

## MINUTES OF THE REGULAR MEETING OF FEBRUARY 8, 2001

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 8, 2001 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the agenda as circulated.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of January 25, 2001 as corrected.

Mr. Schrader described how the agenda and hearings would be conducted.

### IV. PUBLIC HEARINGS

**C/Z #1421**--application of **ABRAHAM P. KOROTKI** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District - Residential Planned Community for certain parcels of land lying and being in Baltimore Hundred, Sussex County, land lying west of Woodland Avenue and south of Ocean View Town Limits, to be located on 96.12 acres, more or less.

The Commission found that the Technical Advisory Committee was provided with copies of the site plan for the project and were advised that there would not be a meeting held due to the lack of participation in the meeting and that written comments should be forwarded to the Department no later than February 2, 2001.

The Commission found that the applicant had supplied a booklet of exhibits, which included a copy of proposed declaration of covenants, conditions and restrictions, an aerial photograph of the area, and a letter containing references to corrections of information in the booklet.

The Commission found that the booklet included references to site data, the proposed development, the MR-RPC Zoning, neighborhood trends, compliance with the Comprehensive Plan, a summary of the Traffic Impact Study, utilities, stormwater management and erosion and sediments control, wetlands and habitat, economic impact, the community organization and management structure, the architectural theme of the project, social influences, recreational opportunities, and letters from utility providers showing the ability to serve the project.



The Commission found, based on comments received from DelDOT, that the project is located in a Multimodal Investment Area per the Statewide Long-Range Transportation Plan and in an Environmentally Sensitive Developing Area per the Cabinet Committee on State Planning Issues Strategies for State Policies and Spending; that developments like the proposed townhouses can be appropriate in such area if provisions are made for multiple modes of travel including automobile, transit, bicycle and pedestrian traffic; that the Department would not be opposed to the development as long as alternative transportation options are encouraged and the traffic is not adversely affected; that the review of the traffic impact study indicates that four of the seven study area intersections would operate or would have individual movements that would operate at unacceptable levels of service without improvements; that three of the intersections would do so regardless of whether the project is built; that with the addition of the proposed project the fourth intersection would fall below acceptable levels of service; that because of the traffic concerns the Department recommends that the County deny this application; that if the County chooses to grant approval of the rezoning the County should impose certain conditions on the site design and that those conditions should be reflected on the Record Plan; that the conditions include: 1) the developer should be required to provide sidewalks along the entire roadway frontage of the property and an internal street network; 2) the developer should be required to incorporate five-foot wide bicycle lane striping, transitioning from the shoulder to the right of the through lane per AASHTO guidelines; 3) development of the project should be limited to a maximum of 112 single-family detached houses and 36 apartments until the following improvements have been done by the developer or others: a) an exclusive northbound left-turn lane on Woodland Avenue at Central Avenue and an exclusive eastbound right-turn deceleration lane on Central Avenue at Woodland Avenue are provided. The Department noted that there might not be enough right-of-way for the developer to build those improvements. b) a signal is installed at Route 26 and West Avenue, and exclusive left-turn lanes are provided on both Route 26 approaches.

The Commission found, based on comments received from the DNREC Division of Water Resources Watershed Assessment Section, that the parcel is occupied almost exclusively by large acreage of wetland associated hydric soils; that the applicant should be reminded that they must avoid construction/filling activities in those areas containing wetland associated hydric soils, as they are subject to regulatory provisions of the Federal Clean Water Act 404 program governing jurisdictional wetlands; the parcel is located within the Inland Bays watershed which has been designated to contain Waters of Exceptional Recreation or Ecological Significance (ERES); that ERES waters shall be accorded a level of protection and monitoring in excess of that required by most other waters of the State; that both non-point and point nutrient sources of these waters may be subject to control through Best Management Practices which may include establishment of vegetated buffers adjacent to watercourses, or preserving existing natural riparian buffers; that buffers help reduce nutrients and sediments by uptake/absorption and



