

## MINUTES OF THE REGULAR MEETING OF DECEMBER 28, 1995

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 28, 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. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the minutes of December 14, 1995, as amended.

### II. PUBLIC HEARINGS

#### 1. RE: Subd. #95-12--Daniel Moore & Joseph Moore

Daniel Moore, Joseph Moore, and Alex Moore, developers, James Fuqua, Attorney, and Jay Dolby, engineer, were present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Little Creek Hundred by dividing 237.50 acres into 208 lots, located on the south side of Route 54, 1,640 feet east of Road 504, and the north side of Road 512, 1,280 feet east of Road 504, and the east side of Road 504, 1,800 feet south of Route 54, and 1,240 feet north of Road 512, and request a variance from the maximum allowed cul-de-sac length of 1,000 feet for Bateman Court.

Mr. Abbott summarized the Technical Advisory Committee Report of December 20, 1995, and comments received from the State DNREC Division of Parks and Recreation.

Mr. Abbott advised the Commission that the staff has received four letters in support of this application from area property owners.

Mr. Fuqua advised the Commission of the location of the project, that the developers have owned the property since the 1960's, that 47 lots have been stripped off along Route 54, and Roads 504 and 512, that the interior is proposed for 160 lots, that a Conditional Use application was approved for a borrow pit in 1988, that the average lot size is 3/4 acres, that the development will be served by a central water system, that the developers have had discussions with a Public Water Company, that a septic feasibility statement has been issued by DNREC and the development will be served by a community wastewater system, that there will be four septic disposal areas, that the developers will comply with the requirements of the Technical Advisory Committee, that the borrow operation still continues, that the borrow pit will be reclaimed and made the central amenity of the development, that the proposed streets of the development will be private, that there will be three entrances, one on each road



adjoining the development, that Bateman Court is 1,140 feet long and will require a variance due to the entrance location on Road 512 as specified by DelDOT, that the lots are large enough for individual recreation, that the design of the development has allowed for open space, that the site is located in the Delmar Fire Company district and they would have no problem providing fire protection, that the site is in the Delmar School District and there would not be any negative impacts on the school district, that there is employment, shopping and medical facilities in the area from Salisbury to Seaford, that the lots would sell for \$15,000 to \$17,000, that there will be a Homeowners Association that would enforce all restrictive covenants, that the project would be developed in eleven phases of approximately 16 lots per year, that the minimum dwelling size would be 1,200 square feet, and submitted copies of the approved conditional use and all supporting statements and a letter of support from Dale and Darleen Booth.

Mr. Dolby advised the Commission that the entrance on Road 512 is at the highest point as requested by DelDOT and that some of the septic systems could be mound designs.

Joseph Moore advised the Commission that he spoke to the Superintendent of the Delmar School District and he does not anticipate any negative impacts to the school district, that it would probably be 15 to 20 years until the entire development is built out, that the existing borrow pit is under contract to P & A Engineering, that the borrow pit will be reclaimed as Phase 1 is developed, and that they would like to start that as soon as possible.

Mr. Schrader advised the Commission that the deed restrictions and supporting statements are acceptable.

There was no one present in support of this application.

Lawrence Blaze Jack raised questions about the south side of the creek being used as a borrow pit, any proposed de-watering of the existing borrow pit, and the safety of the existing borrow pit since a drowning has occurred at the pit.

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.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to approve this application as a preliminary.



2. RE: ORDINANCE TO AMEND CHAPTER 99  
( Plan Submission Procedure )

Mr. Lank read the proposed ordinance amendment.

Mr. Lank advised the Commission that the only change in the ordinance is the twenty working days to forty five days, that the Land Use Planning Act (LUPA) requires that agencies have twenty full working days to review plans, that the staff is presently receiving plans on the twentieth day and has to be mailed to the agencies without some plans being checked for conformity with the Subdivision Code, and that this change would comply with the LUPA process.

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

III. OTHER BUSINESS

1. RE: Seaford Community Church

The Commission reviewed a site plan for a church on Road 525 near Middleford.

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

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

2. RE: Samir Ghabra

The Commission reviewed a commercial site plan for a five unit motel on Rehoboth Avenue Extended.

Mr. Abbott advised the Commission that the setbacks for the motel meet the requirements of the Zoning Code, that the required parking is the minimum required and that the parking begins five feet from Rehoboth Avenue Extended, and that as of this date, no agency approvals have been received.

Mr. Wheatley raised a question about having enough area for any stormwater management facility.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to deny the site plan as submitted due to parking being located in the front yard setback and concerns about stormwater management areas.



3. RE: Douglas and Darlaine Taylor

The Commission reviewed a concept to extend an existing fifty foot right of way and create two one acre lots off of Road 571 for a total of three lots and the right of way.

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

4. RE: Reese Enterprises of Delmarva

Mr. Wheatley advised the Commission that he would not participate in this item.

The Commission reviewed a revised commercial site plan for two storage buildings on Route 13 north of Route 9 near Laurel.

Mr. Abbott advised the Commission that all manufactured homes in the existing park will be removed and that two storage buildings will be erected, and that the requirements of the zoning code are met.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried 4 to 0 to approve the revised site plan.

5. RE: Tony Nero

The Commission reviewed a concept to create two additional lots on Nero Drive within Nero's Acres subdivision.

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

IV. OLD BUSINESS

1. RE: Sandy Ridge GR/RPC

The Commission reviewed the final site plan for the 81 lot residential planned community on Road 461.

Mr. Abbott advised the Commission that the final plan complies with the requirements of the subdivision and zoning codes and that all required agency approvals have been received.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to approve the plan as a final.

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

No one was present on behalf of this application to consider the Subdivision of land in a MR Medium Residential Zoning District in Indian River Hundred by dividing 26.45 acres into 63 lots located 110 feet northeast of the end of Rudder Road within Seafarers Village Subdivision approximately 1,460 feet north of Route 22 (Long Neck Road).

Mr. Abbott advised the Commission that the final plan is still 63 lots, that the plan meets the requirements of the subdivision code, that all required agency approvals have been received, and that the title of the subdivision has been changed to Creeks End.

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

Meeting adjourned at 9:20 PM.