

## MINUTES OF THE REGULAR MEETING OF JANUARY 13, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, January 13, 2000 at 7:30 P.M. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:30 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Hastings, Mr. Johnson, Mr. Lynch, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to adopt the agenda as amended, removing C/U #1315 - Chesapeake Utilities, Inc. from the agenda.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to approve the minutes of December 9, 1999 as amended.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to approve the minutes of December 16, 1999 as amended.

Mr. Schrader explained how the meeting would be conducted.

### IV. PUBLIC HEARINGS

C/U #1319 -- application of FUNSPORT, INC. to consider the Conditional Use of land in a C-1 General Commercial District for expansion of an existing waterpark and miniature golf (amusements) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 38.45 acres, more or less, lying approximately 310 feet east of Route One, 270 feet south of Melson Road and behind the Midway Shopping Center.

The Commission found, based on comments received from the Department of Transportation (DelDOT), that a traffic impact study was not recommended; that a history of correspondence on the site was described; that the Department recommends that the County require: 1) elimination of the right turn out of the Midway Shopping Center at the driveway between the "Roadhouse" restaurant and "Holly's" restaurant; and 2) that sidewalks be constructed along the shopping center frontage; and that the applicants will have to submit acceptable construction plans to the Subdivision Section for review and approval.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Sassafras sandy loam and Sassafras loam, which has slight limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices and

to maintain vegetation; and that the farmland rating of the soil types are considered both Prime Farmland and of Statewide Importance.

The Commission found, based on comments received from the County Engineering Department, that the proposed Conditional Use is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the parcel was connected to the sanitary sewer system on April 1, 1996 by permit 813; that the Department does not expect the Conditional Use to increase wastewater flows beyond that normally expected under C-1 zoning; that the Department does not consider capacity to be a concern; that system connection charges will be due for any increase in equivalent dwelling units (EDU); and that the current rate is \$2,954.00 per EDU.

The Commission found, based on a letter received from The Citizens Coalition, that DelDOT's required sidewalks must also include planned safe pedestrian paths from the sidewalks to the desired destinations; that sidewalks that lead nowhere only invite pedestrians to attempt darting between cars and having to deal with moving cars within parking lots; that neighboring communities have indicated concerns with regard to parking that now exists due to expansion to the theaters and restaurants; that parking now spills over onto streets; that this expansion should provide for sufficient parking; that the proposed closure of the right-in and right-out curb cut along Route One is desirable in light of the unsafe congestion on Route One; that the elimination of any turning movements along Route One is of value; and that the proposed closure should be evaluated in relation to the existing traffic pattern of the parking lot and any necessary adjustments to provide for the additional proposed expansion and safe pedestrian access, as well as safe vehicular access.

The Commission found that James and Kim Loomis, the applicants, James Yori, Attorney, and Tom Ford of Land Design Surveying/Landscape Architecture, Inc. were present and stated in their presentations and in response to questions raised by the Commission that Fun Sport, Inc. is a family business that has operated by approximately 7 years with no known complaints filed; that Richard Derrickson of Midway Realty Corporation, the landowners, has written a letter in support of the application; that the application proposes an expansion to the existing recreational facilities for enlarging the waterpark, the creation of a miniature golf course, and the placement of a climbing wall; that the applicants have a long term lease on the site; that the site has been zoned C-1 General Commercial since 1971; that the site is located in a Development District and Commercial District according to the 1997 Comprehensive Plan; that the purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned and where past trends indicate that growth will occur; that the 1997 Comprehensive Plan references in Guidelines for Non-Residential Uses that commercial uses in the Development District include retail stores, professional offices, and recreation; that the site meets all of these criteria's since the