vegetative entrapment; that additional nutrient reduction methodologies may be instituted in the future should further reduction be deemed necessary; that due to the presence of large acreage of wetlands on the site and their close proximity to sensitive waters of the Inland Bays watershed, the Section believes that the proposed development should be denied; that additionally, with the recent adoption of Federally mandated Total Maximum Daily Loads (TMDL's) as a nutrient-runoff mitigation strategy to address farmland/residential development runoff into the Inland Bays increases the urgency to protect all remaining wetlands; that wetlands and their associated vegetation are vital for mitigation/reduction of nutrient/sediment runoff; and that the TMDL's for the Inland Bays watershed mandate target-rate-reductions of 40 percent and 85 percent for nitrogen and phosphorus, respectively.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard areas are affected; that on-site and off-site drainage improvements may be necessary because of the poorly drained to very poorly drained soils and the increased impervious area; that during storm events and November through March water may pond on the surface; that the Banks-Bennett Tax Ditch may be affected; that there may be regulated wetlands on the site; that the soils are mapped as Fallsington sandy loam, Klej loamy sand, Osier loamy sand, and Pocomoke sandy loam; that the soils suitability varies from slight limitations to severe limitations; that the applicant may be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after completion of construction; that the farmland rating of all of the soils are considered either Prime Farmland or of Statewide Importance; that the District has already granted approval of the sediment control and stormwater management plan for construction of the access road and utilities for the six lots within Ocean View.

The Commission found, based on comments received from the State Fire Marshal's Office, that at the time of formal submittal, the applicant shall provide a completed application form, a fee, and three sets of plans depicting: a) Fire Protection Water Requirements; b) Fire Protection Features; c) Accessibility; d) Gas Piping and System Information; e) Required Notes; and that preliminary meetings with fire protection specialists are encouraged prior to formal submittals.

The Commission found, based on comments received from the Sussex County Engineering Department's Planning and Permits Division, that a portion of the project is in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District and that the remainder is within the proposed South Ocean View service area; that the Ocean View Expansion area boundary will have to be expanded to include the remainder of the parcel; that wastewater capacity is not available for the project; that 93 EDU's are available at this time; that the project shall be required to be constructed to Ordinance No. 38 requirements; that additional System Connection Charges will be required at a rate of



\$1,559 per EDU, if connected within the first year of the Ocean View Expansion; that one eight-inch lateral with cleanout from the Ocean View Expansion has been allocated 93 EDU's; that the remainder of the project will have to connect to a force main manhole in the Bear Trap Subdivision; that the project is adjacent to the South Bethany Sanitary Sewer District boundary; and that the System Connection Charge rate for this district is \$2,159 per EDU.

The Commission found, based on comments received from the State Department of Agriculture, that their comments are the result of a field investigation as it relates to community forestry, forest harvesting operations, urban silviculture application, and riparian buffer maintenance and establishment; that the site is currently in pine forests, lowland hardwood forest, forested wetland, and open fields/meadow; that a forested buffer should be required along the north - northwest border and the south - southeast border; that forested buffers should be maintained along all existing residential properties, streams and wetlands; that if any removal of forest areas greater than 1-acre occur on site during construction, then Forestry Best Management Practices will be required to minimize surface run-off into sensitive areas that are adjacent to and intermingled throughout the site; that precautions should be made to preserve some of the larger pre-existing trees during the construction process; that preservation of select trees will add value to the development and improve appearance; that it is recommended that a certified arborist be utilized in species selection and for developing guidelines for tree care during construction; and that if a formal landscape plan is developed, the Department would encourage the developer to consider a diverse landscape plan that would include native Delaware plants and trees.

The Commission found, based on comments received from the Office of State Planning Coordination, that the Strategies for State Policies and Spending document, approved by the Cabinet Committee on State Planning Issues in December 1999 shows the parcel as being in an Environmentally Sensitive Area where the State will work to seek a balance between resource protection and sustainable growth; that the parcel is located in an area that is already under substantial development pressure and that the State feels that the cumulative effects of the already approved developments in this area will be enough to cause concerns about adequate infrastructure and resource protection; that because of this development pressure, and the fact that the infrastructure, such as roads, are already overburdened, the State is working to meet the needs of the existing and approved developments and would not encourage or support new development at this time; that the comments included reference to comments previously stated in the Minutes from DelDOT and DNREC; that the Town of Ocean View strongly opposed this development as it felt that a multi-family housing development accessible only through town limits would put an additional burden on the Town's police force, as they would be called in emergency situations; that if the County should approve the rezoning, the State asks that the County require the developer to do the following: the developer should contact



Tidewater Utilities, Inc. to determine if water is available in the area or if a satellite system is feasible; that DelDOT's recommended conditions of approval should be required of the developer; that the developer should meet with the Indian River School Board for informational purposes and additional feedback; and that the developer should meet with officials from the Town of Ocean View to address the Town's concerns.

