their residential homes.

Motion made by Mr. Smith, 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 subject to the following stipulations:

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

2. Fencing shall be installed as presented by the applicant with a four (4) foot high chain link fence along the rear property line and a six (6) foot high stockade fence located at least four (4) feet from the rear property line.

3. A stockade fenced impound lot shall be provided for the storage of a maximum of three (3) vehicles.

4. The existing tree buffer shall be retained.

5. One additional security light may be installed. The number of security lights shall not exceed three.

6. The business operating hours shall be 8:00 A.M. to 6:00 P.M., six (6) days per week with no business hours on Sunday.

2. RE: C/U #919--William C. Wade, DVM

William Wade was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Seaford Hundred for an Addition to a Veterinary Hospital on the east side of Route 30, 2,000 feet south of Route 555, and to be located on a parcel containing 1.3895 acres more or less.

Mr. Lank summarized comments received from the State Highway Department.

Mr. Wade stated he plans to expand his existing veterinary hospital. The proposed addition will include examination rooms, separate surgery and dentistry rooms. There will be no increase in outside runs.

Mr. Wade stated the present facility has existed for over thirty (30) years.

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 expansion of an existing veterinary hospital.

The Commission found, based on comments by the State Division of Highways, that if the site were rezoned C-1 General Commercial, a traffic impact study was not recommended and the existing level of service "B" could possibly change to level of service "C", and that a conditional use for expansion of an existing use should not impact Route 30.

The Commission found, based on comments made by the applicant, that no additional kennel space is proposed, that the additions proposed are for patron area and operating rooms, that the existing runs are to be covered, that a veterinary hospital has existed on site in excess of 30 years, and that no negative impact is anticipated on the neighborhood, property values, or Route 30.

No parties were present in opposition.

Motion made by Mrs. Monaco, 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, and with the stipulation that no additional kennel spaces be provided.

3. RE: C/Z #1027--Jack Regan

Jack Regan 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 south side of Route 9, 0.5 mile east of Route 362, containing 1.31 acres more or less.

Mr. Lank summarized comments received from the State Highway Department.

Mr. Regan stated he plans to construct a model home with a sales office. The model home would be open from 9:00 A.M. to 5:00 P.M., six (6) days per week and Sunday by appointment. There would be no storage of materials. The site would be served by on site well and septic system.

Mr. Regan stated there are other businesses and commercial zoning in the area.

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 a sample home sales office.

The Commission found, based on comments from the State Division of Highways, that the request for a traffic impact study has been waived since the sample home will not create any significant traffic generation.

The Commission found, based on comments by the applicant, that no outside storage is proposed, the hours of operation will be 9:00 A.M. to 5:00 P.M., six (6) days per week with possible hours on Sunday by appointment only, that the adjacent property west is C-1 General Commercial and adjoins an antique shop, that no problems are anticipated in providing adequate

sewer or water, that no adverse impact is anticipated on the neighborhood, property values, or Route 9, and that the C-1 General Commercial classification was chosen over the B-1 Neighborhood Business classification since C-1 General Commercial zoning has more commercial flexibility.

No parties were present in opposition.

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 a C-1 General Commercial district exists immediately adjacent and since the site is in close proximity to other commercial uses.

4. RE: Subdiv. #89-18--Thomas Wagner

John Wech, McCann, Inc., was present on behalf of this application to consider the Subdivision of land in a GR General Residential Zoning District in Indian River Hundred by dividing 8.8 acres into 14 lots, located on the north side of Route 48, 1,800 feet west of Route 302A.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of September 18, 1989.

Mr. Moore stated this application had preliminary approval on November 26, 1986. This approval expired after one (1) year.

Mr. Wech stated they have approvals from all the necessary agencies.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve this application as a preliminary.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve this application as a final with the stipulation that possible wetlands on the site be delineated.

5. RE: Subdiv. #89-19--Amanda Steen

Amanda Steen 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 8.5 acres into 13 lots, located on the north side of Route 336, 4,850 feet west of Route 335A.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of September 18, 1989.

Gerald Steen spoke in favor of the application.

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

6. RE: Subdiv. #89-20--Bronberg, Inc.

John Sergovic, attorney, was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred by dividing 79 acres into 33 lots, located on the east side of Route One, 2,100 feet north of Route 265A.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of September 18, 1989.

Mr. Sergovic stated there is an existing dwelling on the site.

Mr. Sergovic stated they will delete any wetlands from the application.

Walter Wilson spoke in favor of the application.

No one was present in opposition.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve this application as a preliminary.

OTHER BUSINESS

1. RE: Bridgeville Farms

The Commission reviewed a proposal to subdivide 75 acres into six (6) lots, three (3) lots having access from Route 585 and three (3) lots having access from a fifty (50) foot right of way.

No one was present on behalf of the application.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the six (6) lot subdivision with the stipulation that no further subdivision of the three (3) lots having access from Route 585.

2. RE: Alvannah Davis

The Commission reviewed a proposal to create two (2) additional lots on a fifty (50) foot right of way.

No one was present on behalf of the proposal.

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

3. RE: Preston McIlvaine

The Commission reviewed a proposal to subdivide 1.9 acres into three (3) lots having less than the required 150 feet of road frontage.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to deny the request.

4. RE: Ralph Fry

Withdrawn from the agenda.

5. RE: Irma Messick Heirs

The Commission reviewed a proposal to subdivide 13.5 acres into two (2) parcels having access from a fifty (50) foot right of way.

No one was present on behalf of the proposal.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the request as submitted.

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.

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

The Commission discussed the application.

Motion made by Mr. Ralph, 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 maximum number of lots shall not exceed 140.
2. The concept of the layout of the subdivision shall be retained as submitted.
3. The recreational uses in Arnell Creek Subdivision shall also serve this application site as presented by the applicant.
4. The streets shall be public streets built to State specification.
5. The open space presented in the preliminary plan shall be retained as indicated.

2. RE: Subdiv. #88-38--Creekside Manor

The Commission reviewed the final plot plan for the proposed 12 lot subdivision.

Mr. Moore stated that all approvals have been granted.

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

3. RE: Subdiv. #88-16--Herman Sharp

Mr. Moore stated that Mr. Sharp has requested a one (1) year time extension on the preliminary approval for the Deep Branch Subdivision stating there are technical problems with obtaining final approval.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the one (1) year time extension.

4. RE: Harbor View

The Commission reviewed the proposed record plan for the Harbor View AR-1 Agricultural Residential - RPC Residential Planned Community development.

Mr. Moore stated that the plan is in compliance with the stipulations of the County Council approval.

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to approve the plan for recordation.

Meeting Adjourned 9:20 P.M.

Lawrence B. Lank, Secretary