

MINUTES OF THE REGULAR MEETING OF NOVEMBER 12, 1992

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 12, 1992, at 7:30 P.M. in Room 115, County Council Chambers, in the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, 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 October 22, 1992, as circulated.

II. PUBLIC HEARING

1. RE: C/Z #1175 -- American Legion
Oak Orchard - Riverdale Post #28

Charles Watts was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Indian River Hundred, located 240 feet southwest of Route 298, 485 feet southeast of Route 24, to be located on a parcel containing 1.00 acre more or less.

Mr. Lank summarized comments received from DelDOT, the Sussex Conservation District, the Indian River School District, and the State Department of Labor Division of Employment and Training.

Mr. Lank presented the Commission with copies of a recent survey of the property, which depicts the existing structures on the property, and copies of a site plan prepared by an architect, which depicts proposed future expansions, and related infrastructure.

Mr. Watts advised the Commission that the Legion Post proposes to utilize the site for parking area expansion and septic drainage, that the existing modular structure will be deleted, that no negative impact is anticipated on the neighborhood, and that no negative impact is anticipated on property values.

Six (6) people were present in support of the application.

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 DelDOT, that a traffic impact study was not recommended and that the level of service "A" of Route 298 would not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand, that the suitability of the Evesboro soils may vary from none to slight limitations, that the evaluation of the soils with respect to erosion and sediment control may require the applicant 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 of statewide importance, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any off-site or on-site drainage improvements.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposed rezoning will have any significant impact on the District.

The Commission found, based on comments received from the State Department of Labor Division of Employment and Training, that the history of community action from Post #28 deserves attention; that the Post has made donations to youth teams, fire companies; donated flags; funded handicapped scouts, Brownie troops, projects for senior citizens, hurricane relief and other projects; that the Post helps not only veterans, but all socio-economic groups; and that the expansion of the Post will not only help the community, but will maintain a special service for those in need.

The Commission found, based on comments made by a representative for the application, that the Post proposes to utilize the site for parking area expansion and septic drainage fields, that the existing modular structure will be deleted, that no negative impact is anticipated on the neighborhood or property values.

The Commission found that no one appeared in opposition.

Motion by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the proposal is an expansion to an existing use and an existing B-1 Neighborhood Business District.

III. OTHER BUSINESS

1. Old Church Landing

The Commission reviewed a request to create three (3) lots off of Old Landing Road of Old Church Landing Subdivision.

Mr. Abbott advised the Commission that each lot has 165 feet of road frontage, that the smallest lot is 1.84 acres in size, and that the three (3) lots have been approved by the Board of Directors of Old Church Landing Association, Inc. to be added to Old Church Landing Subdivision.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the three (3) lot addition to Old Church Landing.

2. Nanticoke Indian Association, Inc.

The Commission reviewed a site plan for an addition to an existing building for an Indian meeting place and hall on Route 24.

Mr. Abbott advised the Commission that the site plan provides for adequate parking and interior drives, setbacks and that all required agency approvals have been received.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the site plan as submitted as a final.

3. Bridgeville Plaza

The Commission reviewed a conceptual site plan for a commercial project on the east side of Route 13 and the west side of Route 404.

Mr. Lank advised the Commission that the owner has two (2) options of how he proposes to build this project, that both of the options reference the same entrances which would have an additional entrance on Route 13 and two (2) additional entrances on Route 404, and that the owner would like for the Commission to approve the locations of the entrances so that DelDOT can construct these.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the entrance concept with the stipulation that the entrances be reviewed and approved by DelDOT.

IV. Old Business

1. Subd. #92-6--Melvin Joseph Construction Co.

No one was present on behalf of the application of Melvin Joseph Construction Co. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 14.8 acres of a 21.77 acre tract into 22 lots, located on the southwest side of Route 412, 100 feet north of Springwood Drive in Lakewood Estates, Section One, Subdivision.

Mr. Abbott advised the Commission that this application received preliminary approval on August 13, 1992, for 22 lots, that the final record plat is the same layout, that the record plat complies with the subdivision and zoning codes, and that all required agency approvals and permits have been received.

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

2. Subd. #92-7--Larry E. Willey

No one was present on behalf of the application of Larry E. Willey to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Northwest Fork Hundred by dividing 24.09 acres into 33 lots, located on the west side of Route 562, 900 feet north of Route 566.

Mr. Abbott advised the Commission that this application was deferred at the August 27, 1992 meeting pending receipt of a septic feasibility statement from DNREC.

Mrs. Monaco expressed concerns about the developer creating a buffer area around the subdivision.

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

1. That a twenty-five (25) foot planted landscaped buffer easement shall be created along the lands of Margaret Carey, Harry and Charlotte Keauver, and Lynette Webster. The landscaped buffer shall be subject to the State Forester of the Department of Agriculture and the Planning and Zoning Commission.

2. That the developer install a community wastewater disposal system for this subdivision as recommended by the Underground Discharges Branch of DNREC.

Meeting adjourned at 8:20 PM