The Commission found, based on comments received from the DNREC Site Investigation and Restoration Branch, that they have searched their database and has found that there are no Superfund sites within a one-mile radius that have had a confirmed or suspected release of a hazardous substance that warranted an investigation or cleanup; and that if during construction activities, hazardous substances are encountered the applicant is required to report to DNREC.

The Commission found, based on comments received from the DNREC Underground Storage Tank Branch, that there are no leaking underground storage tanks site located near the project; and that should any petroleum contaminated soil be discovered during construction the Branch must be notified as soon as possible; that it is not anticipated that any construction specification would need to be changed due to petroleum contamination, however should any unanticipated contamination be encountered and PVC pipe is being utilized it will need to be changed to ductile steel pipe in the contaminated areas.

The Commission found, based on comments received from the Sussex County Engineering Department's Public Works Division, that all dimensions, notes and statements on plans shall be required to comply with the Subdivision Ordinance; that all roads, including those in the multi-family areas, have been identified as being streets as defined by the Subdivision Ordinance; that the parking spaces, although attached to the streets, will not be required to meet all of the street design requirements; that the multi-family streets should be designed so emergency vehicles will not have to back out when all parking spaces are full; that sufficient turn-around for dead-end streets should be provided; that the plan does not show existing ditches; that this project should not cause adverse impacts to the existing drainage of adjacent properties; that the developer needs to address how the stormwater discharge will be conveyed from the proposed stormwater ponds; that the plan shows three vehicular bridges; that the bridges shall be subject to review and approval by the Department; that bridges shall be designed for AASHTO HS-20 loading; and that a formal report, prepared by a registered professional engineer licensed in the State of Delaware, complete with geo-technical data will be required for review and approval.

The Commission found, based on comments received from the DNREC Division of Water Resources Water Supply Section, that the project falls within the public water service area of Tidewater Utilities, Inc; that the developer should contact Tidewater to determine if sufficient quantity of water is available or if a satellite system is feasible;



that all wells require approval via a well permit prior to construction and must conform to regulations; that all work on water wells must be done by or under the direct on-site supervision of a licensed Delaware Water Well Driller; and that any pumpage of ground water for construction (i.e. stormwater pond, sewer trenches, etc.) requires prior approval by the Water Allocation Branch of DNREC.

The Commission found that the USDA Natural Resources Conservation Service provided comments in the form of a Soil Interpretation Guide similar to the comments in reference to soils provided by the Sussex Conservation District.

The Commission found that letters in support of the application were received from Roxie K. Cooper, Jeffrey Whelen, Mark and Adrienne Bennett, Nellie M. Hudson, Geri H. Warren of Baltimore Trust Company, Carter W. Howell, Jr. of Coastal Resorts Realty, and Kenneth H. Sailley of Coastal Resorts Realty.

The Commission found that a letter of opposition to the application was received from Elsie and George Young who expressed concerns relating to the narrowness, winding, and crowned roadway of Woodland Avenue; that Woodland Avenue already bears too much traffic; questioning how safe it will be for a direct access only Woodland Avenue to serve 300 or more dwelling units and the amount of traffic generated by that number of units; expressing concerns about the impact by such density on existing infrastructure; and requesting that the application be rejected.

The Commission found that Abraham Paul Korotki was present with John Sergovic, Attorney, who submitted a letter referencing five corrections in the text of the booklet, and stated that the corrections were found while proofreading the booklet; that when they originally proposed to develop the parcel they expected a hostile public hearing and a lot of opposition; that the applicant has explained the project to the Town of Ocean View and the neighbors; that the application seeks maximum use of the site at MR density; and that he hopes that the project will not be scaled down since scaling down the project will diminish the applicant's vision of what the project will become.

