

MINUTES OF THE REGULAR MEETING OF OCTOBER 8, 1992

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 8, 1992, at 7:30 P.M. in Room 115, County Council Chambers, of the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of September 24, 1992, as revised.

PUBLIC HEARINGS

1. RE: C/U #1021 -- Beebe Medical Center, Inc.

Richard Stokes, Attorney, and Colleen Waring of Beebe Medical Center, Inc. were present on behalf of this application to consider the Conditional Use of land in a MR Medium Density Residential district in Lewes and Rehoboth Hundred for a Public Use (An Activity Center for Adults 60 Years Old and Older) lying on the northwest side of Terrace Road, 250 feet northeast of Route One, Lot 20 and Lot 21, Block D, within Silver Lake Manor to be located on a parcel containing 10,700 square feet more or less.

Mr. Lank summarized comments received from the Sussex County Engineering Department and the Sussex Conservation District.

Mr. Lank read a supportive petition, containing 9 signatures, letters in support from 8 parties from the Rehoboth area, and letters in support from 15 parties who care for elderly relatives.

Mr. Stokes advised the Commission that a need exist to relocate the adult activity center, "The Gull House", presently located at the Beebe Medical Center property due to expansion proposed at the medical center, that the site is adjacent to Ocean Bay Mart Shopping Center off of Route One, that the area along Route One is commercial with a mixture of activities including a bank, a service station, a pharmacy, a salon, and the shopping center, that several rental residences exist in the immediate area, that clients are taken to and from the activity center by D.A.S.T. mini vans, that the building was formerly utilized for antique sales and a wicker furnishing store, that the use of the site as an activity center will be less impacting than any retail activity, that business hours will begin at 7:45 A.M. and end at 3:45 P.M. weekdays with no weekend or holiday hours, that a public need exist for the service, that no impact is anticipated on sewer or water systems, and that the community supports the proposal.

Ms. Waring advised the Commission that "The Gull House" is operating in its sixth year, that the center functions through grant funding from the Division of Aging, and corporate and private donations, that the clients have the opportunity to interact with other senior citizens at the center, that regulations for funding provide that all clients be 60 years old or older with some from of disability, that nursing staff is always present, that at present the center averages 14 clients per day, that the center is presently funded for 17 clients per day, that the center maintains a waiting list for clients, that the center is the only one of it's kind in eastern Sussex County, that the site has the ability to handle handicapped clients, and that both breakfast and lunch will be provided at the center.

No parties appeared 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 County Engineering Department, that the site is located in the Dewey Beach Water and Sanitary Sewer District, that the site is currently assessed at 2.0 equivalent dwelling units (EDU's), that if the use changes the property must be reassessed, and that if it is reassessed at a higher EDU assessment connection charges will be required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Sassafras sandy loam, that the suitability of the soil type 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 developer to follow an Erosion and Sedimentation Control Plan during construction and to maintain 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, and that it may not be necessary for any on site or off site drainage improvements.

The Commission found that the application was represented by an attorney and a staff member of the Beebe Medical Center, Inc.

The Commission found, based on comments made by representatives of the application that a need exist to relocate the adult activity center due to expansion proposed at the Beebe Medical Center in Lewes, that the site is adjacent to a shopping center and in close proximity to a bank, a service station, a pharmacy, a salon and other commercial activities along Route One, that several rental residences exist in the immediate area, that clients are taken to and from the center by D.A.S.T. mini vans, that the building has been utilized for antique and wicker furnishing sales, that the use of the site for the center will be less impacting than any retail activity, that the hours of use will be from 7:45 A.M. to 3:45 P.M. weekdays with no weekend or holiday hours, that a public need exist for the services provided by the center, that no impact is anticipated on sewer or water systems, that the letters of support show the community's support of the proposal, that the center has operated for six (6) years, that the center functions through grant funding from the Division of Aging and corporate and private donations, that clients have the opportunity to interact with other senior citizens at the center, that regulations for funding provide that all clients be 60 years old or older with some form of disability, that nursing staff are always present, that presently the center averages 14 clients per day, that the center is now funded for 17 clients per day, that the center maintains a waiting list for clients, that the center will provide breakfast and lunch for the clients, and that the center is the only one of its type in eastern Sussex County.

