

MINUTES OF THE REGULAR MEETING OF DECEMBER 16, 1993

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 16, 1993, at 7:30 PM, in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware with the following present:

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

Motion made by Mr. Phillips, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of December 2, 1993, as circulated.

II. OTHER BUSINESS

1. RE: Bahamas Beach Cottages

Robert Harris of Gulfstream Design Corp. was present as the Commission discussed setback distances for decks in Bahamas Beach Cottages.

Mr. Abbott advised the Commission that some decks are setback for the interior drives as close as 2.3 feet, that most of the decks that have been approved were located in a fenced in area, that the closest setbacks are on end units, and that the developer is asking for a standard setback that can be used for the remaining units.

Mr. Magee questioned why the decks were not shown on the original site plan, what the average setback is for the existing decks, and if the developer had a reasonable setback that he could agree with.

Motion made by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to approve a minimum setback of four (4) feet from the interior drives.

2. RE: Rehoboth Shores MHP

The Commission reviewed a concept to subdivide Rehoboth Shores MHP into two separate tracts.

Mr. Lank advised the Commission that the owners would like to split the park into two tracts using the existing park as one tract and the undeveloped part as the other. The undeveloped part will be developed with cooperative or condo type leases.

Mr. Lank read a letter from Peter B. Jones, Assistant County Attorney, which advises that a buffer zone would not be required from the developed section of the park since it is already a manufactured home park, that if the use changes to another type of use a buffer will be required from the existing section.

Motion made by Mr. Magee, seconded by Mr. Phillips, and carried unanimously to approve the proposed concept using the dividing line as recommended by Mr. Lank with the stipulation that if the property is developed as anything other than a manufactured home park, a buffer zone will be required for the original park.

3. RE: Edward E. Clark

The Commission reviewed a concept to create two, two acre tracts with access from a fifty foot easement off of an existing twelve foot right of way, located northwest of Route 487A and east of the Nanticoke River.

Mr. Ralph advised the Commission that he and Mr. Phillips visited the site.

Motion made by Mrs. Monaco, seconded by Mr. Phillips, and carried unanimously to approve as a concept.

4. RE: John Frederick Sposato

The Commission reviewed a concept to create a one acre parcel with access from a fifty foot right of way off of Route 258.

Mr. Abbott advised the Commission that the property is a tree farm that has an existing driveway, and that the owner will use the centerline of the existing driveway to establish a fifty (50) feet right of way to serve the proposed parcel.

Motion made by Mr. Phillips, seconded by Mr. Magee, and carried unanimously to approve as a concept.

5. RE: Raymond Bryan

The Commission reviewed a concept to create three lots and a fifty foot right of way on the north side of Route 20 near Concord.

Mr. Lank advised the Commission that there is presently a twenty five foot easement along the property line, that this will be widened to fifty feet, that one lot will contain an existing dwelling, one lot will contain an existing manufactured home that will have to be approved by the Board of Adjustment, and the third lot will have a new dwelling constructed.

Motion made by Mr. Phillips, seconded by Mr. Magee, and carried unanimously to approve as a concept.

6. RE: The Villages at Arnell Landing

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

7. RE: Constance McCabe

The Commission reviewed a concept to create a one acre parcel with access from a fifty (50) foot right of way on the northwest side of Route 257.

Mr. Abbott advised the Commission that the owner is conveying 142 acres to the Nature Conservancy and that the Conservancy wants the owner to keep her dwelling on the property with access from an existing drive. The existing drive will be widened to fifty feet.

Motion made by Mrs. Monaco, seconded by Mr. Magee, and carried unanimously to approve the proposal as a concept.

8. RE: Clearwater

Paul West of Land Tech, Inc. and Robert Harris, Developer, were present on behalf of the developers requesting permission to develop a portion of Phase 1 of the project for model units only.

Mr. Lank advised the Commission that he had recently met with the developers, Jeff Clark of Land Tech, Inc., and Dennis Schrader to discuss the proposal, that the developer will agree to obtain letter of no objection to permits for model units from all appropriate agencies, that the units will not be permitted to be sold or occupied, and that the units would be available for display as Phase 1 of the project has all appropriate permits or approvals and the appropriate bonding installed.

Motion by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to approve the request with the following conditions:

a. The bonding issue shall be resolved with the County engineering Department.

b. Permits or letters of no objection shall be received from the appropriate agencies.

c. One (1) unit (#35) within the single family cluster may be utilized as a temporary sales office.

d. No models shall be permitted in the subdivision section.

e. Only three (3) model units shall be built in Village "A", North Hampton Cottages. The permitted lots are 22, 34, and 35.

f. Only four (4) model units shall be built in Village "C", Half Moon Bay. The permitted units are #89, #90, #91, and #92.

g. No sales or certificates of compliance shall be permitted to take place until final site plan approval of Phase 1 is established and the appropriate bonding method is approved.

III. Old Business

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

No one was 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. Magee advised the Commission that he has reviewed the tape, the change of zone file and the minutes of the meeting.

The Commission discussed the points and issues raised during the public hearing on December 2, 1993.

Motion by Mr. Magee, seconded by Mr. Phillips, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since similar zoning classifications exist in the immediate area.

2. RE: ORDINANCE TO AMEND CHAPTER 115 (Emergency Permits for Manufactured Homes)

The Vice Chairman referred back to the proposed Ordinance to amend Chapter 115 of the Code of Sussex County, Delaware, by amending Article XXVIII, relating to the issuance of Emergency Permits for Manufactured Homes.

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

Motion by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to forward this Ordinance to the Sussex County Council with the recommendation that it be denied as circulated since interpretation problems could be created in other covenants within private deed restrictions, since interpretation questions could arise from what constitutes "begin" of repairs, and since ninety (90) days may not be enough time for an owner to fund the necessary repair or improvements.

Meeting adjourned at 9:05 P.M.