The Commission found that Jerry Friedel of Davis, Bowen & Friedel, Inc., present on behalf of the applicant, stated that the six (6) lots in Ocean View limits have been approved by the Town; that the project is designed to include a mix of housing types, including single-family lots, cluster housing, and multi-family; that the parcel contains 92.61 acres in the unincorporated area of Sussex County and 3.51 acres in the Town of Ocean View; that the existing zoning yield would permit 103 units in the AR-1 District and 76 units in the GR District for a total of 179 units; that the proposed RPC zoning could yield 361 units; that they propose 95 single-family lots, 30 single-family cluster units, 233 multi-family units, and 3 maintenance staff units for a total of 361 units; that the density proposed equals 3.89 units per acre; that approximately 32.5 acres of open



space is proposed within the areas of the units; that a 3.63 acre recreational area is proposed with tennis courts, swimming pool, clubhouse and related parking; that the applicant proposes a superior living environment with a minimum lot size of 7,500 square feet with high-end single-family homes, manicured lawns, street lighting, sidewalks and/or bike paths and walkways; that all maintenance will be provided through a community manager; that the site is located in the Development District per the 1997 Comprehensive Plan; that the primary purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned; that by encouraging higher residential densities in this District, the pressure for development in the natural resource and agricultural areas will be reduced; that the rezoning is consistent with the future land use plan recommended by the Comprehensive Plan; that the site will be served by both public water and sewer and adjoins areas where sewer construction is in process; that the Comprehensive Plan provides guidelines for density which includes 4 units per acre for single-family, 10 units per acre for townhomes, and 12 units per acre for multi-family; that the Comprehensive Plan references that the potential for bonus density incentives for providing social and physical amenities such as affordable housing, sidewalks, street lighting, street furniture, active recreation, passive open space, etc. should be studied and that the applicant proposes to provide sidewalks, street lighting, active recreation, and passive open space; that the street construction will exceed the minimum requirements for streets in Sussex County; that a good network of roads exist in the area; that 60% of the site is presently agricultural; that the project will be served by Conectiv for electrical services, Verizon for telephone, MediaCom for cable, Tidewater Utilities for water, Sharp Energy for gas, and Sussex County for sanitary sewer; that the project will utilize a combination of dry storage pond structures and vegetated forebays for management of stormwater quality; that discharge from the stormwater management areas will go to the Banks-Bennett Ditch; that a wetlands delineation for the agricultural parcels was approved by the Natural Resources Conservation Service in 1999; that the Federal 404 wetland line for the wooded parcels was inspected and field-verified by representatives of the U.S. Army Corps. of Engineers in 2000 and that a letter of verification is forthcoming; that the project is surrounded by development projects, i.e. Shady Dell Park, a GR subdivision, Bear Trap, Savannah Landing, and Hunter Run, residential planned communities within Ocean View, and homes within the Town of Ocean View; that the multi-family area of the project will overlook the Bear Trap Golf Course; that as undeveloped land, tax collected on the subject property total \$1,421 per year; that once building is completed, taxes assessed will total \$1,548,000; that it is estimated that construction cost will equal \$58,946,000; that the County will receive \$2,998,000 in transfer fees, and \$299,000 in building permit fees; that \$774,000 of the annual taxes will be shared with the school district; that building permit fees shared with the Millville Fire Company will total \$200,000; that the sewer districts will collect \$736,000 for sewer impact fees; that the developer will construct and donate the sewer utility system to the County; that the project will be developed over a 4 year period for the single-family and cluster homes;



that the multi-family units will be developed over a 10 year period; that the project will include a private clubhouse and recreational facility with card rooms, games rooms, fitness room, spa/sauna rooms, indoor and outdoor pools and tennis courts, a restaurant and banquet hall, chapel, lounge and community management offices; and that the project is in close proximity to medical facilities and police protection.

The Commission found that Dawn Ridgely of Davis, Bowen, & Freidel, Inc. discussed the Traffic Impact Study and stated that existing intersections have acceptable levels of service; that the addition of this project does not impact the level of service of Route 26; that improvements will be necessary at some intersections according to DelDOT; that some of the improvements will be completed by DelDOT and some by the developer; that the DelDOT improvements are scheduled for construction between 2004 and 2006; that the applicant intends to work with the Town of Ocean View to improve the intersection of Central Avenue and Woodland Avenue; that the developer has agreed to improve Woodland Avenue for widening as the right-of-way will permit; that the developer's proposed amenity package will help keep some of the residents on the project site; and that traffic counts were performed on June 16, and June 17, 2000.

