MINUTES OF THE REGULAR MEETING OF DECEMBER 14, 1995

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 14, 1995, at 7:30 PM, in Room 115 of the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the minutes of November 30, 1995, as circulated.

II. PUBLIC HEARINGS

1. RE: C/Z #1268--Gerald & Emily Hocker

Gerald Hocker was present on behalf of his application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Baltimore Hundred, located on the northeast corner of Route 17 and Road 353, lots 19 through 28 of Townsend Acres to be located on a parcel containing 5.61 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Hocker stated that he owns approximately 10 acres on Route 26 and proposes to build a shopping center, that he must purchase store stock in bulk to compete with larger chainstores, that approximately half of the warehousing will be utilized for the bulk storage, that he has a commitment from Frito-Lay for approximately 5,000 square feet of storage space, that he anticipates that the warehousing will generate less traffic than the existing 10 lots if the lots are developed residentially, that lots 19 and 20 are to be retained by the owner, that the site may be fenced and security lighted, that a commercial garage exist on the adjoining parcel, that no septic is proposed on the site for the warehouses, and that all access to the warehouses will be from Road 353.

Louis Travalini, Jr., the present owner of the site stated that he plans to complete the improvements to the existing dwellings on lots 19 and 20 for rental and possible in home type businesses, that septic systems exist on the two lots, and that no restrictions exist on the lots against commercial activities.

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 "B" of Road 353 may increase to a level of service "C" if the site were to be developed for discount shopping.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand, Osier loamy sand. and Pocomoke sandy loam, that the Evesboro soils have slight limitations, that the Osier and Pocomoke soils have severe limitations, that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation, that all three soils are of Statewide Importance, and that the Pocomoke soils are considered Prime Farmland where well drained, that no storm flood hazard area or tax ditch is affected, and that it may be necessary for off-site and on-site drainage improvements due to the seasonally high water table during the months of November to April.

The Commission found that the applicant was present and stated that he owns approximately 10 acres on Route 26 and proposes to build a shopping center, that he must purchase store stock in bulk to compete with larger chainstores, that approximately half of the warehousing will be utilized for the bulk storage, that he has a commitment from Frito-Lay for approximately 5,000 square feet of storage space, that he anticipates that the warehousing will generate less traffic than the existing 10 lots if the lots are developed residentially, that lots 19 and 20 are to be retained by the owner, that the site may be fenced and security lighted, that a commercial garage exist on the adjoining parcel, that no septic is proposed on the site for the warehouses, and that all access to the warehouses will be from Road 353.

The Commission found that the owner of the property was present and stated that he plans to complete the improvements to the existing dwellings on lots 19 and 20 for rental and possible in home type businesses, that septic systems exist on the two lots, and that no restrictions exist on the lots against commercial activities.

The Commission found that no parties appeared in opposition.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved.

2. RE: C/Z #1269--Ellen W. Graves

Ellen W. Graves and William Graves were present on behalf of this application to amend the zoning map from MR Medium Density Residential to C-1 General Commercial in Lewes and Rehoboth Hundred, located on the southwest side of Route One, 1/4 mile southeast of Route 268 and 1,200 feet northwest of Route 283 (Postal Lane) to be located on a parcel containing 0.80 acres more or less.

Mr. Lank summarized comments received from the Sussex County Engineering Department, DelDOT, and the Sussex Conservation District.

Mrs. Graves stated that she intends to rent the property for an antique shop in the existing dwelling, that she resides in Lewes, that no modifications are intended to the residence, that there is no intent for anyone to live on the premises, that the structure will be utilized for retail sales only, that there will be no restoration of antiques performed on the site, and that there is no anticipated impact on traffic or the neighborhood.

Gannon Vernon, the proposed tenant, introduced himself.

Michael Tyler, a Lewes resident, stated that he did not object to the use, but was concerned about the impact on Route One, changes of use in the future, ingress/egress, and that he felt that a Conditional Use would be more appropriate.

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 the County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, that wastewater capacity is available for the proposed use, and that the department anticipates sewer service by January 1996.

The Commission found, based on comments received from DelDOT, that a traffic impact study had been requested, that it was the opinion of DelDOT that a traffic impact study was not warranted due to the size of the parcel, that the layout of adjoining businesses on either side of the site would not be

conducive to expansion, that the only access to the site is from Route One, and that if the property is developed commercially the only likely effect is that the commercial strip development of the area will be more complete.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras loam which has slight limitations, that the application will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation, that the soil type is considered as Prime Farmland, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the applicant was present and stated that she intends to rent the property for an antique shop in the existing dwelling, that she resides in Lewes, that no modifications are intended to the residence, that there is no intent for anyone to live on the premises, that the structure will be utilized for retail sales only, that there will be no restoration of antiques performed on the site, and that there is no anticipated impact on traffic or the neighborhood.

The Commission found that a Lewes resident stated that he did not object to the use, but was concerned about the impact on Route One, changes of use in the future, ingress/egress, and that he felt that a Conditional Use would be more appropriate.

The Commission found that no parties appeared in opposition.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since commercial uses and zones exist immediately adjacent to two sides of the site.

III. OTHER BUSINESS

1. RE: East Atlantic Apartments

The Commission reviewed the final site plan for a 94 unit apartment complex on Road 270.

Mr. Abbott advised the Commission that the site plan complies with the requirements of the zoning code, that all necessary approvals and permits have been obtained, and that the project will be developed in two phases.

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Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the site plan as a final.

2. RE: Darrel Adkins

The Commission reviewed a concept to create a parcel with access from a fifty foot right of way off of Road 335.

Mr. Abbott advised the Commission that the entire parcel has an old road through it, that the owner is creating two acreage tracts with the required road frontage and that the old road would be widened to fifty feet to serve as access for a third parcel with Fred Adams granting the additional land.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve as a concept.

3. RE: William Nayden

The Commission reviewed a concept to create two acreage parcels with access from a fifty foot right of way off of Road 388.

Mr. Abbott advised the Commission that there is an existing recorded easement that runs along the property, that the owner would like to widen the right of way to fifty feet in width and create a twenty acre and thirty nine acre parcel with access from the right of way.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve as a concept.

4. RE: Sea Colony West Phase 17

The Commission reviewed the site plan for Phase 17 of Sea Colony West RPC.

Mr. Abbott advised the Commission that Phase 17 has 84 units, that the site plan meets the requirements of the zoning code, and that approvals are needed from the Fire Marshal Office and Sussex Conservation District.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve Phase 17 as a preliminary with the stipulation that final approval be subject to the staff receiving the necessary agency approvals.

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5. RE: Savannah's Landing RPC

The Commission reviewed the master record plan for Savannah's Landing RPC.

Mr. Abbott advised the Commission that the plan is the same as submitted at the public hearing, that all stipulations of the approval are noted on the plan, and that all required agency approvals will be required prior to any construction.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the master record plan.

IV. OLD BUSINESS

1. RE: Subd. #95-5--Pine Acres, Inc.

Mr. Abbott advised the Commission that this item has been removed from the agenda.

Meeting adjourned at 8:30 PM.