

MINUTES OF THE SPECIAL MEETING OF OCTOBER 2, 1997

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 2, 1997, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director. Joyce Watkinson and Tina Rafail, staff members, were also present.

Mr. Schrader explained how the public hearing will be conducted.

Mr. Lank read into the record the proposed Ordinance to adopt a Comprehensive Land Use Plan, and referenced the number of draft documents that were reviewed and studied up to and including the Final Draft, dated March 31, 1997.

Mr. Lank presented the 1988 Coastal Sussex Land Use Map, the 1990 Western Sussex Land Use Map, the first draft map for the Comprehensive Land Use Plan, the October 24, 1996 revised draft map and an overlay of the Comprehensive Land Use Plan, and the final draft map of the Comprehensive Land Use Plan, with a small overlay to show the area of The Plantations, which had been mistakenly removed from the final draft map, and a connecting area northerly and westerly from The Plantations, that included the Delaware State Housing Authority property, to show the area questioned by the Office of State Planning Coordination.

Mr. Lank submitted a copy of a nine (9) page letter and (18) Appendix pages from Terrance H. Bartley.

Mr. Lank submitted a copy of a letter from David S. Hugg, III, State Planning Coordinator, dated September 22, 1997, and attached as Exhibit "1".

Susan Frank, Director of the Delaware State Housing Authority, summarized and submitted a letter on behalf of the Housing Authority requesting that the Housing Authority's parcel south of Road 285 be included in the Development District and referenced specifically: that the previous drafts of the Plan included the site in the Development District; that the designation of the site meets all County requirements of a Development District and not the Agricultural District; that the Comprehensive Plan defines that the purpose of the Development District is to concentrate development in areas where public water and wastewater sewer are available or planned; that a sewer pump station is directly across from the site; that Tidewater Utilities is willing and able to provide public water utility service in their presently certified territory; that the

Comprehensive Plan defines the Development District as being partially developed and contiguous to the existing municipalities; that the Comprehensive Plan defines that the purpose of the Agricultural Residential District to provide for a full range of agricultural activities and to protect agricultural land; and that the Housing Authority is concerned that the removal of the site from the Development District may be perceived as an act of housing discrimination.

Ms. Frank, in response to questions raised by the Commission, stated that the site is the only site owned by the Delaware State Housing Authority in Sussex County, and acknowledged that the site received a negative recommendation from the Planning and Zoning Commission several years ago for an application for apartments.

Til Purnell, a resident of the Millsboro area, requested that the Commission recommend approval of the plan to the Sussex County Council, and stated that a need exist for a comprehensive plan; and that a comprehensive plan creates a good guide for development in the future.

Mike D'Amico, a resident of the Lewes area, submitted a letter on Pfiesteria and a copy of a Sierra Club magazine; spoke in support of the proposed two (2) acre lot size in Conservation Districts; stated that data exist from the Federal Government, State Government, and the private sector relating to coastal protection, soils, water assessments, management plans, fisheries, wetlands loss, estuary resources, and ecological conditions that will support protection of the inland bays and other watersheds; that the Sierra Club is willing to work with the County staff to provide the data; that the Sierra Club is not blaming development or agriculture for the Pfiesteria; and that pollution plays a major role in the loss of water quality.

Don Roesller, a resident of the Lewes area, submitted comments relating to the Delaware State Housing Authority site; and stated that the site is not in a development zone; that the site was not in a development when it was purchased; that the site could be developed in the current AR-1 zone at a lower density; that the site is not surrounded by residential development; that spot zoning of the site would put much zoning and development pressure on the land in the area and would impact roads and infrastructure; that two affordable housing projects have been built or are planned since the site was purchased; that there is not a continued need for affordable housing in this area; and that the Shaping Delaware's Future Act does not allow extension of sewer to accommodate development.