shopping center includes theaters, bowling, skating, stores and shops, restaurants, doctors offices, and other similar uses; that expansion of the recreational facilities are the highest and best use for this portion of the site since it is adjoining the bowling alley, skating rink, waterslide and pool, go-cart racing tracks and billiards parlor; that the waterslide has existed since 1979 and is proposed to be remodeled and upgraded; that they propose to remove one existing concrete slide and add four fiberglass slides; that the fiberglass slides will not exceed the height limitation; that the platform for the fiberglass slides will be approximately 10 feet higher than the concrete slides; that they also propose a 300 feet long lazy river ride, an activity pool, a miniature golf course, and a climbing wall; that 96 additional parking spaces are proposed to be added to the parking lots; that sidewalks and curbing around the waterslide area and miniature golf course will be expanded; that pedestrian cross-walks will be provided; that lighting will be expanded and that all lights will be down-lit to minimize glare; that restrooms and changing areas will be expanded and will include handicap accessibility and infant changing facilities; that public water and public sewer is available to serve the project; that DelDOT has recommended closure of an ingress/egress from Route One and sidewalks along Route One; that the applicants are tenants, not landowners; that Mr. Derrickson of Midway realty Corporation may be receptive to the ingress/egress closure, but has not responded to the sidewalks; that it is unreasonable to require a tenant to make such improvements; that fire protection is provided by the Rehoboth Beach Volunteer Fire Department; that a State Police Troop exists within one mile of the site; that medical facilities exists in Lewes; that the applicants carry \$2,000,000 in insurance; that business hours will remain the same as the existing uses, 10:00 A.M. to 12:00 A.M. (Midnight); that existing stockade fencing will remain, and that additional stockade fencing and chain-link type fencing will be installed.

The Commission found that the representatives of the application submitted an existing conditions site plan for the Midway Shopping Center and Family Entertainment Complex, a proposed conditions site plan of the center and complex, a proposed improvements plan showing changes in the layout of the waterpark, location of the miniature golf course, sidewalk improvements and parking expansions, photographs of an activity pool, photographs of the existing waterslide, existing activity pool, go-cart tracks, and parking lots on a busy day and a slow day, an article on a "climb & ride climbing tower", a letter in support from Midway Realty Corporation, a report comparing parking requirements for the existing facilities and the proposed facilities, and eight suggested stipulations.

The Commission found that Richard Deskis and Margaret Deskis in opposition and stated that the site plan notes that the existing go-cart facility has 30 carts, but 42 carts exists on the site; that four large propane tanks exists on the site; that they oppose the narrowness of the access road to the bowling alleys; that parking is a problem since the theaters expanded; that traffic has increased and will continue to increase; that congestion at the

intersection of Melson Road and Route One is a major concern; that the number of entrances along Melson Road at the shopping center is a problem; that it has been less than two years since the County Council granted an expansion to the pool facilities and denied an expansion of the go-cart tracks; and that area residents oppose the amusement park atmosphere that is proposed.

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 and expressed concerns relating to the crosswalk from the waterslide area to the miniature golf course.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to forward this application to the Sussex County Council with a recommendation that it be approved since it is an expansion to an existing recreational facility and with the following stipulations:

1. The Site Plan shall be subject to final review and approval of the Planning and Zoning Commission upon receipt of all agency approvals.
2. The proposed activity pool will be approximately 3,600 square feet with depths varying from approximately 6 inches in some places to 24 inches in other places. The activity pool will be surrounded by wooden fencing with a height of 6 feet and sidewalk with a minimum width of 4 feet and will meet all Delaware State Code requirements for fencing and free space around pools. The existing wading pool will be removed.
3. The proposed lazy river activity will be approximately 300 linear feet with a depth of approximately 42 inches. The lazy river activity will be surrounded by wooden fencing with a height of 6 feet and sidewalk with a minimum width of 4 feet and will meet all Delaware State Code requirements for fencing and free space around pools.
4. Leyland cypress trees will be planted along the existing 6-foot high stockade fencing that borders the property.
5. Lighting will be "down" lights mounted on poles or lighting pointing away from adjacent properties so that the lighting will not affect motorists or adjacent properties.
6. Operating hours shall be 10:00 A.M. to 12:00 A.M. (Midnight) daily.
7. Adequate parking shall be provided.
8. A marked pedestrian crossing and stop signs for motor vehicle traffic in both directions will be constructed between the water park and the miniature golf course. Speed bumps shall be provided within 20 feet of and on each side of the pedestrian crossing.
9. The climbing tower shall be designated on the site plan.



