

MINUTES OF THE REGULAR MEETING OF FEBRUARY 26, 1998

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 26, 1998, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Building, Georgetown, Delaware, with the following members present;

Mr. Allen, Mr. Hastings, Mr. Lynch, Mr. Phillips, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the minutes of February 12, 1998 as corrected.

Mr. Schrader explained how the meeting will be conducted.

PUBLIC HEARINGS

The following comments, relating to public hearings, are findings of the Planning and Zoning Commission based on a summary of comments read into the record, and comments stated by interested parties in support of or in opposition to an application. Also referenced are exhibits that may have been presented in support of or in opposition to an application.

C/U #1227--application of DANIEL W. MAGEE, T/A MAGEE FARMS, to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a corn maze recreational activity to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.1 acres, more or less, of a 63.75 acre parcel, on the northern side of Road 54, across from Road 394.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service "E" of Road 54 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 ditch will be 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, Kenansville loamy sand, and Woodstown sandy loam; that the Evesboro and Kenansville soils have slight limitations; that the Woodstown soils have some slight and some moderate limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance; and that the Kenansville and Woodstown soils are considered Prime Farmland.



The Commission found that the applicant was present and presented the Commission with several news articles relating to corn mazes; and a sample of a map of a maze in Pennsylvania.

The Commission found, based on comments made by the applicant in his presentation or in response to questions raised by the Commission that a corn maze is a corn field with a network of intricate paths, a labyrinth; that the final design has not been established, but a chicken may be appropriate; that a need exist to educate the public about the chicken industry and agriculture; that Jeff Clark is working on the design; that Lawrence Long, a registered Delaware Land Surveyor, will be laying out the maze; that the Delmarva Poultry Industry has been contacted for assistance in the educational part of the venture; that corn maze entertainment is a form of Agri-Tourism which is becoming popular with the urban population; that people are interested in finding out what the agricultural community is doing; that the corn maze is a mental challenge, and it's fun; that the enterprise will operate from July 1 to Labor Day; that the hours of operation will be from 10:00 a.m. to 6:00 p.m. six (6) days per week; that there will be 6 or 8 employees with one (1) manager; that he request permission to place one (1) unlighted 4' by 8' two (2) sided sign on the site from one (1) week before July 1 to one (1) week after Labor Day; that there will be maps of the maze given out to people who want to challenge the maze; that there will be a speaker system installed in the field so that the employees can communicate with the challengers; that challengers will carry flags on plastic poles; that if challengers need help they can turn the flag upside down and an employee will help them out; that a manager located on an observation tower will coordinate all challengers and employees; that parking will be located at the parking lot for the existing U-Pick strawberry operation; that the existing entrance and parking area have been adequate for the U-Pick strawberry operation and should be adequate for the corn maze; that there may be a petting zoo of farm animals and a display that shows the seven (7) week growth stages of a chicken; that the business will have a \$2,000,000.00 liability insurance policy; that refreshments and souvenirs will be available; that there will be no permanent structures; that everything will be portable and removed from the field, so that the remaining corn may be harvested; that the field will look like any other harvested field within two (2) weeks of closing; that the corn must be planted thicker to create the maze; that once the corn has grown to a certain height, the maze design is cut through the corn and then left to grow; that trespassing into other fields should not be a problem since a farm road exist around the field proposed for the maze; that he has no intent to allow parking along Road 54, and that he has no objection to "No Parking" signs being placed along Road 54; that portable toilets



will be provided; that rest areas will be created within the maze for breaks for the challengers and for educational sessions; that the U-Pick strawberry operation runs from the second week of May to the third week of June; that a corn maze, visited on two (2) occasions near Strasburg, Pennsylvania, had 75 and 200 vehicles in it's parking lot; and that the fees for challengers may cost from \$4.00 to \$6.00.

The Commission found that Gerald Pepper, a resident of the area, spoke in support and stated that the corn maze will create an added attraction to the area and should be good for tourism.

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

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to defer action so that the Commission could review the news articles submitted by the applicant, and to provide the staff time to prepare some suggested conditions for discussion.