The Commission found that Abraham Korotki stated that the Town of Ocean View's minutes will show that the Town granted approval for the 6 lots and the entrance; that he does not propose to have any boat or personal storage on the site; that there will be no commercial uses on the site; that his vision is to create a completely maintained community employing local people; that the bike paths and sidewalks will be approximately 4 miles in length on the site; that wetlands will be left in a natural pristine condition; that he hopes that his project will set the quality standard for future development in the area; and discussed the style of the housing construction on the site.

The Commission found that Mr. Sergovic, Mr. Korotki, and Mr. Friedel stated in response to questions raised by the Commission that some of the roads in the area are in need of repair; that approximately 30 % to 40% of the existing trees will remain; that there is a need for additional right-of-way on Woodland Avenue; that a formal agreement has not been prepared between the developer and the Town of Ocean View for road improvements; that annexation is not being discussed at this time; and that the project is not being developed in cooperation with the Bear Trap project, but that memberships are available to the Bear Trap Golf Course.

The Commission found that Ken Sailley of Coastal Resorts, John Lynch, a contractor, and Brian Gallagher of Coastal Resorts spoke in support of the project and the commitment of the developer, and stated that the development should not have any negative impact on the area; that the project will provide employment for several years for local workers; and that the level of detail and design for the project will improve the area.



At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to defer action. Vote carried 5 - 0.

**C/Z #1422**--application of **KEVIN W. SAGERS AND LAURIE, DAVID J. ENNIS AND PATRICIA, WAYNE E. VAETH AND GLENDA JACKSON** to amend the Comprehensive Zoning Map from a MR Medium Density Residential District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, land lying southeast of Route 336, 210 feet southwest of Route 336-A, to be located on 12.0816 acres, more or less.

The Commission found, based on a memorandum from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as two types of Evesboro loamy sand, which have slight to moderate limitations; that the applicant may be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; and that the soils are considered of Statewide Importance or Hydric in depressions.

The Commission found that the application file included survey plots and a letter from the applicant explaining his intent.

The Commission found that petitions in opposition to the application, containing 26 signatures, had been received and referenced that residents in the area preferred that the existing MR Medium Density Residential zoning be retained on the site; that the residents opposed the rezoning since the AR-1 Agricultural Residential District would permit the placement of multi-sectional manufactured homes on 0.75 acre parcels; and that the residents are concerned about depreciation of property values.

Mr. Lynch stated that he would not be participating in the consideration of this application.

The Commission found that Kevin Sager was present and submitted a packet of information for review by the Commission.

It was noted that the Commission's receipt of the packet would be in violation of the Commission's recently adopted amendment to Rule 15 of the Rules of the Planning and Zoning Commission since the information was not received 72 hours prior to the hearing, and that it would be necessary for the Commission to waive the enforcement of the Rule.



Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to waive the enforcement of Rule 15 to allow the documents to be submitted by the applicant since the applicant was not aware of the rule. Vote carried 4 - 0. Mr. Lynch was not participating.

Mr. Sager stated in his presentation and in response to questions raised by the Commission that the property had been proposed for a mobile home park several years ago and was rejected; that the property was then rezoned to MR Medium Density Residential; that the property was then subdivided into 28 lots; that no lots were sold; that the subdivision set idle until he purchased the property in 1999; that he created a new subdivision of four (4) lots that replaced the original subdivision; that he had been advised by his attorney's office, prior to his purchasing the property, that mobile homes were permitted on the property; that the four lots contain 0.75 acre each; that the residual 9.08 acres will be retained by his family; that he has planted approximately 8 acres with trees; that one (1) lot is improved with a Nanticoke Home; that a double wide mobile home had been parked on Lot #2 by Oakwood Homes without a permit and has since been removed; that he only intends to sell the four (4) lots; that deed restrictions for the subdivision were recorded on July 20, 2000; that several mobile homes exist within close proximity to the property; that a double-wide mobile home exists within 90-feet of the property; and that he lives to the rear of the property on another parcel.

The Commission found that Mr. Sager's packet contained a cover letter, a copy of a tax map colored to show the location of ten (10) double-wide mobile homes and five (5) single-wide mobile homes in the area; photographs of some of the mobile homes; and a copy of the recorded Declaration of Additional Covenants, Restrictions, and Condition for Sagers Subdivision.

The Commission found that no parties appeared in support of the application.

The Commission found that George Roth, a resident of the area, was present in opposition to the application and stated that the residents prefer that the MR Medium Density Residential zoning classification be retained on the property since the intent for the remaining acreage is unknown.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to **defer action**.