C/U #1320 -- application of DAVID C. BLACKWELL to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an antique shop to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 36, 035 square feet, more or less, lying north of Road 462, 3,255.38 feet southeast of Road 461.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service "A" of Road 462 may increase to level of service "B".

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Evesboro loamy sand which has slight limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that that farmland rating of the soil type is considered of Statewide Importance.

The Commission found, based on comments received from the County Engineering Department, that the parcel is located in the Town of Laurel's service area, per the Western Sussex Water and Sewer Plan, and that the developer should contact the Town of Laurel for sewer and water availability.

The Commission found that a letter of support was received from Elizabeth Phillips, the landowner of the surrounding property.

The Commission found that David and Cindy Blackwell, and David Rutt, Attorney, were present and stated in their presentations and in response to questions raised by the Commission that the County Council rezoned the site from GR General Residential to AR-1 Agricultural Residential on November 2, 1999; that the applicants owned an antique business in Laurel; that the business was recently closed; that the goods from the business is being stored in the buildings on the site; that the applicants do some internet sales of the goods; that the applicants live in the dwelling on the premises; that the property is surrounded by a mature pine hedge and farmland; that the hedge is not proposed to be disturbed; that they were in business in Laurel for 5 years; that they have no employees; that the surrounding farmland is zoned GR General Residential; that the proposed use is more in keeping with other uses in the area; that the business should not impact traffic; that the business, while in Laurel, had approximately 5 to 6 customers per day; that the applicants also do weekend shows off-site; that the large shed will be utilized for storage; that the smaller shed will be utilized for a workshop and storage; that the 930 square foot shed will be converted into a showroom; that fire protection will be provided by the Laurel Volunteer Fire Company; that police protection is provided by the

Delaware State Police; that the applicants sell agricultural memorabilia; that business hours will be from 10:00 A.M. to 5:00 P.M. Monday through Saturday with no Sunday hours; that sales items will be limited to antiques and collectibles; that they will be operational within one year; that they will have minimal outside displays and referenced the use of wagon wheels, barrels, ox yokes, and old signs; that they do little to no refinishing, mostly cleaning and polishing of antiques; and that the entrance and exit exists on the site.

The Commission found that the applicants submitted site plans, a petition in support of the application with 20 signatures, and a copy of the Minutes of the Sussex County Council for their public hearing on November 2, 1999.

The Commission found that Carolyn French was present in opposition and stated that she is opposed to the application due to increased traffic; concerns for the safety of children in the area due to increased traffic; that business attracts crime; and that outside displays can be unsightly and may cause depreciation of property values.

The Commission found that Ms. French submitted a petition in opposition to the application with 35 signatures, three photographs of the Laurel business site, and three photographs of the site proposed.

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 by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. Business hours shall be from 10:00 A.M. to 6:00 P.M. Monday through Saturday with no Sunday hours.
2. Retail showroom shall be limited to the 930 square foot building only.
3. No parking shall be permitted along Road 462.
4. The hedge surrounding the site shall be maintained.
5. No outside display or storage shall be permitted.
6. One non-lighted on-premise sign, not exceeding 32 square feet per side or facing, may be permitted.
7. The site plan shall be subject to review and approval by the Planning and Zoning Commission.



C/U #1321 -- application of CUSTOM FRAMERS, INC. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a contractors office and equipment storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.91 acres, more or less, lying south of Route 9, 730 feet east of Route 5 at Harbeson.

The Commission found, based on comments received from DelDOT, that the proposed application will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Evesboro loamy sand, which has slight limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; and that the farmland rating of the soils is considered of Statewide Importance.

The Commission found, based on comments received from the County Engineering Department, that the site is located west of the West Rehoboth Expansion Area of the Dewey Beach Sanitary Sewer District where the County Council agreed to restrict zoning changes and Conditional Uses per agreement with the State DNREC.

