

MINUTES OF THE REGULAR MEETING OF OCTOBER 12, 1989

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 12, 1989, at 7:45 P.M. in the County Council Chambers with the following present:

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

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the minutes of September 14, 1989, and September 28, 1989, as circulated.

PUBLIC HEARINGS

1. RE: C/U #920--Jeffrey L. Premo

Jeffrey Premo was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Broad Creek Hundred for an Accounting Office on the west side of Johnson's Drive, 1/4 mile west of Cannon Drive, in Patty Cannon Estates and to be located on a parcel containing 26,400 square feet more or less.

Mr. Lank summarized comments received from the Soil Conservation Service and the State Highway Department.

Mr. Premo stated he plans to operate his accounting business in the second floor of his garage. His residence is also on this site.

Mr. Premo stated he plans to have one (1) employee. There is adequate parking space available. The business would be open from 8:00 A.M. to 5:00 P.M., five (5) days per week.

Mr. Premo stated if the business outgrows the proposed office above the garage, he would move the business to another location.

Mr. Premo stated he talked to his immediate neighbors and found no objection.

No one was present in opposition.

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

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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 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 Loamy Sand on site is suitable for the intended use, that in respect to erosion and sediment control, slight limitations may be anticipated during and after completion of construction, and that the farmland rating is of Statewide importance.

The Commission found, based on comments received from the State Division of Highways, that a traffic impact study is not recommended.

The Commission found that the applicant was present and plans to utilize the site for an accounting office as accessory to the use of the premises for a dwelling, that one (1) additional employee is proposed, that business hours shall be limited to weekdays from 8:00 A.M. to 5:00 P.M., that no known affect on the neighborhood is anticipated, and that no adverse impact on property values is anticipated.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action and request the staff to review the deed restrictions for Patty Cannon Estates.

2. RE: C/U #921--Robert M. and Phyllis J. Davis

William Chasanov, attorney, and Robert Davis were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for Used Car Sales (Wholesale and Retail) on the north side of Route 503, 2,100 feet east of Route 504 and to be located on a parcel containing 4.15 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 stated this application was previously heard as a change of zone.

Mr. Chasanov presented four (4) letters from neighbors stating they do not object to this application.

Mr. Chasanov stated the applicants plan to operate a retail and wholesale used car lot at this location. The applicants reside at this location.

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Mr. Davis stated no repair work will be done at this location. Vehicles could be tuned up and cleaned to prepare for sale. All work would be done within a fenced area. The business would be operated from an existing shed at the rear of the property. The business would be open from 7:00 A.M. to 4:00 P.M., five and a half days per week. There are other businesses in the area.

Hollis Luffman spoke in favor of the application.

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 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 was not recommended and that if the site were developed at a use equivalent in per acre trip generation to discount shopping, the level of service "A" of Route 503 would not change.

The Commission found, based on comments received from the Sussex Conservation District, that the Pocomoke Sandy Loam on site is suitable for the intended use, that in reference to erosion and sediment control, slight limitations are anticipated during and after completion of construction, that the farmland rating is prime, that no storm flood hazard area is affected, that no on site or off site drainage improvements will be necessary, that the Tussocky Tax Ditch runs along the east, south, and west sides of the property, and that there is a 16.5 foot maintenance right of way along the tax ditch.

The Commission found that the applicant was present with legal counsel and that the applicant plans to utilize the site for a wholesale/retail used car sales facility as accessory to the use of the premises for a residence, that other commercial uses exist within 3/4 mile to 2.5 miles as commercial, conditional uses, or non conforming uses, that display, maintenance and repair of vehicles for sale shall be controlled to the area behind the stockade fence near the shop, that business hours are planned for 7:00 A.M. to 4:00 P.M. weekdays and 7:00 A.M. to noon Saturdays, and that no adverse impact is anticipated on the neighborhood or property values.

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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 with the condition that the use shall include service and maintenance of vehicles in preparation for sale and with the following stipulations:

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

b. All display of vehicles for sale shall be limited to the area behind the stockade fence near the shop.

c. No business hours shall be permitted on Sundays.

3. RE: C/U #922--John R. Umschlag and Cortlandt A. Guy

John Umschlag and Cortlandt Guy 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 an Antique Shop on the south side of Route 9, 450 feet west of Route 321 and to be located on a parcel containing 3.0 acres more or less.

Mr. Lank summarized comments received from the State Highway Department and the Sussex Conservation District.

Mr. Umschlag stated they plan to operate an antique shop under a cooperative plan. Dealers would rent space within their building to sell antiques and other items. They presently have commitments from twenty (20) local dealers. They would be open from 8:00 A.M. to 5:00 P.M., seven (7) days per week, year round.

Mr. Umschlag stated they have contacted the State Highway Department, the Fire Marshall's Office, and D.N.R.E.C. concerning this proposal. They have contacted neighbors and found no objection.

