

MINUTES OF THE REGULAR MEETING OF FEBRUARY 27, 1992

The regular meeting of the Planning and Zoning Commission was held Thursday evening, February 27, 1992, at 7:30 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Magee, Mrs. Monaco, Mr. Ralph, Mr. Smith, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planning Technician.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the minutes of February 13, 1992, as circulated.

A person in the audience requested that the minutes of February 13, 1992, be read for the purpose of the record.

Mr. Lank read the minutes of February 13, 1992, in its entirety.

PUBLIC HEARING

1. RE: C/U #996 -- Ronald E. Lankford

Ronald E. Lankford and Walt Wagamon, the developers, and James A. Fuqua, Jr., Attorney, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, for a Family Amusement Park lying on the northwest side of Route 271, 600 feet northeast of Route One and northwest of Rehoboth Beach and to be located on a parcel containing 96.4 acres more or less.

Mr. Lank summarized comments received from the D.N.R.E.C. Office of the Secretary, the D.N.R.E.C. Underground Storage Tank Branch, the D.N.R.E.C. Division of Parks and Recreation, the D.N.R.E.C. Water Supply Branch, the Sussex Conservation District, the State DelDOT, and the Developer Advisory Service.

Mr. Fuqua stated that the applicants propose to develop a family entertainment project; that smaller projects exist in the area; that a marketing study was performed by Economics Research Associates which indicated a need for this type of project and that the project may be economically feasible; that for the park to succeed safeguards must be built into the project to protect the environment in relations to infrastructure, traffic, architecture, and economic impacts (jobs and contributions to the economy); and that the referenced Developer Advisory Service comments were based on a submittal by the developers for input from the agencies to aid in designing the project plans.

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Mr. Fuqua stated that the area is in need of a project oriented toward Family entertainment activities since Dewey Beach seems oriented towards young adults, and since Rehoboth seems oriented towards adults, based on the number of retail shops for shoppers and the number of restaurants.

William Bahder, an Engineer, spoke on the behalf of the Developers in reference to environmental issues on domestic water use, commercial water use, sewerage disposal, stormwater management, water discharges, wetlands, and setbacks from wetlands.

Mr. Fuqua submitted an aerial photograph of the area.

Mr. Fuqua stated that wooded areas are intended to remain, except for areas for construction, that no wetlands are intended to be disturbed, that a minimum of 50 feet of setback shall be preserved from the wetlands, and that the project will be fenced to control access to the site, not the wetlands.

Donnie Weber of the WBW Group, Designers of the park, presented a site drawing of the area, a site plan of the proposed park, and renderings of the amusement area and the arcade area.

Mr. Weber stated that the park will be developed on 45 acres of the 96.4 acre parcel, not the entire parcel; that the 45 acres will include the park and all related infrastructure including proposed access roads; that the parking areas will be bermed and landscaped; that existing trees are to be retained for shade; and that additional trees and landscaping are proposed.

Mr. Weber stated that the park is being designed with architectural styles of Cape Cod, New England, and Victorian structures, that the park includes water rides, family type rides, lounge and picnic areas, a boardwalk, amphitheater, a possible aquarium in conjunction with the University of Delaware, a petting zoo for small children, a wooden roller coaster, a ferris wheel, bridges, carousel, indoor activities, kiddie areas, food services, and rest room facilities.

Mr. Fuqua stated that the developers realize that the height limitation is 35 feet and that a variance will be necessary if a greater height is requested. If the project is approved a 60 foot height may be requested for the ferris wheel and the roller coaster.

Mr. Fuqua stated that a market of customers already exists in the area; that approximately 3 million visitors come to the area per year; that DelDOT counters on Route One and Route 24 have established that 7 million vehicles travel Route One; that the

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tourist market is already established in the area; and that the majority of the customers will be from the same tourist market.

Jack Richter, an Engineer and Planner from Tectra Tech Engineers, discussed traffic studies and planning, and stated that use of bus service, hours of operation with peak use of Route One, entrances and exits onto Route One, can reduce traffic to a minimum.