The Commission found that a petition containing nine (9) signatures, letters from 8 parties from the Rehoboth area, and letters from 15 parties who care for elderly relatives have been received in support of the application.

The Commission found that no one appeared in opposition.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved.

OTHER BUSINESS

1.RE: Sea & Pines Consolidation Corp.

The Commission reviewed a request to subdivide 38.61 acres into two tracts on Route One.

Mr. Abbott advised the Commission that this requires Commission action since the property is located on a major arterial

roadway, that the two tracts would be 21.54 acres and 17.07 acres, that the entrance plan has been approved by DelDOT, that the wetlands are mapped, and that the lots have a buildable area.

The Commission questioned the intentions of the developer if this was approved, and Mr. Abbott advised the Commission that the staff was not aware of any future plans.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to defer action on this request. It was the consensus of the Commission that the developer state if they have any future plans for this site.

2. RE: Duane Kenton

The Commission reviewed a request to create 3 lots on an existing 50 foot right of way on Route 626.

Mr. Abbott advised the Commission that the right of way was approved by the Commission, that one lot will have access from Route 626, that two lots will have access from the right of way, and that the remaining lands will be an extension to other lands of Mr. Kenton.

Mr. Allen advised the Commission that Mr. Kenton is going to pave the right of way.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve this request.

3. RE: Lakeview Estates

The Commission reviewed a request to create two additional lots on Lakeview Drive of Lakeview Estates.

Mr. Abbott advised the Commission that section 1 was recorded before the public hearing process, that section 2 was approved through the public hearing process, and that this area was not included due to a property line dispute, and that this dispute has now been settled.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the two lot extension to Lakeview Estates.

4. RE: Allen & Rachel Thomas

The Commission reviewed a request to create a lot and to extend a 50 foot right of way off of Route 20.

Mr. Abbott advised the Commission that they approved two acreage tracts with a fifty foot right of way and that the owner now wants to extend the right of way to create another lot for a total of 3 lots and a 50 foot right of way.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the additional lot and the extension of the existing right of way.

5. RE: Ocean Ridge West

The Commission reviewed a site plan for the recreation area of Ocean Ridge West RPC.

Mr. Abbott advised the Commission that the site plan references a clubhouse, swimming pool and tennis court, that adequate parking is provided, that the setbacks have to be approved by the Commission since this is a RPC, and that approvals are required from the Fire Marshal Office and County Building Code Office.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the site plan as submitted as a preliminary. Final approval is subject to the staff receiving all required agency approvals.

6. RE: Robert P. Short

The Commission reviewed a commercial site plan for C/U #983 on Route 113.

Mr. Abbott advised the Commission that the use is for a convenience type business, that the site plan complies with the zoning code, that approvals have been received from the Sussex Conservation District, DNREC, and the Division of Public Health, and that plans have been submitted to the other agencies.

Mr. Allen questioned if any parking for tractor trailers is provided and Mr. Abbott advised that the site plan does not make any reference to this.

It was the opinion of Mr. Allen that this should be discussed with the owner by the staff.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the site plan as submitted as a preliminary. Final approval shall be subject to the staff receiving all required agency approvals.

7. RE: Subdivision Discussion

Mr. Lank advised the Commission that the staff has been reviewing the Subdivision files and has found that 12 Subdivisions have not received preliminary approvals, final approvals, time extensions, or have been deferred.

The following applications have not had any action taken: #88-39, #89-1, #89-22, #89-23, #90-3, #90-6, #90-11, #90-12, #90-22, #90-28, #90-31, and #90-35.

The Commission discussed each application.

It was the consensus of the Commission to void #89-1, #89-23, #90-3, #90-11, #90-12, #90-22, #90-28, #90-31, and #90-35 and have the staff notify the owners.