C/U #1229--application of FUN SPORT, INC. to consider the Conditional Use of land in a C-1 General Commercial District for expansion of existing recreational facilities to enlarge wading pool and to add a go-cart track to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 42,000 square feet, more or less, approximately 310 feet east of Route One and 270 feet south of Melson Road and behind the Midway Shopping Center.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard areas 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 have slight limitations; that the applicants shall be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that the farmland rating of the Sassafras sandy loam is of Statewide Importance; and that the farmland rating of the Sassafras loam is Prime Farmland.

The Commission found, based on comments received from DelDOT, that the Department made comments on this application on January 27, 1997, March 4, 1997, April 22, 1997, November 20, 1997, and December 15, 1997; that originally a traffic impact study was recommended; that the Department has amended it's recommendation; that the applicants and the owner of the shopping center have agreed to eliminate the right turns out at the intersection of Route One and the shopping center between the Roadhouse restaurant and the Holly's restaurant, and to construct sidewalks along the shopping center's frontage along Route One; and that



the Department recommends that if the County is inclined to approve this application, the following conditions should be required: (1) elimination of the right turn out of the Midway Shopping Center at the driveway referenced; and (2) construction of sidewalks along the shopping center frontage.

The Commission found that Mr. and Mrs. James Loomis, the applicants, James Yori, Attorney, and Ted Simpler, Surveyor, were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission, that Fun Sport, Inc. is a Delaware Corporation and a family run business; that they intend to enlarge the wading pool and to add an additional go-cart track; that the site is a recreational facility within a shopping center, leased from Midway Realty Corp.; that the site has been zoned for C-1 General Commercial since 1971; that the site is located in a Development District in the 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 commercial uses in the Development District include retail stores, professional offices and recreation; that, originally, the zoning ordinance permitted recreational activities, and that bungee jumping recreational facilities caused amendment to the zoning ordinance that has affected all other recreational activities; that the shopping center contains several other recreational activities, i.e. several theaters, roller rink, bowling alley, water slide, go-cart tracks, etc...; that the applicants and owner of the shopping center have agreed to comply with DelDOT's requests; that fire protection will be provided by both the Lewes Fire Department and the Rehoboth Beach Fire Department; that police protection is provided by the State Police; that the existing 24' by 24' wading pool will be eliminated and replaced by a 45' by 40' wading pool; that the new wading pool will maintain the same depth of 18" as the existing pool; that the wading pool area will be surrounded by a 4' high chain-link type fencing and sidewalks; that no additional lighting will be necessary for the wading pool; that the new go-cart track will have a firelane around the facility; that the applicants maintain a \$2,500,000.00 liability insurance policy; that fire extinguishers will be located strategically around the go-cart track facility within 50' of any portion of the track; that a minimum of one employee works at each track; that typically three (3) employees work at each track when busy; that parking facilities surround the area; that fuel is stored per fire regulations; that business hours will continue from 10:00 a.m. to 12:00 p.m.; that no additional restroom facilities will be necessary; that a 15' sound wall, similar to the sound wall adjoining the Sears building, will be installed at the north end of the new go-cart track; that the noise level of the go-carts is



quieter than the typical 5.5 horsepower lawnmower; that no more than 12 go-carts will run on the new track at any one time; that the go-carts weigh about 400 pounds; that the go-carts have remote controlled switches; that the go-carts run between 15 and 18 miles per hour; that the existing business has been very successful; that the water slide will remain; that the present go-cart tracks are short tracks; that the go-carts are not bigger or faster, only newer; that the applicants hope to improve and upgrade the existing recreational and amusement area, and to provide additional jobs for the young people in the area; that the facilities are designed to serve both the parents and the children; and that the use is primarily operated on a seasonal basis; that the stormwater management area for the go-cart track may be relocated; that the track will be approximately 400' from Melson Road; that ticket booths are provided for each area; that they have never had a fire at the facility; that a few minor injuries have occurred; and that approximately 1,000' of sidewalk will be provided along Route One.

