



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF JUNE 7, 2012

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 7, 2012, in the County Council Chambers, County Administrative Office Building, in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. I.G. Burton, III, Mr. Martin Ross and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, and Mr. Lawrence Lank – Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as amended by reviewing Other Business prior to the public hearings. Motion carried 5 – 0.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Minutes of May 31, 2012 as amended. Motion carried 5 - 0.

OTHER BUSINESS

Steven & Barbara Krebs “Stampede Barbeque”
C/U #1914 – Route 20 (Roxana)

Mr. Lank advised the Commission that this is a site plan for barbeque preparation and retail sales located on 2.49 acres; that the site is zoned AR-1 and this conditional use was approved on January 17, 2012 with 9 conditions; that the 9 conditions are noted on the site plan; that all of the buildings exist; that the barbeque stand area contains 1,260 square feet; that 26 parking spaces are required and proposed; that on-site water and county sewer are proposed; that all agency approvals or letters of no objections have been received; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to grant final approval of the site plan. Motion carried 5 – 0.

PUBLIC HEARINGS

Mr. Robertson advised those in attendances how the public hearings are conducted.

C/U #1931 – application of **CRIST AND BRIAN ZOOK** to consider Conditional Use of land in AR-1 Agricultural Residential District for a custom woodworking shop to be located on a certain

parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 3.802 acres, more or less, lying east of Road 611 (Owens Road) 997 feet north of Road 597 (Tucker Road) (Tax Map I.D. 4-30-9.00-8.00).

The Commission found that the Applicants submitted a survey/site plan with their application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on February 29, 2012 which reference that a traffic impact study is not recommended and that the current Level of Service "A" of Owens Road will not change as a result of this application.

The Commission found that Crist Zook and Brian Zook were present and stated in their presentations that Crist Zook started the woodworking/cabinetmaking business 38 years ago in a rental property; that they lost their contract in 2009; that Crist Zook has wanted to operate his business from his home property for years, and that since they had lost their contract now may be the time to apply; that the woodworking shop will be used for custom cabinet and furniture making upon customer requests; that they have spoken to the immediate neighbors and heard no opposition; that the shop will include an office space for their use; that signage will be minimal; that operational hours will be from 8:00 a.m. to 5:00 p.m. weekdays with some Saturday hours; that there will be no Sunday hours; that Crist Zook lives on the property; that deliveries will be received occasionally by trucks; that they hope in the future to provide for no more than three (3) additional employees; that the general neighborhood is agricultural; that residential uses exists on both sides; and that a forest exists to the rear.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1931 for Crist and Brian Zook for a custom woodworking shop based upon the record made during the public hearing and for the following reasons:

- 1) The Applicants have been in the woodworking business for 38 years and they desire to relocate onto their own property.
- 2) The use will not have any adverse impact on neighboring properties, roadways, or the community.
- 3) DelDOT has not objected to the application.
- 4) The Applicants testified that they talked to their neighbors, and nobody objected to the proposed use.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation is subject to the following conditions:
 - a) The use shall be limited to a woodworking shop.

- b) Any dumpster on the property shall be screened from view of neighboring properties or roadways.
- c) The hours of operation shall be between 8:00 a.m. and 6:00 p.m. Monday through Saturday.
- d) One lighted sign, not to exceed 32 square feet in size shall be permitted.
- e) The Final Site Plan listing or depicting these conditions shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/Z #1717 – application of **WILLIAM N. HEIN** to amend Comprehensive Zoning Map from AR-1 Agricultural Residential District to CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,763 square feet, more or less, lying south of Airport Road (Road 275A) 1,055 feet west of Miller Road (Road 270A) (Tax Map I.D. 3-34-13.00-185.01).

Mr. Wheatley announced that he would not be participating in this public hearing.

The Commission found that the Applicant provided an Exhibit Booklet on May 25, 2012 for consideration, and that the Exhibit Booklet contains a copy of the application form, correspondence from Wilson, Halbrook & Bayard, P.A. to DelDOT, correspondence from DelDOT to the Planning and Zoning Department, a survey of the property, a property appraisal, an agreement of sale, a letter of support from the property owner, six photographs of commercial activities in the general vicinity, a map showing the zoning in the area, a Google Earth aerial photograph, a copy of a portion of the Strategies for State Policies and Spending Map, a conceptual photograph of a proposed building, and proposed suggested Findings of Fact.

Mr. Lank advised the Commission that letters of support have been received from Ralph A. Deloy, an adjacent land owner, Eric Sugrue, a nearby land owner, and DELF, LLC and First Venture, LLC, both owned and operated by Chris and Dayna Quillen, being across from the site.