It was the consensus of the Commission to keep active #88-39, #89-22 and #90-6 and for the staff to check the status of these projects with the owners.

III. OLD BUSINESS

1. RE: C/U #1017--Townsend's, Inc.

Mr. Lank introduced the application of Townsend's, Inc. to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Indian River Hundred for Land Application of Sludge to Forested Land lying at the northwest corner of the intersection of Route 285 and Route 286 and to be located on a parcel containing 54.78 acres more or less.

This application was deferred at the September 24, 1992 meeting.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried 4 to 0, with Mr. Magee not participating, to defer action.

2. RE: Subd. #91-8--S. & T. Estates

No one was present on behalf of the application of S. & T. Estates to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred by dividing 95.1 acres into 35 lots, located on the southeast side of Route 277, 750 feet northeast of Route 285-A.

Mr. Abbott advised the Commission that this received preliminary approval on April 25, 1991 for 35 lots, that a one year time extension was granted on March 12, 1992, that the final record

plat has been submitted for the same number of lots, that the record plan is in compliance with the subdivision code and that all agency approvals have been received.

Mr. Abbott advised the Commission that the developer is proposing individual on site septic systems but that the Underground Discharges Branch of the State DNREC recommends that a community wastewater system be installed.

Mr. Abbott advised the Commission that a staff member of DNREC advised the staff that if the Commission approves the individual septic systems, their Branch would be upset but would try to work out a proposal with the developers. Mr. Abbott noted that some lots are suitable for the individual systems, but 66% of the lots need a central system.

Mr. Lank advised the Commission that at the public hearing the surveyor advised the Commission that a septic feasibility statement had been issued but did not reference what type of system would be required.

The Commission discussed what is proposed and what is recommended.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to defer action pending additional comments received from the Underground Discharges Branch of DNREC.

3. RE: Subd. #91-12--W.G.C. III Development

Jeff Clark of Land Tech, Inc. was present on behalf of the application of W.G.C. III Development to consider the Subdivision of land in an MR Medium Density Residential Zoning District in Baltimore Hundred by dividing 11.12 acres into 23 lots and a variance from the required 600 foot maximum cul-de-sac length, located on the west side of Route One, 2.2 miles north of Route 360.

Mr. Abbott advised the Commission that this application received preliminary approval on April 25, 1991 for 23 lots, a one year time extension on March 26, 1992, that the final record plat has been submitted reducing the number of lots to 21, that the record plat is in compliance with the Subdivision Code and that all required agency approvals and permits have been received.

Mr. Magee questioned if this application went to the Board of Adjustment for a variance in lot depths and Mr. Clark advised the Commission that the developer deleted two lots and made them open areas and that the two lots will not have dwellings on them.

Mr. Magee questioned if this is the same plan that received preliminary approval and Mr. Lank advised the Commission that they approved a revised plat as a preliminary where the lagoon would not be relocated.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to defer action on this application.

4. RE: Subd. #92-6--Melvin Joseph Construction Co.

Mr. Abbott advised the Commission that this application has been removed from the agenda this evening.

5. RE: C/U #988--John & Janet Macklin

The Commission reviewed the site plan for the Conditional Use for the operation of a tire sales and service business, demolition business and landscaping business.

Mr. Lank summarized his action taken to void the Conditional Use due to non-compliance with the stipulations of the Ordinance that approved the uses.

Mr. Lank advised the Commission that the applicants have attempted to correct the uses and the site to conform to the stipulations, that the site plan depicts proposed fencing to screen tractor trailer bodies used for storage, appropriate parking, future expansions to the main building, that one trailer body shall be required to be relocated to a minimum of five (5) feet from the westerly property line, and that permits shall be required for the fencing and trailer bodies which are placed at grade as storage structures.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the site plan with the stipulation that the trailer body closest to the westerly property line be relocated to a minimum of five (5) feet from the property line.

Meeting Adjourned at 9:10 P.M.