

MINUTES OF THE SPECIAL MEETING OF NOVEMBER 26, 1996

A special meeting of the Sussex County Planning and Zoning Commission was held Tuesday evening, November 26, 1996, at 7:00 P.M., in the Court of Common Pleas, the Courthouse, Georgetown, Delaware, with the following members present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Mr. Allen advised the Commission that the first three public hearings are a continuation of the regular meeting of November 21, 1996.

Mr. Schrader explained how the Public Hearings will be conducted.

I. Public Hearings  
(Continued from November 21, 1996 Agenda)

6. RE: Subdiv. #96-18--Donald M. Martin

Don Martin, developer/owner, and Don Miller, surveyor, were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 4.58 acres into 4 lots, located at the end of Pit Road, 1,720 feet southeast of Road 530.

Mr. Abbott summarized the Technical Advisory Committee Report of October 16, 1996, and comments received from the State DNREC Division of Parks and Recreation, Land Preservation Office and Greenways Branch, the State DNREC Wetlands and Subaqueous Lands Branch, and the Sussex County Engineering Department's Historic Preservation Planner.

Mr. Martin advised the Commission that he is seeking the approval of 4 lots, that 1 dwelling is built on the entire parcel and he proposes to build three new dwellings, that the street will be built to State of Delaware specifications, that the maintenance building and business will be removed from the property by September 1998 when the development is completed, that security lighting has been installed, that the area is residential single family homes, that there is a 30' x 70' metal pole building on one of the proposed lots and that this will be sold with a proposed dwelling, that the existing street has not completely been paved, that in 1993 a larger subdivision was applied for and that the final record plan was reduced, and was under the impression that the commercial business could continue to operate until the completion of the development, that he contacted an attorney when he received letters notifying him of the violations and requested that the attorney appeal the violation, that the recommendations of the Technical Advisory Committee will be addressed, and that he has three bids to



complete the construction of the street, and submitted photographs of the neighborhood.

Mr. Miller advised the Commission that the application is for the approval of strip lots around a cul-de-sac.

Mr. Lank referenced letters that were sent to the applicant advising him of complaints from the neighbors about the commercial business still being conducted on the site, and that the applicant was notified to cease the commercial use on the property.

Mr. Wheatley questioned why the existing street pavement has not been completed and if the approved lots are in compliance with the subdivision code.

Mr. Lank advised the Commission that if this application is approved, the street will have to be built and accepted, or that a bond will have to be submitted guaranteeing the completion of the street construction before any building permits may be issued.

There were no parties present in support of, or in opposition to this application.

The Chairman closed the public hearing.

7. RE: Subdiv. #96-19--Sussex Ventures, Inc.

Drew Ward, developer/owner, and Don Miller, surveyor, were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 20.96 acres into 21 lots, located on the south side of Road 433, 1,369.25 feet northeast of Road 410.

Mr. Abbott summarized the Technical Advisory Committee Report of October 16, 1996, and comments received from the State DNREC Division of Parks and Recreation, Land Preservation Office and Greenways Branch, the State DNREC Wetlands and Subaqueous Lands Branch, and the Sussex County Engineering Department's Historic Preservation Planner.

Mr. Ward advised the Commission that they are seeking preliminary approval for 21 lots, that a forested buffer strip will be provided along agricultural lands, that the deed restrictions will be the same as the strip lots except that all driveways will be required to be paved, that the minimum dwelling size will be 1,400 square feet of living space, that the existing strip lots have common entrances, that approved residential lots exist along Road 410 and Road 433, that Townsend's Inc. adjoins



this property, that the area is a mixture of residential and agricultural lands, and that if approved, this project would have no significant impacts on the area.

There were no parties present in support of, or in opposition to this application.

The Chairman closed the public hearing.

8. RE: Subdiv. #96-20--Bryce M. Lingo

Bryc M. Lingo, applicant, Pret Dyer and Gary McCrea of Dyer, McCrea Ventures, L.L.C., and Robert Witsil, Attorney, were present on behalf of this application to consider the Subdivision of land in a C-1 General Commercial and GR General Residential Zoning District in Lewes and Rehoboth Hundred by dividing 49.50 acres into 5 lots, located on the east side of Road 270-A, 350 feet north of Delaware Route One.

Mr. Abbott summarized the Technical Advisory Committee Report of October 16, 1996, and comments received from the Assistant County Attorney, the State DNREC Wetlands and Subaqueous Lands Branch, the State DNREC Division of Parks and Recreation, Land Preservation Office and Greenways Branch, the State DNREC Division of Parks and Recreation, Parks and Recreation Council, and the Sussex County Engineering Department's Historic Preservation Planner.