The Commission found that William Peden of Custom Framers, Inc. was present and stated in his presentation and in response to questions raised by the Commission that he has been a contractor for approximately 18 years; that 8 parking spaces are proposed; that 2 employees work at the site; that he is a custom home builder, not a road builder; that he has little to no outside storage of materials or equipment; that a farm surrounds the site; that several commercial business uses exists in close proximity and referenced Clean Delaware, an auto repair shop, a house moving business, and a Conectiv substation; that he anticipates no impact on neighboring properties; that they plan to improve the appearance of the dwelling and the site; that sidewalks, drives and parking will be provided; that the existing circular drive will serve customers and deliveries; that the parking area near the garage will be for employees and will be improved with crusher-run immediately and pavement in the future; that there will be little to no parking on site on weekends; that if any business vehicles remain on the site, they will be parked behind the garage; that a business sign will not exceed 4' by 8' and will be flood-lighted; that security lighting will be provided for the parking area; and that they may fence in an area of approximately 1,000 square feet for storage.

The Commission found that Joe Reed, a realtor, was present and stated that the proposed use would be compatible with the neighborhood.

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

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 by Mr. Johnson, seconded by Mr. Wheatley, and carried with four votes, Mr. Lynch was absent, to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. One on-premise sign, not exceeding 32 square foot per side or facing, may be permitted.
2. Security lighting may be provided at the parking area near the garage.
3. The parking areas shall be improved at a minimum with crusher-run.
4. Employee parking shall be designated on the site plan.
5. All outside storage shall be within a fenced area to the rear of the dwelling.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

C/U #1322 -- application of RONALD C. WILKE to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a heating and air conditioning contractors office to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 1.17 acres, more or less, lying north of a private road 450 feet east of Route 249 and 2, 080 feet north of Route 253.

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 Route 249 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Evesboro loamy sand and Keyport fine sandy loam; that the Evesboro soils have slight limitations; that the Keyport soils vary from slight to severe limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; and that the soil types are considered of Statewide Importance.

The Commission found that Ronald C. Wilke was present and stated in his presentation and in response to questions raised by the Commission that he operates a heating and air business; that he uses an existing building on the site for storage, office space, and garage; that there should be no impact on traffic; that customers do not frequent the site;



that he has 2 or 3 deliveries per week; that all deliveries are after 10:00 A.M.; that employees arrive on the site no earlier than 7:30 A.M.; that employees are instructed to maintain a 10 MPH speed limit; that a fenced area is available for storage; that he provides a 24 hour service to the community; that it is convenient for him to have the business at home; that the only business vehicles left on the site are his service truck and a small pickup; that normal business hours are from 7:30 A.M. to 5:00 P.M. weekdays; that he has been in business for approximately 2 years; that the garage was constructed approximately one year ago; that there is no manufacturing of duct work on the site; that the building was permitted as an office and shop; that he occasionally maintains the street; that he was notified by the Planning and Zoning Office that he needed to apply for a Conditional Use; and that he proposes no signs.

The Commission found that Joe Dawson was present in support of the applicant since he runs a professional well-managed business.

The Commission found that Gladys Slater, Dorothy Bush, Donald Slater, and Charles Bush were present in opposition and expressed concerns relating to the non-stop daily traffic to and from the site; dust, maintenance of the street; truck traffic; that the community was quiet before the business was started; that there are six trucks utilized by the business that go to and from the site; that the area has poor drainage; and that they fear that the business may increase in size.

The Commission found that the opposition submitted a copy of the road maintenance agreement for the street and 8 photographs of the street and site.

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 by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to forward a recommendation to the Sussex County Council that this application be denied since the business has enough employees and vehicles to show that it should be located in a commercial area, and since the site is located in a small residential community served by a private street that was not intended for business traffic.

C/U # 1323 -- application of THEODORE B. SIMPLER to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office for surveying firm to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.11 acres, more or less, lying west of Road 365, 364 feet south of Road 353.

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 365 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Evesboro loamy sand which has slight limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; and that the farmland rating of the soil type is considered of Statewide Importance.

The Commission found that Theodore Simpler, Surveyor, and Greg Hook were present and stated in their presentations and in response to questions raised by the Commission that they have 3 employees; that they have been using the dwelling for an office for approximately one year; that the dwelling serves the needs of the business for an office; that they plan to maintain the residential appearance of the dwelling; that their survey van is parked in the garage at night; that approximately 3 to 5 clients visit the site per day; that there is no overnight parking on the site; that they propose no signs; that there are no restrictive covenants on the property; that the business generate little traffic; and that there are no known objections from residents in the area.