The Commission found that Dick Deskis, Peter Hallop, Richard Dove, Frank Waples, Walter Coney, and Jan Engersaw, residents of the area, were present in opposition and stated that originally a waterslide and a miniature golf course existed; then one go-cart track was built; now there will be four go-cart tracks; that people who live over .25 mile away can hear the go-carts; that the go-carts are noisy and have been heard running up to 1:00 a.m.; that they are opposed to more lighting; that traffic signage is needed at all entrances/exits along Melson Road; that sound barriers should be installed around all of the go-cart tracks; that the noise is an inconvenience to all of the residents of Midway Park; that the neighbors oppose the go-cart tracks because of noise, lights, traffic, pollution, and safety; that one lawn mower engine pollutes the air more than 10 automobiles; that when the go-carts are not being driven, they are idling and creating fumes, odors, and noise; that the shopping center is not considered a recreational facility; that the neighbors can hear the music from the skating rink and the go-carts; and that noises from the new track will be amplified off of the rear walls of the shopping center building.

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

C/U #1230--application of B & M BUILDERS, INC. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a manufactured home sales facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.80 acres, more or less, on the northeast side of Route 5, across from Road 306A, 323 feet northwest of Guinea Creek.



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 5 could change to level of service "C" if the site were rezoned, and that the Department recommends that the County restrict the applicant to the proposed use of a mobile home sales facility only.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the area west of the West Rehoboth Expansion Area of the Dewey Beach Sanitary Sewer District, an area where the County Council and the Delaware DNREC agreed to restrict zoning changes and conditional uses.

The Commission found, based on comments received 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 Evesboro loamy sand and Klej loamy sand; that the Evesboro soils have slight limitations; that the Klej soils have slight to moderate limitations; that the applicants shall be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the farmland rating of the soil types is considered of Statewide Importance.

The Commission found that Leon Burton, Jr. was present on behalf of the application and stated that they intend to establish a manufactured home sales facility; that the existing home on the premises will be utilized for an office; that a 50' wide entrance is proposed; that septic and water systems exists on the site; that customer parking will be in front of the office; that employee parking will be to the side of the office; that business hours are proposed from 10:00 a.m. to 7:00 p.m. seven (7) days per week; that security lighting will be provided; that the walkways will be constructed with concrete; that the driveways are proposed to be stoned; and that they would like to install one (1) unlighted sign, no larger than 32 square feet.

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

Motion by Mr. Phillips, 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 conditions:

1. Concrete walkways shall be provided.
2. Lighting shall be directed away from neighboring properties and so that they do not impact motorist.
3. One unlighted sign, not exceeding 32 square feet, may be permitted.
4. The site plan shall be subject to review and approval by



the Planning and Zoning Commission.

C/U #1231--application of PAUL A. SCHMIDTCHEN to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a spray drying testing facility to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 4.61 acres, more or less, north of Road 593, 4,300 feet east of Route 40.

The Commission found, based on comments received from DelDOT, that the Department has withdrawn it's recommendation for a traffic impact study, and now expects that the traffic from the proposed use will be negligible; that the Department is opposed to the use at the proposed location; and that if the County wishes to permit this use despite our opposition, the Department would prefer to see it permitted as a Conditional Use.

The Commission found, based on comments received from the Delaware Office of State Planning Coordination, that the State opposes the use because the site is in close proximity to Agricultural Preservation Districts to the east, northeast and south; that the site is near the important agricultural and natural resources of the Ellendale State Forest; that the applicant is not obligated to refrain from the production of hazardous wastes; that the proposed use of providing spray drying services seems more appropriate in an industrial park; that if the County denies the request, the Delaware Economic Development Office offers it's assistance in helping the applicant locate an appropriate property; that the Delaware DNREC notes that any source of combustion must be permitted; that any manufacturing device that causes particulate emissions needs a permit; and that any facility that has a device to control dust needs a permit.

The Commission found, based on comments received 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 Evesboro loamy sand and Woodstown sandy loam; that the Evesboro soils have slight limitations; that the Woodstown soils have slight to moderate limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that the farmland rating of the Evesboro soils is considered of Statewide Importance; and that the farmland rating of the Woodstown soils is considered Prime Farmland.



