

MINUTES OF THE REGULAR MEETING OF DECEMBER 5, 1991

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 5, 1991, at 7:30 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Magee, Mrs. Monaco, Mr. Ralph, Mr. Smith, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planning Technician.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the minutes of November 21, 1991, as circulated.

PUBLIC HEARINGS

1. RE: C/U #991--James R. and Barbara C. Debastiani

Bruce Rogers, attorney, and James Debastiani 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 the Manufacture and Sale of Crafts, Gifts, and Antiques lying on the south side of Route 18, 300 feet east of Rogers Avenue, and to be located on a parcel containing 1.003 acres more or less.

Mr. Lank summarized comments received from the Division of Highways.

Mr. Rogers stated the applicant's business began as a hobby and has outgrown his present location. He plans to use the existing garage on-site for a wood working shop. The existing dwelling on the site will eventually be used for the sale and display of his products. He plans to use the existing on-site well and septic system. He plans to be open from 9:00 A.M. to 5:00 P.M., six (6) days per week. There is sufficient space on-site for parking.

Mr. Rogers stated the surrounding area is mixed residential and commercial uses, and presented photographs of the area.

Mr. Debastiani stated he presently goes to craft shows and sells his products by mail order. There would be no outside display.

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 Del D.O.T., that originally the department requested a traffic impact study, that the department has revised their request and advise that since the request for a change of zone has been revised to a Conditional Use for sale and manufacture of crafts and sale of antiques, a traffic impact study will not be necessary. The department also advises that during site plan review, they reserve the right to request a traffic impact study, if one is warranted.

The Commission found that the applicant was present with legal counsel and plans to utilize the site for the sale and manufacture of crafts, gifts, and antiques.

The Commission found, based on comments made by representatives of the application, that several business and commercial uses and districts exist in close proximity; that the applicant is presently located in a warehouse area which lacks public access; that the existing garage is intended for manufacturing the craft items and temporary sales; that the house will be utilized for sales and display in the future; that no changes in the existing water and sewer on-site are anticipated; that no negative impacts are anticipated on the neighborhood; that no wetlands exist on the site; that the site is mapped on the Coastal Sussex Land Use Plan map as within the development district; that presently the business is operated by the applicant only; that the shop is open from 9:00 A.M. to 5:00 P.M. six days per week; that no complaints referencing noise or odors have been received at any previously used parcels in the past; that no chemicals or solvents are used in the craft work; that all crafts are finished in mineral oils; that 99% of the business is at craft shows or mail orders; that there is no intent to rent the dwelling; that no outside display is intended other than a sign; and that they have no objection to a sign limited to 32 square feet.

Motion made by Mr. Smith, seconded by Mr. Magee, 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 with the following conditions:

1. No outside display of items for sale shall be permitted.

2. On-site advertising signage shall not exceed 32 square feet per side or facing. A directional sign shall be placed at the entrance to provide direction to the parking area.

3. 'No stopping, standing, or parking' signs shall be placed along Route 9 in front of the property if approved by Del D.O.T.

4. The existing shed shall be removed from the premises.

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

2. RE: C/U #992--The Department of Transportation

Allen Redden, DelD.O.T., was present on behalf of this application of to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for a Borrow Pit lying 327 feet northwest of the intersection of Danny's Drive and Nero Lane in Nero's Acres west of Route 70, and to be located on a parcel containing 8.12 acres more or less.

Mr. Lank read a letter received from the Department of Transportation describing the proposal.

Mr. Redden stated the State needs more borrow sources. The borrow on this site has been tested and is suitable for their needs. The borrow from this site would only be used for State maintenance operations.

Mr. Redden stated this site could remain active for approximately ten (10) years. The site would operate approximately 30 to 40 day per year. They would operate during day time hours only except in an emergency situation. The roads would be repaired if necessary. The site would be reseeded as each section is completed. They would comply with all D.N.R.E.C. regulations. No fuel would be stored on-site. No material would be brought from off-site. The proposed depth would be ten (10) feet below the water level.