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

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 by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. No business vehicles shall be parked outside overnight.
2. One non-lighted sign, not exceeding 6 square feet may be permitted.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

#### V. OLD BUSINESS

C/U #1315--application of CHESAPEAKE UTILITIES to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a bulk propane storage facility to



be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.66 acres, more or less, lying south of Road 361, 1,500 feet west of Road 363.

This application was removed from the agenda at the beginning of the meeting.

Subdivision #96-31--application of DALE C. AND SANDRA M. COHEE to consider the Subdivision of land in a GR General Residential Zoning District in Cedar Creek Hundred by dividing 17.32 acres into 21 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located on the east side of Road 216-A, 900 feet northeast of Road 224.

Mr. Abbott advised the Commission that preliminary approval was granted December 19, 1996; that time extensions were granted on December 11, 1997 and December 17, 1998; that the final record plan meets the requirements of the subdivision code; and that all agency approvals have been submitted.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve this application as a final.

Subdivision #99-24--application of SUSSEX VENTURES to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 54.54 acres into 48 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 335, 22 feet east of Road 331.

Mr. Abbott advised the Commission that this is a revised plan for 48 lots; that the new design proposes two circular islands in the street; that there is a proposed twenty foot emergency vehicle easement leading to Road 332; and that this plan is revised to conform to the suggestions made at the December 16, 1999 meeting.

Don Ward advised the Commission that the emergency vehicle easement would be open at all times; and that the islands will be landscaped.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve this application as a preliminary.

## VI. OTHER BUSINESS

Hub Associates, L.L.C.  
Final Commercial Site Plan - Route One

Brian Turner was present as the Commission reviewed the final site plan for a restaurant and hotel near Midway.

Mr. Abbott advised the Commission that this project received preliminary approval on June 10, 1999; that the hotel has been reduced to 80 units from the 82 originally approved; that the site plan meets the requirements of the zoning code; and that all agency approvals have been submitted.

Mr. Turner advised the Commission that none of the units in the hotel have kitchens and that the height of the hotel will be 42 feet.

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

Rehoboth Beach Volunteer Fire Company  
C/U #1274 Site Plan Road 275-A

Ross Harris, Engineer, was present as the Commission reviewed the final site plan for a communications tower near Rehoboth.

Mr. Abbott advised the Commission that the tower was approved for 300 feet; that the site plan references the tower to be 250 feet with a proposed 11 foot by 36 foot tower generator; and that an engineer report has been submitted stating that the tower meets all codes in design and specifications.

Mr. Harris advised the Commission that the tower is designed to collapse at the base of the tower.

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

Country Living Produce  
C/U #1221 Revised Site Plan Route 20

The Commission reviewed a revised site plan for a produce stand west of Millsboro.

Mr. Abbott advised the Commission that the owner would like to erect a 40' by 90' greenhouse adjacent to the existing produce stand within the Conditional Use boundary; that the greenhouse is permitted on the entire farm since it is more than five acres; and questioned if another Conditional Use application would be required.



Motion by Mr. Hastings, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as revised.

Greenwood Mini Storage  
Preliminary Commercial Site Plan U.S. Route 13

Jay Embleton was present as the Commission reviewed a commercial site plan for mini storage and an office south of Greenwood.

Mr. Abbott advised the Commission that the proposed office building is 5,250 square feet; that 26 parking spaces are required and provided; that four mini storage buildings are proposed; that each would be 3,600 square feet; and that the site plan meets the minimum requirements for preliminary approval.

Mr. Embleton and an employee with Byron Jefferson Engineering advised the Commission that the project will be developed in phases; that the mini storage will be the first phase and the office the second; that the parking area around the office will be paved; and that they will erect a fence if required.

Motion by Mr. Wheatley, seconded by Mr. Johnson and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all required agency approvals and permits.

Nextel Communications  
150' Tower Site Plan Route 9

The Commission reviewed a site plan for a telecommunications tower off of Route 9 near Hardscrabble.

Mr. Abbott advised the Commission that the proposed area is 100' by 100'; that the tower will be located within a 60' by 60' compound area; that the tower is proposed to be 150 feet with a 10' by 20' equipment shelter building; and that the setbacks meet the requirements of the zoning code.