Vote carried 4 - 0. Mr. Lynch was not participating.



V. OLD BUSINESS

**C/Z #1420**--application of **REHOBOTH GOLF PROPERTIES LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District - Residential Planned Community for certain parcels of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying on the northwesterly side of Road 273 (Country Club Road), 0.2 mile south of Kingsbridge Road within Rehoboth Beach Yacht and Country Club, to be located on 52.7027 acres, more or less.

The Chairman referred back to this application which was deferred at the January 25, 2001 meeting.

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

Vote carried 5 - 0.

**SUBDIVISION #98-2**--application of **BLUE RIBBON PROPERTIES, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 38.25 acres into 34 lots, located east of Road 447, 725.76 feet north of Road 74.

Mr. Abbott advised the Commission that this application received preliminary approval on February 26, 1998; that time extensions were granted by the Commission on February 11, 1999 and February 10, 2000; that a revised preliminary plan was approved by the Commission on April 27, 2000 to allow a shallow drainage swale to be located within the 30-foot forested buffer; that the final record plan meets the requirements of the subdivision and zoning codes; and that all required agency approvals have been obtained.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried four votes to none, with Mr. Gordy not participating, to approve this application as a final.

**SUBDIVISION #2000-12**--application of **LEE LITTLETON** to consider the Subdivision of land in a GR General Residential Zoning District in Little Creek Hundred by dividing 8.76 acres into 6 lots, located south of Road 454, 304 feet east of Road 457.

Mr. Abbott advised the Commission that this application received preliminary approval on May 25, 2000; that the final record plan meets the requirements of the subdivision and zoning codes; and that all required agency approvals have been obtained.



Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried four votes to none, with Mr. Gordy not participating, to approve this application as a final.

## VI. OTHER BUSINESS

Cole Miller  
Lot 21 Walston Walk Court - Lot Determination

The Commission reviewed a request to have lot 21 in Walston Walk Subdivision determined either a corner lot or a through lot.

The Commission discussed this request.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the lot as a corner lot.

Mark Browne  
Parcel and 50' Right of Way - Road 346

The Commission reviewed a concept to create a parcel with access from a fifty-foot right of way located off of Road 346 near Holt's Landing.

Mr. Abbott advised the Commission that the 5.03 acre parcel would have access from a fifty-foot right of way; that parcel A would be for the applicant's son and have access from Road 346; and that parcel C will be an extension to other lands of Amos Evans; and that the applicant proposes to widen an existing dirt lane to a fifty-foot right of way.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the subdivision as a concept with the stipulation that parcel C be conveyed prior to the approval of parcels A and B and the fifty-foot right of way.

Norma Lee Boyer  
2 Parcels and 50' Right of Way - Road 544

The Commission reviewed a concept to create two parcels with access from a fifty-foot right of way located off of Road 544 near Seaford.

Mr. Abbott advised the Commission that the 10-acre and 7.91 acre parcel would have access from a fifty-foot right of way; and that the right of way would be created from an existing 15-foot lane.



Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the subdivision as a concept.

Bayside Health Associates  
C/U #1009 Revised Site Plan - Route 9

The Commission reviewed a revised site plan for a medical facility located off of Route 9 near Lewes.

Mr. Abbott advised the Commission that the Conditional Use was approved on July 14, 1992; that there were two buildings proposed; that the developers wish to place the two buildings closer together; that the setbacks and parking requirements have been met; that there was not any opposition at the public hearing; and questioned if the revised site plan would require a new public hearing.

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

Laurel Wesleyan Church  
Preliminary Site Plan - Route 13-A

Pastor James Griffin was present as the Commission reviewed a preliminary site plan for a church located off of Route 13-A north of Laurel.

Mr. Abbott advised the Commission that the plan is for a 12,500 square foot church, that 119 parking spaces are required and that 120 are proposed; that the setbacks meet the requirements of the zoning code; that the site is zoned AR-1 and churches are permitted in any zoning district; and that final approval could be subject to the staff receiving all required agency approvals.

Pastor Griffin requested that the parking area be able to be crusher-run stone until they have the funding to pave the parking lot; and that the church will have Sunday school hours and other social functions.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary and to allow the parking area to be stone. Final approval shall be subject to the staff receiving all required agency approvals.

Meeting adjourned at 9:40 P.M.