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 that the application was represented by the South District Engineer For the Department of Transportation, who advised that Del D.O.T. is in need of borrow sources; that a minimum impact on the surroundings is anticipated; that the borrow has been tested and found suitable for maintenance materials; that the borrow will be used only by State Equipment for hauling as needed; that presently the closest pit to the Laurel yard is the Stockley pit which is approximately 15 miles away; that a need exists to cut costs and time for hauling and handling of the material; that this site will provide longer life expectancy for the four (4) existing pits in Sussex County; that the site should provide materials for 10 years; that all handling and hauling will be performed on weekdays, during daytime hours, unless there is an emergency; that it is anticipated that the site will be utilized approximately 30 to 40 days per year; that if dust control is needed calcium will be applied; that the State will maintain the roadway serving the site from Route 70; that some material will be stockpiled on the site; that as digging is completed in an area, that area will be reclaimed; that the first area to be dug will be the rear portion of the site; that no material will be stored on any access roads or buffer areas; that markers will be placed at all borrow pit corners; that no fuel shall be stored on the site; that no stumps, branches, or debris will be buried on the site; that no dredging of materials is proposed; that all material will be removed by drag line or crane; and that the pit shall not exceed 10 feet of depth below the water line.

The Commission found that the present property owner was present in support and stated that the site will save tax monies by reducing haul time.

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 based on the record of support and since Del D.O.T. needs borrow material for maintenance in the area.

OTHER BUSINESS

1. RE: Sea Colony
Parking and Driveway Discussion

Mike Lynn, of Sea Colony, Wayne Newton, of Greenhorne and O'Meara, Charlie Miller, of Environmental Consulting Services, and Brian Burke presented a proposal to the Commission to look into the possibility of amending the parking and driveway criteria of the Zoning Code.

Mr. Lynn presented an exhibit with ten foot by twenty foot parking spaces for vehicles with doors opened on average vehicle lengths vs. nine foot by eighteen foot spaces with twenty four foot drive aisles.

Mr. Lynn stated that nine by eighteen foot parking spaces, and twenty four foot drive aisles would reduce paving by six percent and create more open space, and by reducing paving, this would reduce stormwater run off.

Mr. Lynn stated that the average size vehicle on the road today is 16.5 feet by six feet.

It was the consensus of the Commission that Mr. Lynn meet with Mr. Randall Arendt to discuss this proposal.

2. RE: Sharp Gas
Amended Site Plan C/U #640

The Commission reviewed a site plan for a propane storage facility. Sharp gas proposes to add three (3) 30,000 gallon storage tanks to the site.

Mr. Abbott advised the Commission that three (3) tanks already exist on the property and are setback fifty feet from the property line.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the amended site plan with the stipulation that the area be fenced and that no more tanks may be added to this site.

3. RE: Dave Wilson
Amended Site Plan C/U #672

The Commission reviewed an amended site plan for a warehouse type complex.

Mr. Abbott advised the Commission that the original site plan was approved on July 24, 1986, with two warehouses at the front of the property and two to be located at the rear of the property.

Mr. Abbott advised the Commission that Mr. Wilson has relocated a building on this site and proposes to add an addition from the relocated building to an existing warehouse to make one building.

Mr. Abbott advised the Commission that the parking area would have to be removed.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the amended site plan as submitted with the stipulation that the one warehouse that is thirty feet by sixty four feet be removed, that the parking area be relocated, and that any future expansion be required to go for public hearing.

4. RE: Pot Nets
Addition to store

The Commission reviewed a site plan for a twenty foot by twenty foot addition to an existing store.

Mr. Abbott advised the Commission that the site plan complies with the Zoning Code, and that all agency approvals have been received by the office.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the site as submitted as a final.

5. RE: Dewey Booth
2 lots with fifty foot right of way

The Commission reviewed a site plan and survey requesting to subdivide two acreage tracts with a fifty (50) foot right of way off of Route 13A.

Mr. Abbott advised the Commission that this was intended in January 1989, and was never recorded.