The Commission found that Paul A. Schmidtchen and Dan McCann, Surveyor, were present on behalf of the application and stated in their presentation and in response to questions raised by the Commission that the proposal is not a production facility, only a testing facility; that noise, traffic, odors, and dust should be less than the poultry operation that existed on the site; that the only emissions will be water vapor; that the land has been in the family since 1965; that the applicant is a Process and Consulting Engineer; that a 40' by 70' building is proposed and will contain an office with garage bays; that no hazardous materials will be handled; that filter systems will be provided; that the materials are tested by drying the water out of liquids into powders; that a good example is powdered milk; that the parcel is not proposed to be subdivided; that the legal description was established to create a boundary for the application site; and that a need exists for a small sign to identify the site for deliveries.

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

Motion by Mr. Phillips, 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 conditions:

1. The use must comply with all EPA and DNREC regulations for air quality control measures.
2. One unlighted sign, not exceeding 32 square feet may be permitted.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals and/or permits.

C/Z #1333--application of WILLIAM D. & KAREN L. SIMPSON to consider a proposal to amend the zoning map from GR General Residential District to an AR-1 Agricultural Residential District in Baltimore Hundred, located east of Road 390A, 2,350 feet north of Road 390, to be located on a parcel containing 32.25 acres more or less.

The Commission found that agency comments will be introduced with the report on C/U #1232, application of William E. & Karen L. Simpson, for a recreational vehicle park/campground and boat storage.

The Commission found that the applicant needs to rezone the site from GR General Residential to AR-1 Agricultural Residential for the staff to accept an application for a campground, since a campground is not a listed use as a Conditional Use in a GR General Residential District.



The Commission found that William D. Simpson was present and stated that he is applying for the rezoning so that he may proceed with his application for a recreational vehicle park/campground and boat storage.

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

Motion by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved, since the application is for downzoning.

C/U #1232--application of WILLIAM D. & KAREN L. SIMPSON to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a recreational vehicle park/campground and boat storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 32.25 acres, more or less, east of Road 390A, 2,350 feet north of Road 390.

The Commission found, based on comments received from DelDOT, that originally the Department recommended a traffic impact study; that comments were written by the Department on November 6, 1997, December 11, 1997, and January 6, 1998; that the Department withdraws its previous recommendations and recommends that the County consider this application without further regard to traffic impact and recommends the following conditions:

1. Because of the present state of Sussex Road 390A, use of the site shall be limited to construction traffic only, with no tenants permitted, until DelDOT's improvements to Sussex 390A are completed.
2. To minimize the traffic impact associated with this project, no more than 177 lots shall be permitted. Further, lot rentals shall be for no less than three months, covering June, July, and August, with the exception of 1998 when shorter leases shall be permitted to account for the opening of the campground during the summer season.

The Commission found that the South District Division of Highways of DelDOT has approved the final construction plans for the project.

The Commission found, based on comments received from the Delaware Economic Development Office, that a recreational vehicle park is consistent with State tourism policies.



The Commission found that two (2) letters of support were received from Gerald W. Pepper and Jeffrey C. Lynch, both as individuals and members of the Roxana Volunteer Fire Co.

The Commission found that a letter was received from S. Curtis Bixler, President, and Guy C. Hudson, Secretary, of the Roxana Volunteer Fire Co. that clarifies that the Roxana Volunteer Fire Co. has taken no position on this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area is affected; that it may not be necessary for any off-site drainage improvements; that it may be necessary for some on-site drainage improvements, since the soils are moderately well drained to poorly drained and may require additional drainage depending on the location of facilities; that the Bear Hole Tax Ditch forms the southern end of the property; that the soils are mapped as Evesboro loamy sand, Fallsington sandy loam, Johnston loam or silt loam, Pocomoke sandy loam, and Woodstown sandy loam; that the Evesboro soils have slight limitations; that the Woodstown soils have slight to moderate limitations; and that the Fallsington, Johnston, and Pocomoke soils have severe limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance and a Hydric soil in small depressions; that the Fallsington soils are considered Prime Farmland, of Statewide Importance, and a Hydric soil; that the Pocomoke soils are considered Prime Farmland (where drained), of Statewide Importance (where not drained), and a Hydric soil; that the Johnston soils are considered Hydric soils; and that the Woodstown soils are considered Prime Farmland and a Hydric soil in depressions.