Mr. Lankford described surrounding developments, natural buffers, parking lots with bermed landscaping; and stated that part of Route 271 will be rerouted to create intersections with Route One at the traffic light for Sea Air Mobile City and at the traffic light for Camelot, subject to receipt of easements; that the park will be open no earlier than 10:00 AM and no later than 11:00 PM; that the park will have its own security force; that the anticipated admission will be \$12.00 per day; that the average time spent in the park per guest is anticipated to be 4 hours per day; that no alcoholic beverages will be permitted; that the park will operate seasonally from May to September; that the park could provide approximately \$162,000.00 in tax benefits; that 22 full-time year round employees and that 117 full-time seasonal employees are anticipated at the park; and that 225 additional jobs are anticipated off-site.

Mr. Fuqua stated that Eastern Sussex County is influenced by a tourist economy and read from the Coastal Sussex Land Use Plan which referenced that tourism has and will continue to have major impacts on Coastal Sussex since many industries rely directly or indirectly on tourism for their income, and that development of recreational resources for use by tourists and seasonal residents would yield economic benefit to the region.

Mr. Fuqua submitted a letter from the Board of Directors of the Rehoboth Beach - Dewey Beach Chamber of Commerce in support of the theme park.

Mr. Magee questioned what type of sewer disposal will be utilized if the park is not served by a regional sewer system.

Mr. Bahder stated that conventional methods, septic, may be utilized since the site is not in the Moratorium area, rather than holding tanks.

Mr. Magee questioned the anticipated number of visitors per day.

Mr. Weber stated that 5,600 visitors are anticipated as a peak.

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Mr. Magee questioned anticipated future expansion, since only 45 acres of the 96.4 acre parcel is being developed.

Mr. Lankford stated that the sellers required purchase of the entire tract.

Mr. Fuqua stated that the developers realize that their plans propose development of only 45 acres, and that if future expansion is proposed, then another application will be necessary.

Mr. Magee questioned buffer zones along the wetlands.

Mr. Fuqua stated that the buffers will be at least 50 feet in width from the Federal wetlands line.

Mr. Magee questioned a reference to a cemetery on the property.

Mr. Lankford stated that the cemetery is located on the Kings Creek Country Club site which was a part of the same original tract.

Mr. Ralph questioned the types of water uses and lakes.

Mr. Weber and Mr. Bahder stated that the water oriented rides and slides are concrete structures with central water filtration systems, that the lakes are stormwater management, and that the water is purified, before discharge, from the rides and slides after the season ends.

Mrs. Monaco questioned the intended use of a triangular parcel between the site boundaries and the rerouted Route 271.

Mr. Lankford stated that presently there are no plans; however, the site may be used for landscaping.

Mr. Allen questioned when maintenance work will be performed if the park is only open from 10:00 AM to 11:00 PM.

Mr. Lankford stated that no work will be performed before 10:00 AM or after 11:00 PM.

Mr. Allen questioned where a similar park exists.

Mr. Weber stated that Kentucky Kingdom exists in Louisville.

Mr. Dale Lohmus and Mr. Don Post spoke in support of the application since tourism is an economic base for the area.

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Mr. Lank read 4 letters in opposition from Paul E. Meckley on behalf of Sandalwood Homeowners Association, Vivian A. Fisher, Mable M. Granke, and Patricia R. Fraser.

Mr. Lank read a petition in opposition which contained 41 signatures in opposition.

Mrs. Pat Fraser submitted an additional petition containing 11 signatures.

Elmer Brown of Holland Glade, Denise Irwin of Save Our Sussex County, Barbara Falone of Beachfield, Louis L. Fink of Rehoboth Bay Mobile Home Tenants Association, Arthur Clark of Angola By The Bay, Eleanor Lovejoy of the Sierra Club, Dorothy White of the Delaware Audubon Society, Paul Meckley of Sandalwood, John Ciarlo of Sandalwood, Jim Short on behalf of the Citizens for Affordable Sewer, Robert Herr of Sandalwood, Will Ganc, Til Purnell on behalf of the League of Women Voters, John Sabin of Old Landing Road, Lee Frankel of Holland Glade, Charles Correll of the Bridgeville area, and Vivian Fisher spoke in opposition and expressed concerns in reference to minimum wages and housing, the impact on the residential area, depreciation on residential property values, sewer capacity, traffic congestion, crime, the impact on the environment, noise, pollution, loss of green space, loss of natural habitat for wildlife, water quantity and quality, impact on a nearby dairy farm, after hour congregating at the park, the questionable creditability of the applicant, trash, encroachment of commercial areas into an agricultural residential area, rescue and fire protection, the traffic impact on other areas of the County which may cause an influence on creation of an East/West Corridor, runoff from blacktop, gas and diesel emissions, and excess water usage.