Mr. Abbott advised the Commission that Deld.O.T. approved an entrance permit on January 25, 1989, and that Mr. Booth was not aware of the policy of subdivisions being changed.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried anonymously to approve the two acreage tracts and the fifty (50) foot right of way as submitted.

6. RE: Roger Mann
4 lots on existing right of way
Route 54

The Commission reviewed a site plan requesting to create four (4) lots off of an existing right of way on Route 54.

Mr. Abbott advised the Commission that there are two (2) legal lots by deed, and that Mr. Mann wishes to create two (2) additional lots.

Mr. Abbott advised the Commission that Mr. Mann was advised that this would require a public hearing for a subdivision application, but Mr. Mann wanted the Commissions' feelings on this request.

Mr. Lank advised the Commission that there is adequate frontage to create a fifty (50) foot right of way as required by the Subdivision Code.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to deny this request. To subdivide this would require a public hearing.

7. RE: The Nature Conservancy
Acreage Tracts

The Commission reviewed surveys of land that will be conveyed to The Nature Conservancy on Route 13 and on Route 531.

Mr. Lank advised the Commission that these properties are wetlands, and that no development will take place.

The property off of Route 531 on Bradford Street needs the approval of the Commission since Bradford Street is being extended approximately 170 feet for access to this site.

The property off of Route 13 needs the approval of the Commission since part of an existing right of way is being deleted.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve both of these requests as submitted.

8. RE: Red Mill Partners
Commercial Site Plan

The Commission reviewed a commercial site plan for an office building on Route One.

Mr. Abbott advised the Commission that this project received preliminary approval on September 12, 1991.

Mr. Abbott advised the Commission that all agency approvals have been received and that the site plan complies with the requirements of the Zoning Code.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the site plan as submitted as a final.

OLD BUSINESS

1. RE: C/Z #1145--Delmarva Properties, Inc.

Application to amend the zoning map from AR-1 Agricultural Residential to MR-RPC Medium Density Residential-Residential Planned Community in Broad Creek Hundred, located on the northwest and southeast of Route 490-A, north of Route 78 and east of the Nanticoke River, to be located on a parcel containing 475.22 acres more or less.

The Chairman referred to this application deferred on November 21, 1991.

The Commission discussed the application site.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action pending receipt of the comments from the Technical Advisory Committee report.

2. RE: Bethany Bay Phase I Section 2.3
Site Plan Decision Only

Mr. Magee advised that he has studied the information supplied by Mr. David Rutt, attorney, and the site plan.

Mr. Magee stated that he believes the buildings should be twenty (20) feet apart as stated on October 10, 1991.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to deny the revised plan and to reaffirm the decision of the October 10, 1991, meeting, that a twenty (20) foot setback between buildings be provided.

3. RE: Salt Pond Phase II MR/RPC

Mr. Abbott advised the Commission that the final plot plan for Phase Two of the Salt Pond has been submitted.

Mr. Abbott advised the Commission that Phase Two consists of twenty three lots and that the record plan meets the requirements of the Zoning and Subdivision Codes of Sussex County, and that all appropriate agency approvals have been received.

The Commission reviewed the record plan.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the record plan as submitted as a final.

4. RE: Subdiv. #90-25--Tri-Co. Assoc.
Moore's Landing

Application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 15.46 acres into 15 lots, located on the north side of Route 20, 1,100 feet west of Route 485.

Mr. James Fuqua was present on behalf of this application.

Mr. Abbott advised the Commission that the record plan is in compliance with the Code of Sussex County, and that all necessary agency approvals have been received.

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

5. RE: Subdiv. #91-12--W.G.C. III
Zacharias Cove

Jeff Clark, of Land Tech, Inc., discussed what has been approved as a preliminary.

Mr. Clark advised the Commission that four lots, if revised, would not meet the required lot depth of one hundred feet.

Mr. Lank advised the Commission that this would require a variance from the Board of Adjustment.

Motion made by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to defer action on the proposal.

Meeting Adjourned at 9:50 P.M.