The Commission found that Robert Sigler of AKS Associates, Inc., land surveyors, submitted comments that the lots depicted on the conceptual plan are not impacted by the 100 Year Flood Plain or by wetlands shown on the National Wetlands Inventory Map for the area.

The Commission found that the applicants submitted letters in support of their application from Henry C. Johnson, III, James E. Furlow, and Amanda Furlow.

The Commission found that W. David Simpson was present and stated in his presentation and in response to questions raised by the Commission that the area is suitable for development; that the land is naturally surrounded by trees; that the park will contain 161 sites for lease; that he and his family have enjoyed camping for years and that the site is appropriate for camping; that they



do not intend to establish a full service store on the site; that they do not intend to provide recreational vehicles sales; that the newest recreational park in the area is approximately 15 years old; that someone will live on the site, year round, as either a manager or caretaker; that the proposed boat storage to the rear is being provided for the convenience of the park tenants, not necessarily for public convenience; that the park will operate seasonally from April 1 through September 30; that private tenant restrictions will be established and enforced; that recreational vehicles will be permitted to be stored on the site year round; that an annual rental program is proposed; that the minimum lot size will be 2,000 square feet (40' by 50'); that the park is designed for recreational vehicles only; that tent camping will be permitted for scout groups and church groups within the wooded areas and trails; that the streets will be one-way; that adequate space is available for additional parking; that part of the existing poultry house will be remodelled and converted into a recreational hall; that a pool and bathhouse will be provided; and that the site will be served by a central on-site community sewer system, central water, and other infrastructures.

The Commission found that Gerald Pepper, an area resident, spoke in support of the application.

The Commission found that Alfred Lynch, an adjoining landowner, expressed concerns that tenants should be informed that they farm the adjoining property and there may be dust, odors, noise, etc...related to farming.

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

1. A full-time manager or caretaker shall reside on the site.
2. No tent camping shall be permitted, except for scout and church groups.
3. The campground and boat storage shall be lighted when in operation.
4. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals and/or permits.
5. Tenant restrictions shall be submitted with the site plan.



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

Don Miller, Surveyor, was present on behalf of the applicants.

Mr. Lank advised the Commission that they have received a copy of the Technical Advisory Committee Report of February 18, 1998, that the applicant and surveyor have received a copy, and questioned if there were any interested parties present. There were no interested parties present in reference to this application.

Mr. Schrader stated that it was not necessary to read the Technical Advisory Committee Report.

Mr. Miller advised the Commission that the entire site is wooded; that 34 single family lots are proposed; that the streets will be public; that there are no wetlands on this site; that a forested buffer will be installed along this property and lands of Raymond Lynch; that the streets will not be lighted; that the proposed deed restrictions have been submitted; that there are no problems with the soils on the site; and that most of the area is well drained.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

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

Subdivision #98-3--application of MIKE MOCK to consider the Subdivision of land in a C-1 General Commercial and AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred by dividing 5.68 acres into eleven (11) lots, located northeast of Road 268, 500 feet north of Delaware Route One.

Mike Mock was present on behalf of his application.

Mr. Abbott summarized the Technical Advisory Committee Report of February 18, 1998 and a letter received from Mr. Schrader in reference to the proposed deed restrictions.



Mr. Mock advised the Commission that he is the agent for the owner of the property; that the site is not marketable for five acre parcels; that the proposed subdivision is the best and highest use of the property; that the subdivision is permitted and should be approved as submitted; that the stormwater management area is located in the Agricultural Residential Zoning District; and that he is not sure if the subdivision will be developed commercially or residential.

Don Roessler of the Citizens Coalition questioned the proposed density, and questioned why the application has been filed without an entrance approval from DelDOT.

Keith Parsell, an adjoining property owner, spoke in opposition due to the number of lots proposed; that all businesses would use the same entrance; that there would be impacts to the funeral home that adjoins this site; raised concerns about the entrance; and submitted documents in regards to the entrance.

Pastor Arnold of Seaside Church advised the Commission that the church is in negotiations to purchase the entire parcel of land.