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

Summerset Subdivision  
Revised Subdivision Road 368

Bob Harris and Jeff Clark of Land Tech Inc. were present as the Commission reviewed a revised subdivision plan for the subdivision formerly known as Green Acres.

Mr. Abbott advised the Commission that the subdivision was recorded March 12, 1973 for 25 lots; that the development has not been developed and no lots have been sold; that the proposed revision would delete the cul-de-sacs along lots 6 through 8 and along lot 18; that the minimum lot size would be 10,000 square feet; that 25 lots are still proposed; that the County Engineering Department has reviewed the revised plan and has no objections to the deletion of the cul-de-sacs; that they would like the developer to have a deed restriction notifying potential lot owners of the sewage treatment plant operation next to the subdivision; and that they request a thirty foot forested landscape buffer be put in adjacent to the treatment plant operation.

Mr. Harris and Mr. Clark advised the Commission that the closest part of the treatment plant operation is 200 or more feet from the subdivision; that the entire tract is wooded; and that they would not object to leaving a ten foot undisturbed setback from the County property as a buffer.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the revised subdivision plan as submitted.

Cheryl M. Miller and Ella C. Turner  
Third lot on Existing 50' right-of-way Route 54

The Commission reviewed a concept to create a parcel with access from an existing 50' right-of-way off of Route 54.

Mr. Abbott advised the Commission that the proposed lot would be the third lot with access from the existing right-of-way.

Motion by Mr. Lynch, seconded by Mr. Hastings and carried unanimously to approve this request as a concept with the stipulation that any further subdivision will require a public hearing and that the street will be required to be improved.

James L. Hitchens  
Lot and right-of-way U.S. Route 113

The Commission reviewed a concept to create a parcel with access from a fifty-foot right-of-way located off of Route 113 near Selbyville.

Mr. Abbott advised the Commission that the staff has received an entrance permit from DelDOT stating that the existing entrance may be used; and raised a question as whether the applicant should file an application for a major subdivision or apply for a variance from the Board of adjustment since there is adequate frontage remaining.



Motion by Mr. Lynch, seconded by Mr. Hastings and carried unanimously to defer action.

Tonya Buckley  
Third lot on Existing 50' right-of-way Route 5

The Commission reviewed a concept to create a parcel with access from a 50' right-of-way located off of Route 5 near Harbeson.

Mr. Abbott advised the Commission that the proposed lot would be the third lot with access from the right-of-way.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve this request as a concept with the stipulation that any further subdivision will require a public hearing and that the street will be required to be improved.

Ocean Breeze, L.L.C.  
Preliminary Commercial Site Plan Rehoboth Avenue

Roger Gross, Engineer, was present as the Commission reviewed a preliminary commercial site plan located on Rehoboth Avenue.

Mr. Abbott advised the Commission that the proposed 1,500 square foot building will be used for an office and warehouse; that the setbacks meet the requirements of the zoning code; that 2 parking spaces are required and that 4 are provided; that the parking needs a waiver since it is located within the front yard; that the parking and driveway will be 6 inch crushed stone; and that all approvals have been received except an entrance permit.

Mr. Gross advised the Commission that DelDOT's approval has been obtained and submitted an approved entrance plan.

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

Sea Esta IV  
Final Commercial Site Plan Route One

Roger Gross, Engineer, was present as the Commission reviewed the final site plan for a motel near Dewey beach.

Mr. Abbott advised the Commission that this plan received preliminary approval on September 23, 1999; that the site plan meets the requirements of the zoning code; and that all required agency approvals have been obtained.

Mr. Gross advised the Commission that none of the units have kitchens.

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

Albert J. Bierman  
50' Cross Access Easement Road 431

Rob Witsil, Attorney, was present as the Commission considered a request to create a cross access easement to serve an existing lot.

Mr. Witsil advised the Commission that the lot was approved by the staff upon receipt of a letter of no objection from DelDOT; that the surveyor has since discovered a land dispute between the owner and another owner; and requested that a 50' cross access easement be permitted until this matter is resolved.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve this request.

Meeting adjourned at 11:50 PM.