The Commission found that William N. Hein was present with David Hutt, Attorney with Wilson, Halbrook & Bayard, P.A., and that they stated in their presentations and in response to questions raised by the Commission that Mr. Hein operates a screen printing and embroidery business (Conditional Use) north of Route 24 near Plantations Road; that his use is expanding and that he needs more space; that the site location is commercially active; that there are commercial zones and commercial uses adjacent, i.e. storage facilities, lawn and landscaping, etc.; that he proposes to erect a new building on the site for his screen printing and embroidery business; that approximately one year ago a parcel across Old Landing Road was rezoned to CR-

1 Commercial Residential; that the site is located in the Environmentally Sensitive Developing District Overlay Zone, a growth area; that the Strategies for State Policing and Spending Map indicates that this site is located in a Level One, an area where the State supports growth; that the current site on Route 24 will be converted back to a dwelling; that the Applicant does screen printing and embroidery work on shirts, etc. for local businesses; that UPS delivery type vehicles drop off and pickup packages daily; that some of his deliveries are delivered directly to clients so that he can meet them personally; that he would like a small sign to locate the site for deliveries and pickups, but not as a retail use; that he is a small business that provides a service to local businesses in the County; that he anticipates that the maximum number of employees should not exceed five (5); that he does intend to purchase the property; and that he has found that banks do not like to provide loans on Conditional Use applications.

The Commission found that no parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1717 for William N. Hein for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based on the record made during the public hearing and for the following reasons:

- 1) The property is in a Developing District according to the County Comprehensive Land Use Plan.
- 2) The property is surrounded on all but one side by commercially zoned properties and uses.
- 3) Several property owners in the immediate vicinity have provided letters in support of the proposed rezoning.
- 4) The proposed rezoning is appropriate for the area, and it will not adversely affect area roadways, neighboring properties, or the community.
- 5) The Applicant has stated that if this rezoning is approved, the property it currently occupies on Route 24 will be returned to residential use.
- 6) No parties appeared in opposition to the rezoning.
- 7) The proposed rezoning satisfies the goals of the CR-1 District as stated in the County Zoning Code.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried 4 – 0 to forward this application to the Sussex County Council with the recommendation that the application be approved. Motion carried 4 – 0 with Mr. Wheatley not participating in the vote.

AN ORDINANCE TO DELETE ATTACHMENT 1, CHAPTER 99 OF THE CODE OF SUSSEX COUNTY REGARDING “TYPICAL ROAD SECTIONS FOR SUBDIVISION”.

Mr. Lank summarized this proposed Ordinance Amendment which eliminates the typical cross section of a street which is no longer current in Chapter 99 since road design requirements have been established by the County Engineering Department.

Mr. Robertson exhibited the example Typical Cross-Section of a street in Chapter 99.

The Commission found that there were no parties present in support of or in opposition to this proposed Ordinance Amendment.

At the conclusion of the public hearings, the Commission discussed this Ordinance Amendment.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-5 AND SECTION 99-13A OF THE CODE OF SUSSEX COUNTY TO ADD A DEFINITION OF “PROPERTY OWNER”.

Mr. Lank summarized this proposed Ordinance Amendment which clarifies the definition of a “property owner” and the means of calculating consents for purposes of a re-subdivision or alteration of an existing subdivision.

Mr. Robertson advised the Commission that there have been problems figuring out how many votes would be considered, no matter how many owners existed for one parcel.

The Commission found that there were no parties present in support of or in opposition to this proposed Ordinance Amendment.

At the conclusion of the public hearings, the Commission discussed this Ordinance Amendment.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-9 OF THE CODE OF SUSSEX COUNTY TO CLARIFY THE TIMING OF A PUBLIC HEARING.

Mr. Lank summarized this proposed Ordinance Amendment which revises the Subdivision Code to address the current practice of the Commission to conduct public hearings on subdivision at least twice a month, or as needed based on the number of pending applications.

The Commission found that there were no parties present in support of or in opposition to this proposed Ordinance Amendment.

At the conclusion of the public hearings, the Commission discussed this Ordinance Amendment.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-16(1) OF THE CODE OF SUSSEX COUNTY TO DELETE A TYPOGRAPHICAL ERROR.

Mr. Lank summarized this proposed Ordinance Amendment which deletes an error in the Subdivision Code containing a requirement that is stated and required in its entirety in a more appropriate section of the Code.

The Commission found that there were no parties present in support of or in opposition to this proposed Ordinance Amendment.

At the conclusion of the public hearings, the Commission discussed this Ordinance Amendment.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

ADDITIONAL BUSINESS

Mr. Lank reminded the Commission that during a regular meeting a few months ago, the Commission had discussed sidewalks and that they felt that a workshop discussion would be appropriate with the County Engineer, Michael Izzo, and Michael Brady of the Public Works Department, and/or their staff, and our Intern Andrew Dolby; and that it may be more appropriate to hold the meeting during regular working hours so that it does not impact Mr. Izzo or Mr. Brady.

Mr. Lank asked if the Commission members may have a preferred day and time.

Mr. Robertson advised the Commission that sidewalks may be considered an amenity or a part of a street system, depending on which Department has jurisdiction, and which Department holds the bonding method.

There was a consensus of the Commission that a future Wednesday at 3:00 p.m. in the afternoon be scheduled.

Mr. Lank advised the Commission that he would try to schedule for a meeting in early July on a Wednesday afternoon.

Mr. Burton stated that he had recently seen a presentation by the University of Delaware at a Lewes Workshop on Business Planning, and that it may be appropriate that we request that the University do a presentation for the Commission.

There was a consensus of the Commission that the staff try to schedule a presentation by the University on the same date as the sidewalk discussion.

Mr. Lank stated that he would try to schedule a presentation through Ed Lewandowski who has been active in the "Community-Vis" presentations for the University.

Meeting adjourned at 7:00 p.m.