

## MINUTES OF THE REGULAR MEETING OF DECEMBER 2, 1993

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 2, 1993, at 7:30 PM, in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Ralph, Mrs. Monaco, Mr. Phillips, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner II.

Motion made by Mrs. Monaco, seconded by Mr. Phillips, and carried unanimously to approve the minutes of November 18, 1993, as circulated.

### II. PUBLIC HEARINGS

#### 1. RE: C/Z #1216--Clarence George Murray

Clarence Murray and Steve Parsons, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Baltimore Hundred, located on the north side of Route 54, approximately 700 feet northeast of Route 381, to be located on a parcel containing 23,801 square feet more or less.

Mr. Lank summarized comments received from the Delaware Department of Transportation, the Office of the Secretary of the State DNREC, the Office of the State Fire Marshal, the DNREC Water Supply Branch, the DNREC Solid Waste Management Branch, the DNREC Underground Discharges Branch, and the Sussex Conservation District.

The applicants advised the Commission that the proposed use is for minor automotive repair and service in an existing garage behind the dwelling, that there is adequate area for parking, that there are other commercial uses in the area, that all work will be performed in the garage, that no auto body work will be conducted, that the maximum number of cars stored at the site will be 2 to 3, that the driveway will be revised to provide a turn around on site, and that no negative impact on traffic or property values is anticipated.

No parties appeared in opposition.

At the conclusion of the public hearings, the Vice 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 the proposed change will have no significant impact on traffic.



The Commission found, based on comments received from the Office of the Secretary of the State DNREC, that comments have been requested from the DNREC Solid Waste Management Branch, the DNREC Underground Discharges Branch, the DNREC Water Supply Branch, the Delaware Department of Transportation, the Office of the State Fire Marshal, and the Sussex Conservation District.

The Commission found, based on comments received from the Office of the State Fire Marshal, that the office has no objections to the proposed change, and that fire protection features will need to be addressed on site plan and building plan submittal.

The Commission found, based on comments received from the DNREC Water Supply Branch, that the branch has no objections to the proposed change.

The Commission found, based on comments received from the DNREC Solid Waste Management Branch, that the branch has no comments.

The Commission found, based on comments received from the DNREC Underground Discharges Branch, that wastewater disposal is proposed to be via existing central sewer, and therefore the Branch has no comment.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Fallsington sandy loam, that the suitability of the soils for the intended use will have severe limitations due to the wetness if not adequately drained, that the applicant may be required to follow an Erosion and Sedimentation Control Plan during construction and maintain a vegetative cover after completion of any construction, that the farmland rating of the soils is Prime, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any off-site drainage improvements, and that it may be necessary for on-site drainage improvements.

The Commission found, based on comments made by the applicant and an attorney, that the proposed use is for minor automotive repair and service, that all work will be done in an existing garage, that there is adequate area for parking, that there are other commercial uses in the area, that no body work will be done at this site, that the maximum number of vehicles stored on site will be 2 to 3, that the driveway will be revised to provide a turnaround on site, and that no negative impact on traffic or property values is anticipated.

The Commission found that no parties appeared in opposition.



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

2. RE: An Ordinance to Amend Chapter 115 ( Emergency Permits for Manufactured Homes )

Mr. Lank summarized the proposed Ordinance which if adopted would prohibit emergency permits for manufactured homes if there are applicable recorded private deed restrictions or covenants, and if a permit is issued and no construction or repairs are started within 90 days, the permit shall become void.

Delores Springer, Sue Ross, Linda McGlauglin, Howard Hoffman, Dorothy Williston, Bob Williston, Frank Parks, Bob Rothermel, William Huber, Ruth Huber, Bill Sheck, Peggy Sheck, Russ Newcombe, Mike Pooro, Irene Mitchell, Harvey Mitchell, Murph Fulmer, Louise Parks, James Harper, and Dorothy Harper all spoke in favor of the Ordinance citing devaluation of property values and private deed restrictions.

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

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

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

3. RE: An Ordinance to Amend Chapter 115 ( Outdoor Burning )

Mr. Lank summarized the proposed Ordinance which if adopted would prohibit outdoor burning of wood, wood by products or other materials as part of debris removal for a development or construction project from April 1st to October 1st of each year, and advised the Commission that this Ordinance would not pertain to Agricultural Uses.

Robert Harris, developer, spoke in support of the Ordinance feeling that this would be good in the resort areas, and would also like to see the Ordinance pertain to agricultural uses also.

No parties appeared in opposition.

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

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



Motion made by Mrs. Monaco, seconded by Mr. Phillips, and carried unanimously to forward this Ordinance to the County Council with the recommendation that it be denied since the Office of the State Fire Marshal has regulations for burning bans.

### III. OTHER BUSINESS

#### 1. RE: Bahamas Beach Cottages

Robert Harris, Gulfstream Development Corp., was present and advised the Commission that the developers would like for the Commission to establish a guideline for determining setback requirements for proposed decks.

Mr. Abbott advised the Commission that the staff has approved decks that are as close as three feet from the curb since the decks were to be located in a fenced in area.

Mr. Harris advised the Commission that the decks are approximately 8 feet above grade and on pilings, therefore they would not obstruct any views for traffic, and was asking what an appropriate setback would be.

It was the consensus of the Commission that this be deferred so that the Commission can visit the site and view the existing decks.

#### 2. RE: Subd. #92-3--The Waverly

Mr. Abbott advised the Commission that this application was placed on the agenda for a discussion about the stormwater management area being located in the buffer zone.

Mr. Abbott advised the Commission that DelDOT does not want any of the stormwater management area in the buffer zone, that the buffer zone was a stipulation of the preliminary approval, and that the subdivision received preliminary approval before Ordinance No. 893 was adopted.

Mr. Lank advised the Commission that he will write to DelDOT explaining the buffer zone for this project.

#### 3. RE: Edward E. Clark

The Commission reviewed a concept to subdivide 4 acres into 2, 2 acre parcels with access from a fifty foot right of way off of an existing 12' cart path off of Route 487A.

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Mr. Lank advised the Commission that the 12' access was approved by the Court of Chancery in 1991.

Motion made by Mrs. Monaco, seconded by Mr. Phillips, and carried unanimously to defer action so that the Commission can visit the site.

Meeting adjourned at 9:00 P.M.