

MINUTES OF THE SPECIAL MEETING OF NOVEMBER 16, 2000

The special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 16, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with Mr. Schrader – Assistant County Attorney, Mr. Lank – Director, and Mr. Abbott – Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the agenda as circulated.

Mr. Schrader described how the agenda would be conducted.

III. SITE PLAN REVIEW AND OTHER BUSINESS

Kercher and Associates
Commercial Site Plan – Road 48

Paul Kercher was present as the Commission reviewed a commercial site plan for a contractor's office and storage facility located on the north side of Route 48, west of Route 5.

Mr. Abbott advised the Commission that a 16' by 24' office is proposed; that 2 parking spaces are required and that 12 are proposed; that the setbacks meet the requirements of the zoning code; that the use is permitted in a C-1 General Commercial District; and that the staff has received all necessary agency approvals.

Mr. Kercher stated in his presentation and in response to questions raised by the Commission that a 6-foot chainlink fence will surround the site; that there will not be any outside storage of materials; and that a lighted 4-foot by 8-foot illuminated sign will be erected.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as submitted as a final.

Albert J. Bierman
150' Tower Site Plan – Road 431

Patrick Welsh, Attorney for American Tower Corporation was present as the Commission reviewed a site plan for a 150' telecommunications tower located off of Road 431, across from Road 322 near Shortly.

Mr. Abbott advised the Commission that this site plan is the same one that was deferred at the October 26, 2000 meeting; that the site is zoned AR-1 Agricultural Residential and that towers 150' or less are permitted uses; that the tower would be located in a 100' by 100' leased area; that three 12' by 20' by 12' equipment buildings are proposed; that the tower meets the setback requirements of the zoning code; that a petition with 32 signatures and 3 letters in opposition to the site plan have been received; and that a revised site plan was to have been submitted to the staff and that as of yet, the revised site plan has not been received.

Mr. Welsh advised the Commission in his presentation and in response to questions raised by the Commission that he thought that the revised site plans have been submitted to the office; that the revised site plan has a minor change in that the access to the tower area has been relocated; that the structure has been changed from a lattice tower to a monopole; that a new electric conduit would have to be run from Piney Grove to another location on the property; that the site has been cleaned up and submitted photographs of the site.

The Commission discussed concerns about electric being in use along Road 469; and the fact that the opposition and the staff has not had time to review the revised site plan.

Mr. Schrader advised Mr. Welsh that he could submit the site plan at this time for review by the Commission on the November 30, 2000 meeting.

Mr. Welsh did not want to submit the plans at this time.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried 3 votes to 1, with Mr. Allen opposed, to defer action.

Bayville Shores RPC
Phase 2 Multi-Family Site Plan – Route 54

Coleman Bunting, developer, and Jeff Clark of Land Tech were present as the Commission reviewed a multi-family site plan for Phase 2 of the Bayville Shores residential planned community located off of Route 54 west of Fenwick Island.

Mr. Abbott advised the Commission that Phase 2 is for 56 multi-family dwelling units; that 7 buildings with 8 units each are proposed; that the structures are 3 stories or 45-feet in height; that the maximum building length will not exceed 165-feet; that the structures have a minimum 40-foot separation distance between units; that 112 parking spaces are proposed; that the pool and bath house is also included in this phase; that 14 parking spaces are proposed for the pool area; that a mail pick up area has been provided with 5 parking spaces; that Phase 2 is the same as the approved revised master site plan; that all

required agency approvals and permits have been received; and that the site plan is suitable for preliminary and final approval.

Mr. Clark advised the Commission that the through street will be known as Bayville Shores Drive and that street names will be provided for the interior driveways for the Mapping and Addressing Office.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to approve the Phase 2 site plan as submitted as a preliminary and as a final.

Fish Hook Mobile Home Park
C/U #1216 Site Plan – Road 318

Robert and Dora George were present as the Commission reviewed the final site plan for Conditional Use No. 1216 located off of Road 318.