Mr. Abbott read letters in opposition to this application from the Sierra Club, Pat Miller a resident of Beachfield Development, Mabel Granke, and advised the Commission that a seven page statement with attachments has been received from Richard H. Anthony, a Lewes area resident.

Mr. Witsil advised the Commission that this site has two applications in the process of obtaining approvals for an assisted living project from the Board of Adjustment and a Residential Planned Community from the Planning and Zoning Commission, that this application is for the subdivision approval of five lots, made reference to a legal case in the City of Dover and quoted statements from that case, and submitted an agreement between the developers of this project and the residents of Beachfield Subdivision.

Mr. Dyer described the site and advised the Commission that parcel A will be for a commercial motel with access from the fifty foot right of way, that parcel B-1 will be used for commercial retail with access from the fifty foot right of way, that parcel B-2 will be used for commercial retail with access from the fifty foot right of way, that parcel C is the parcel



subject to the assisted living application with the Board of Adjustment, and that parcel D is the parcel subject to the Residential Planned Community application with the Planning and Zoning Commission, that there is a fifty foot right of way from Road 270-A that connects the five parcels, that the water supply will be provided by Tidewater Utilities, that sewer will be provided by Sussex County, that each parcel owner will be responsible for the maintenance of the street and stormwater management areas, that the site has no special conditions that would prohibit it from being developed, that a Nationwide Permit Number 26 has been granted to fill wetlands on parcels A, B-1, and B-2, that the Army Corps of Engineers and Division of Fish and Wildlife have inspected the site and found no violations of this permit, that sixty to seventy - five percent of this work has been completed under the permit, that the fill was necessitated by the need for parking spaces, that the site is in an AE-8 one hundred year flood plain and that there will be no encroachments into the one hundred year flood plain, that there will not be any additional construction in the 404 wetlands except what is covered in the Nationwide permit, that no building lots will encroach into the wetlands, that the stormwater management facilities will conform to the Sussex Conservation District's requirements, that there is a Delmarva Power and Light easement on the property and that no construction will take place in this area, that the developers will agree to stipulate that there will be no road crossing over Beaver Dam Branch, that the restrictive covenants for each parcel will be independent from one another, that fencing would be erected along the Beachfield Subdivision property line and that the fencing would be the same on both sides, that the fence would be a solid wood panel fence eight feet in height, and that there would be a twenty foot buffer from Beachfield Subdivision.

There were no parties present in support of this application.

Vince Robertson, Attorney representing the residents of Beachfield, advised the Commission that his clients agree to the agreement submitted by Mr. Witsil and requested that the record be left open so that a corrected agreement regarding the fencing issues can be submitted for the record.

Mabel Granke, a resident of Rehoboth Beach, spoke in opposition to this application and referenced section 99-23 (I) of the Code of Sussex County, made reference to the proposed uses of the property, expressed concerns for traffic and access for emergency vehicles, and user access.

Mike Tyler, President of the Citizens Coalition, spoke in opposition and expressed concerns about the Parks and Recreation



comments, and stated that this application should be deferred until the Parks and Recreation Branch has a master plan for the Cape Henlopen State Park.

Mr. Allen questioned when and if a master plan will be approved.

Mr. Tyler responded stating that a committee met recently and that they plan to meet again sometime in January.

The Chairman closed the public hearing.

## II. Workshop

### Discussion on the Comprehensive Land Use Plan

The Commission discussed their concerns relating to the proposed Land Use Plan and the desire of the County Council that the Commission make a recommendation before December 31, 1996.

There was a consensus of the Commission that they need to list their individual concerns and prepare comments for review by the full Commission.

Mr. Schrader described the implementation process for the preparation of Ordinances.

There was a consensus of the Commission that they meet again on December 9, 1996 at 7:00 P.M. to discuss the Land Use Plan.

There was a consensus of the Commission that specific items that need to be discussed at the next meeting are:

1. Sunsetting - Subdivisions and Rezoning.
2. Five (5) acre lots for manufactured Homes.
3. Strip Development.
4. Agricultural Protection Districts and Options.
5. Protection of All Waterways.
6. Setbacks.
7. Transportation Issues.
8. Density for Multi-Family Development.
9. Lot size within Conservation Zones.

10. Intergovernmental Coordination.
11. Transfer of Development Rights.
12. The Land Use Map - Districts and Town Centers.

Meeting adjourned at 9:40 P.M.