Mr. Umschlag stated there will be no auction or flea market on this site. Some items may be displayed outside, but would be under roof.

Mr. Umschlag stated the three (3) existing buildings would be removed. There will be some security lighting. There may be a residence for a shop manager.

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 Department of Transportation and the Sussex Conservation District.

The Commission found, based on comments received from the State Division of Highways, that this conditional use application will have no significant impact on traffic.

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 Loamy Sand on site is suitable for the intended use, that in reference to erosion and sediment control, slight limitations are anticipated during and after completion of construction, and that the farmland rating is of Statewide importance.

The Commission found that the applicants were present and plan to utilize the site for a cooperative antique shop whereby space within the proposed structure will be rented to different dealers, that the proposed business hours are 8:00 A.M. to 5:00 P.M., seven (7) days per week, that the Division of Highways has established the intended use as a low impact type of business, that the soil evaluation performed indicates that septic is feasible for the site, that no known objections have been reported by the neighbors, that all display of items for sale shall be under roof, that no open outside display is proposed, that security lighting shall be provided, that no adverse impact is anticipated on the neighborhood or property values.

No parties were present in opposition.

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:

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

b. Appropriate agency permits shall be obtained prior to final approval.

4. RE: C/Z #1028--James B. Adams

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James Adams was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Cedar Creek Hundred, located on the south side of Route 36, and east of Route One at Milford By Pass, containing 4.56 acres more or less.

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

Mr. Adams stated he plans to operate his concrete construction business from this site. He would keep his four (4) trucks and other equipment in a 40 foot by 80 foot garage. Most materials would be stored inside. Rolls of wire could be stored outside. No work would be done at this location. There would be occasional deliveries of supplies.

Mr. Adams stated his mother resides on this site.

Ed Jester, Donald Sapp, and Mrs. Sapp spoke in opposition due to property devaluation and a commercial use in a residential area.

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. Division of Air and Waste Management, 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 was not recommended, and that the existing level of service "B" of Route 36, at this location, could change to level of service "C" if the site is developed to a use equivalent in per acre trip generation to discount shopping.

The Commission found, based on comments received from the Sussex Conservation District, that the Rumford Loamy Sand on site is suitable for the intended use, that in reference to erosion and sediment control, slight limitations are anticipated during and 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 will be necessary, and that no tax ditch is affected.

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The Commission found that the applicant was present and plans to utilize the site to operate his concrete construction firm, that an existing 40 foot by 80 foot building is utilized for storage of trucks and equipment related to the concrete construction business, that materials stored includes plywood and lumber, that some rolled wire is stored behind the building, that the site has a stockade type fence along Route One, that no work related activities are conducted on site except for storage of vehicles and storage, and that no adverse impact is anticipated on Route 36, the neighborhood, or property values.

The Commission found that three (3) area residents were present in opposition and expressed concern in reference to depreciation of property values and future expansion of the use.

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: ORDINANCE TO AMEND ORDINANCE NO. 97

AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 5, TO PROVIDE FOR A MINIMUM LOT WIDTH OF 300 FEET FOR LOTS FRONTING ON NUMBERED ROADS SHOWN ON THE GENERAL HIGHWAY MAP FOR SUSSEX COUNTY OF 1964, AS REVISED.

Mr. Lank explained the proposed changes.

Earl Godwin, Bill Gulledge, Joe McQuaid, and Preston Elliott spoke in opposition to the proposed change stating 300 feet of frontage is excessive. They agreed 150 feet of frontage was reasonable.

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

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

The Commission found that four (4) parties spoke in opposition to the proposed ordinance and expressed concerns that 300 foot lot width is impractical, that 100 foot to 150 foot lot widths should be retained, that the proposed width affects the affordability of lots by the average person and reduces lot availability, that lot value multiplied by frontage exceeds affordable lots, and that no benefit can be determined in reference to health, safety and welfare of the inhabitants of Sussex County.

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

OLD BUSINESS

1. RE: Subdiv. #87-13--Chapel Green

The Commission reviewed the final plat for the proposed 207 lot subdivision.

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

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

2. RE: Subdiv. #88-27--Pine Meadows

The Commission reviewed the final plat for the proposed 15 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 plat as a final.

3. RE: Subdiv. #88-31--Sugar Maple

The Commission reviewed the preliminary plat for a proposed 66 lot subdivision.

The application had been deferred pending a feasibility for wastewater disposal from D.N.R.E.C.

Mr. Moore stated that the feasibility had been issued.

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

4. RE: Cool Branch Mobile Home Park

Mr. Moore stated that the developers of the project have requested a one (1) year extension for the proposed mobile home park (C/U #884).

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

Meeting Adjourned 9:30 P.M.