

MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 11, 2002

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday evening, September 11, 2002 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, and Mr. Wheatley with Mr. Schrader – Assistant County Attorney, Mr. Lank – Director, and Mr. Abbott – Assistant Director.

Also in attendance were Robert Stickels, County Administrator, and Tom Shafer of Shafer Consulting, Consultants to the County for preparation of the 2002 Update of the Comprehensive Plan for Sussex County.

OLD BUSINESS

AN ORDINANCE ADOPTING THE 2002 UPDATE OF THE COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING THE 1997 COMPREHENSIVE PLAN.

It was noted that the record of the Special Meeting held on August 29, 2002 had been left open for written comments until September 10, 2002.

Mr. Lank presented copies of the comments received from the Sussex County Association of Realtors, the County Engineering Department including three (3) memorandums from Michael A. Izzo, Russell W. Archut, and Brian Page, the Association of Coastal Towns, and letters from Vincent P. and Phyllis M. Kane, David Vineberg, and Dr. Marian W. Davis.

Mr. Stickels presented corrected copies of the Comprehensive Plan to the Commission.

Mr. Shafer suggested that the Commission first review the key issues referenced in his report on August 29, 2002, pages 3 and 4 of his report, and the additional requirements for the Environmentally Sensitive Developing District, page 5 of his report.

The Commission discussed Representative Price's suggestion to increase the area designated as "Environmentally Sensitive" so it equals in size what was once known as the "Coastal Development District". No action was taken.

Mr. Shafer presented some recommended revisions to the Comprehensive Plan, and suggested that the Commission consider the recommended revisions.

Mr. Shafer added that he considers low density as one (1) dwelling unit per gross acre and that the Environmentally Sensitive Area should be considered at two (2) dwelling

units per gross acre after deducting all wetlands, and that a requirement for 20% open space is not unreasonable.

The Commission discussed Page 53 – 4th paragraph – 7th line: There was a consensus of the Commission to add the wording “a portion of” before non-tidal wetlands.

The Commission discussed Page 10 – “Guidelines for Density”. There was a consensus of the Commission to delete the paragraph and replace it with the following: “The County, with the cooperation of the State agencies, is undertaking a study of this area to determine appropriate standards for development that will provide for growth while protecting the environment. Until the study is completed and an ordinance adopted, the density of development in this area should be maintained at the current zoning level with provisions for clustering and open space. Accordingly, the maximum allowable density should be two dwelling units per acre based on the net acreage of the tract when a central wastewater system is provided. For purposes of this section, the net acreage is defined as the total acreage of the tract less any State regulated wetlands (tidal wetlands) or federally regulated wetlands (non-tidal wetlands). Open space should be provided as described in the Community Design Element of the Comprehensive Plan. Clustering of lots to a minimum of 7,500 square feet should be allowed. When on-site wastewater systems are permitted, the provisions for density as described in the section entitled “Low Density Area” should apply”.

The Commission discussed Page 13 – “Low Density Area” Purpose. No action was taken.

The Commission discussed Page 8 – “Guidelines for Density”. There was a consensus of the Commission to delete the paragraph and replace it with the following: “Medium to high density is encouraged in the Town Center areas, however, the density should not exceed the maximum density allowed by the adjacent municipality. Typical densities would range from four dwelling units per acre for single family detached housing units to twelve dwelling units per acre for multi-family housing in areas where a central water and sewer system is provided. On-site wastewater systems should be discouraged in these areas. When no alternative exists, single-family detached units should be clustered on one-half acre lots, where permitted by DNREC, and a dry wastewater collection system installed”.

The Commission discussed Page 9 – “Guidelines for Density”. No action was taken.

The Commission discussed the recommendations of Representative Price and the Association of Coastal Towns based on the Bullets referenced in Representative Price’s letter:

- 1) There was a consensus of the Commission that the Environmentally Sensitive Developing Area be considered as it is mapped and that the Route One corridor area remain in the Developing Area.
- 2) There was a consensus of the Commission that the 3rd Bullet on Page 39 be revised to read "Evaluate increasing the existing 50' buffer zone around tidal wetlands to 100' to determine whether any changes are necessary to implement the "Pollution Control Strategy""
* It was noted by staff, when preparing these minutes, that the 3rd Bullet on Page 39 is a direct quote from the CCMP and that the Bullet revision should be an additional Bullet on Page 42.
- 3) There was a consensus of the Commission that a requirement for 20% open space was previously discussed. No additional action was taken.
- 4) There was a consensus of the Commission that Page 54 – 4th paragraph should be rewritten to include "golf courses" within the definition of open space.
- 5) There was a consensus of the Commission to take no action at this time.
- 6) There was a consensus of the Commission that an additional Bullet be added to Page 39 to read "Evaluate creating a 25' buffer zone around non-tidal wetlands".
*It was noted by staff, when preparing these minutes, that the Bullets on Page 39 were direct quotes from the CCMP and that the Bullet should be an additional Bullet on Page 42.
- 7) There was a consensus of the Commission that density should be limited to 2 dwelling units per gross acreage in the Environmentally Sensitive Developing Area.

The Commission discussed the comments received from Jack Miller. No action was taken since the State DNREC has jurisdiction in areas where no central sewer is available.

The Commission discussed the comments received from Mable Granke. No action was taken on the "Mobility Element" since the Element was a summary of comments from the State Long Range Transportation Plan recently adopted.

The Commission discussed the comments received from James Roberts, President of the Board of Public Works of The City of Lewes. No action was taken. Mr. Shafer stated that if the data is available for each Town, he will list the available capacities.

The Commission discussed the comments received from Agnes Prendergast of the Village Improvement Association. No action was taken.

The Commission discussed the comments received from Til Purnell. No action was taken.

The Commission discussed the comments received from Barbara T. Westfall on behalf of the Town of Greenwood. Mr. Shafer stated that he would review the color maps provided by the Town and correct the Comprehensive Plan Map if necessary. The Commission discussed the comments received from the County Engineering Department. Mr. Shafer stated that he will contact the Engineering Department.

The Commission discussed the comments received from the Steve and Sally Callanan. Mr. Shafer stated that he would review the census and housing numbers.

Mr. Allen stated that it would be helpful to have footnotes referencing sources of data as page bottoms.

The Commission discussed the comments received from Rich Collins of the Positive Growth Alliance. No action was taken.

The Commission discussed the comments received from Theresa P. Usuki, President of Save Our Coastal Communities. No action was taken. There was a consensus of the Commission that in reference to "development-by-right" will still require a public hearing.

Mr. Stickels stated that he feels that once the Comprehensive Plan is adopted it will be necessary to create at least 12 ordinances and that the ordinances reference:

- 1) Environmentally Sensitive Area
- 2) Overlay Zones
- 3) Clustering
- 4) TDR Sending Program
- 5) Bio-Tech Industry Campus
- 6) Agriculture-Business Zone
- 7) C-2 Zoning
- 8) Wetlands Setbacks – Tidal/Non-Tidal
- 9) Route 13/Route 113 Corridor Overlay
- 10) East-West Route Corridor Overlay
- 11) Defined Open Space Requirements
- 12) Community Design

Mr. Shafer presented a copy of "Urban Riparian Buffers" for the Commission to review.

There was a consensus of the Commission to meet on September 19, 2002 at 6:00 p.m. to continue review of the Comprehensive Plan. Meeting will be held in the County Council Chambers.

Meeting adjourned at 9:40 p.m.