Peter Bieman spoke in opposition due to increases in traffic and that the application is too vague.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

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

### III. OTHER BUSINESS

#### 1. Clayton Homes

The Commission reviewed a preliminary commercial site plan for a manufactured home sales lot on the east side of U.S. Route 13, 1/2 mile north of Route 54 near Delmar.

Mr. Abbott advised the Commission that a one story 28' x 40' modular office type building is proposed; that there are 16 manufactured homes on site; that the setbacks meet the requirements of the zoning code; that 18 parking spaces are shown on the site plan; that the site is not located in a flood plain; and that there are no wetlands on the site.



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

2. Jimmy's Grill

The Commission reviewed a revised commercial site plan for additions to a restaurant on U.S. Route 13-A north of Route 404 near Bridgeville.

Mr. Abbott advised the Commission that a 690 square foot addition and a 1,383 square foot addition are proposed; that 82 parking spaces are required, and that 89 spaces are proposed; that the setbacks meet the zoning code requirements; and that approvals are needed from the Fire Marshal Office and Sussex Conservation District.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to receipt of all required agency approvals and permits. It was stipulated that a certificate of compliance not be issued until all required parking spaces are installed as per the zoning code.

3. Ethel M. Beideman

The Commission reviewed a concept to create a lot with access from a fifty foot right of way off of Road 228A.

Mr. Abbott advised the Commission that the owner would like to split a 1.82 acre tract into two lots; that Parcel A will have access from Road 228A and that DelDOT has approved the entrance; that Parcel B would have access from the existing fifty foot private road; and that the private road would still serve as access for three (3) lots.

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

4. Subdivision #96-22--Norris L. Niblett

The Commission reviewed a request for a one year time extension.

Motion made by Mr. Wheatley, seconded Mr. Lynch, and carried with 4 votes, with Mr. Hastings abstaining, to deny this request.



5. Subdivision #96-24--Timothy Ramey

The Commission reviewed a request for a one year time extension.

Motion made by Mr. Wheatley, seconded by Mr. Phillips, and carried with 4 votes, with Mr. Hastings abstaining, to deny this request.

6. Stephen C. Seipp

The Commission reviewed a preliminary commercial site plan for a building supply business on the east side of U.S. Route 13 north of Road 482.

Mr. Abbott advised the Commission that the site plan meets the requirements of the zoning code; that there is parking located within the front yard setback, and that this would have to be waived by the Commission; and that only preliminary approval should be considered at this time.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary. The parking in the front yard setback shall be relocated since there is a fifty foot cross access easement that runs parallel to U.S. Route 13, and since there is adequate space for parking elsewhere on site.

7. Angola Estates

The Commission reviewed a revised site plan for Montgomery Court within Angola Estates GR/RPC.

Mr. Abbott advised the Commission that the Master Plan for this development called for 24 units for this section, that this plan has been revised to 18 lots, and that all lots meet the minimum requirements of the subdivision and zoning codes.

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

IV. OLD BUSINESS

C/U #1225--application of DAVID L. WILSON to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an auction (indoor/outdoor) with additional uses listed on the enclosed sheet to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 35.99 acres, more or less, on the west side of U.S. Route 113, southbound lane, approximately two miles north of Route 16 (Ellendale) and two miles south of Lincoln.



The Chairman referred back to this application which was deferred at the February 12, 1998 meeting.

The Commission discussed the points and issues raised during the public hearing.

Motion made by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied, since the site is not an appropriate location due to the residential character of the area; since the site is not located within a Development District in the Comprehensive Plan; since no need was shown; and since the same use, operated by the same applicant, already exist's within 0.7 mile.

Subdivision #97-8--application of David A. Shevock to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred by dividing 27.87 acres into 10 lots, and a waiver from the 30 foot forested landscape buffer requirement, located on the west side of Road 265, 350 feet north of Route 9.

The Chairman referred back to this application which received preliminary approval at the December 18, 1997 meeting.

Mr. Abbott advised the Commission that the final record plan is the same as the one that received preliminary approval; that the record plan meets the minimum requirements of the subdivision code; and that all required agency approvals have been received.

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

Meeting adjourned at 11:45 P.M.