Terrance Bartley, a resident of the Rehoboth area, summarized his comments submitted by Mr. Lank, and referenced that the Plan does not conform to the Quality of Life Act and other State statutes which govern land use; that the Plan's standards for land use are a contradiction to its data, goals and objectives; that the Plan's guidelines for land use do not promote the welfare of the present and future inhabitants of Sussex County; questioned the non-existence of a local planning agency; questioned development of a capital improvement plan; questioned tax assessments; questioned zoning regulations being in accordance with the Plan; stated that the future land use is not based on the projections; stated that the Development District does not conform to the Quality of Life Act; questioned the Conservation District; questioned the reference to a sewer plan; and respectfully requested that the Council: designate by ordinance a "local planning agency"; amend the Plan to delete the growth management strategies regarding sunseting and assessments; amend the Plan to reinstate guidelines for the Conservation District; amend the Plan to include an analysis of schools; amend the Plan to include a capital improvement plan; amend the Plan to include the mapping of Rural Community Districts and Conservation Districts; amend the Plan to delete any passages which subrogate the Plan to the Zoning Ordinance; amend the Plan by creating subcategories for the Development District and Town Center District; amend the Land Use Map to change the district surrounding the Inland Bays to a lower density; amend the Land Use Map to change the district surrounding Route One north of Rehoboth to a lower density; and to amend the Plan to include a study of the sewer issue including an estimate of any cost.

The Chairman closed the public hearing record.

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

There was a consensus of the Commission that a map amendment for the Housing Authority property was not an indorsement of a future zoning change, but a consideration of expansion to the proposed Development District.

Motion by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to forward this Ordinance to the Sussex County Council with the recommendation that it be approved as presented, with the understanding that the County Council should make the determination on the expansion of the Development District.

Meeting adjourned at 8:40 P.M.



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

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SEP 26 1997

PLANING & ZONING
COMM. OF SUSSEX COUNTY

September 22, 1997

Mr. Lawrence Lank
Director of Planning and Zoning
Sussex County Council
2 The Circle
P. O. Box 589
Georgetown, DE 19947

Dear Mr. Lank:

On October 2, 1997, Sussex County will begin its final round of public hearings for the adoption of the Sussex County Comprehensive Plan. The plan contains strong provisions to respond to the "Shaping Delaware's Future Act" goals, and has many proposed strategies that are responsive to state concerns.

However, before the final adoption of the Comprehensive Plan, we would like to note one area of the county where the reduction in the Development District poses difficulty for the state. We have reviewed technical and background information brought to our attention by the Delaware State Housing Authority regarding their 20-acre site near Lewes. While we realize that the county was directed to reduce the size of the Development Districts and still support the overall reduction, we believe that the exclusion of this area may have been a technical oversight. This site appears to meet all the requirements of a Development District, as it has access to public sewer and water. In addition the area is surrounded by residential development including multi-family development.

In an area where there are very few affordable housing opportunities and an abundance of retail, service, and manufacturing employment opportunities, we encourage the county to support the inclusion of this site in the Development District. Please also be reminded that the Quality of Life/Shaping Delaware's Future Acts require the following:

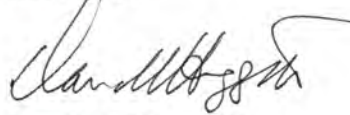
§ 2656 (g) (6) (d). The provision of adequate sites for future housing including housing for low-income and moderate-income families, group home facilities and foster care facilities, with supporting infrastructure and public facilities.

Mr. Lawrence Lank
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§ 2656 (g) (6) (g). Demonstrated coordination with the State Housing Authority including but not limited to guidelines to insure that sites for publicly assisted housing are located where adequate transportation opportunities, health and social services and other community services are available.

We believe that only by working together will the county and the state be able to achieve our goals and gain a better understanding of not only land use and public infrastructure investment issues, but their direct impact on working low- and moderate-income families in need of decent and affordable housing. Please do not hesitate to contact me if you have questions or if we can be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Hugg, III", written in a cursive style.

David S. Hugg, III
State Planning Coordinator

cc: Robert Stickels, County Administrator
Susan A. Frank, Director, Delaware State Housing Authority