Mr. Abbott advised the Commission that the final site plan is for a 25-lot expansion to Fish Hook Mobile Home Park; that the Conditional Use was approved in 1997 and that time extensions were granted in 1998 and 1999; that the site plan meets the requirements of the zoning code; and that the staff has received all required agency approvals and permits.

Mr. and Mrs. George advised the Commission that they plan to begin construction on the expansion as soon as they have their pre-construction meeting with the Engineering Department; and that the remaining land along Road 318 may be for future building lots but not for manufactured homes.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as submitted as a final.

Gull Point Trust
C/U #1307 Time Extension – Road 312

Gary McCrea, developer, was present as the Commission reviewed a request for a one-year time extension.

Mr. Abbott advised the Commission that a request for a one-year time extension has been received; that the engineer is completing studies for the septic design; and that this is the first request for a time extension.

Mr. McCrea advised the Commission that the engineer is working on designs to be submitted to all agencies for approvals; that the plan has been reduced to 16 units; and that they propose to be able to start construction in the spring of 2001.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to approve a one year time extension.

Mills Landing
Multi-Family Site Plan – Route One

Pret Dyer and Gary McCrea, developers, and Mark Davidson of Design Consultants Group were present as the Commission reviewed a multi-family site plan for 24 apartment units located off of Route One near Midway.

Mr. Abbott advised the Commission that 24 apartment units are proposed; that there would be 3 buildings with 8 units each; that 48 parking spaces are required and that 49 are proposed; that a laundry building is proposed; that the setbacks meet the requirements of the zoning code; and that all required agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as submitted as a final.

Crown Communications Inc.
150' Tower Site Plan – Road 510

The Commission reviewed a site plan for a 150-foot telecommunications tower located off of Road 510 near Delmar.

Mr. Abbott advised the Commission that the site is zoned AR-1, Agricultural Residential; that the tower is a permitted use; that the tower will be self supporting within a 100' by 100' leased area with 8-foot high security fencing; and that the closest tower is approximately 3 miles away.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the site as submitted.

Crown Communications Inc.
150' Tower Site Plan – Road 46

The Commission reviewed a site plan for a 150-foot telecommunications tower located off of Road 46 near Gums Crossroads.

Mr. Abbott advised the Commission that the site is zoned AR-1, Agricultural Residential, that the tower is a permitted use; that the tower will be self supporting within a 100' by 100' leased area with 8-foot high security fencing; and that the closest tower is approximately 2 miles away.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the site plan as submitted.

Perdue Agri-Recycle, LLC
C/U #1314 Revised Site Plan – Route 13A

The Commission reviewed a revised site plan for C/U #1314 located off of Route 13 A between Seaford and Laurel.

Mr. Abbott advised the Commission that the revised site plan is for a temporary guard shack; that the structure is approximately 16' by 16'; that the structure is setback about 200-feet from the front property line; and that the structure will be used for security purposes for the duration of construction.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the revised site plan with the stipulation that the structure will be removed prior to the issuance of a certificate of compliance for the pelletizing plant.

ANY ADDITIONAL BUSINESS

Chairman Allen discussed the amount of site plans that the staff is receiving for 150-foot telecommunications towers and what could be done.

Chairman Allen and Mr. Lank stated that the intent of the ordinance was for private television and radio towers and that this has been in the code since 1971.

Mr. Schrader discussed written comments that he has received from New Castle County in reference to requirements for cell phone towers; and passed out a copy of the letter.

It was stated that the public is taking more of an interest in the tower locations since there is a proliferation of towers being proposed.

It was the consensus of the Commission that an ordinance be drafted as soon as possible requiring all towers to obtain a special use exception from the Sussex County Board of Adjustment.

Chairman Allen discussed the proposed ordinances that were discussed at the workshop held in June.

Mr. Schrader advised the Commission that he has drafted proposed ordinances and that they will be sent to the Commission for review and placement on an agenda in the future.

Meeting adjourned at 8:30 P.M.