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

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

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to defer action.

2. RE: Subdiv, #92-2--Estate of Irene Carpenter Draper  
Application Withdrawn.

#### OTHER BUSINESS

1. RE: Clyde Yoder

Mr. Yoder was present on behalf of this request to create a one acre parcel off of an existing 15 foot right of way on the south side of Route 16.

The Chairman referred back to this request which was deferred from the February 13, 1992, meeting.

The Chairman advised Mr. Yoder that he has visited the site again and also advised that the regulations require a fifty (50) foot right of way to serve the proposed parcel.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to deny the request to create a one acre tract off of the fifteen (15) foot right of way.

2. RE: Brice Butler, Sr.

No one was present on behalf of this request to create a parcel off of an existing fifty (50) foot right of way off of Route 361.

Mr. Abbott advised the Commission that the fifty (50) foot right of way is approved and recorded and that at the present time, the right of way serves two (2) lots.

Mr. Lank advised the Commission that the right of way could serve a maximum of three (3) lots under the old subdivision policy, since the right of way has been approved by the Commission.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the request to create one (1) additional lot off of the existing fifty (50) foot right of way.

3. RE: Harry F. Wilgus, II

Mr. Wilgus was present on behalf of this request to create a one (1) acre parcel with a fifty (50) foot right of way off of an existing ten (10) foot right of way off of Route 381A.

Mr. Abbott advised the Commission that the ten (10) foot right of way is recorded, and that there is also a thirty (30) foot easement adjoining the right of way.

Mr. Magee questioned Mr. Wilgus about the possibility of acquiring more land from the adjoining property owners to make the right of way fifty (50) feet wide.

Mr. Wilgus advised the Commission that he would look into acquiring the additional land.

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Motion made by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to defer action on this request.

4. RE: Shellpointe, The Shoppes of Long Neck

Roger Gross of Franco Bellafante Associates was present on behalf of this commercial site plan for retail sales, restaurant, and movie theater on Route 22.

Mr. Abbott advised the Commission that the Sussex Conservation District has sent a letter of conditional approval for this project.

Mr. Abbott advised the Commission that the State Fire Marshal's Office requires a 16 foot minimum drive for fire lanes, and that this site references 18 feet in some areas.

Mr. Abbott advised the Commission that Mr. Gross has revised the site plan to show that there will be no permanent parking permitted in the loading areas adjacent to the eighteen (18) foot drive. This would make the total drive area at least thirty (30) feet wide.

Mr. Abbott advised the Commission that two agency approvals have been received to date, and that more are required.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the site plan as a final with stipulations that the staff receive all agency approvals and report this to the Commission.

5. RE: Atlantic Community Thrift Shop, Inc,

No one was present on behalf of this review for a commercial site plan on Route 26.

Mr. Abbott advised the Commission that the site plan is the same as used in the public hearing for C/Z #1149.

Mr. Abbott advised the Commission that the site plan is in compliance with Chapter 115 of the Code of Sussex County, and that all agency approvals have been received except DelD.O.T. for the entrance.

Mr. Lank advised the Commission that there is a separate entrance and exit for the site, and noted that this was presented in the public hearing.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the site plan as submitted as a final with

the stipulation that the staff receive approvals from Deld.O.T. and the Sussex County Building Code, and report this to the Commission.

6. RE: Truitt Properties, L. P.

No one was present on behalf of this review for an 18 hole miniature golf course located on Route One, Bay Road and Guthrie Road.

Mr. Abbott advised the Commission that there are not any problems with the site plan, that all holes are located behind the required setbacks, that adequate parking is provided, and that a fence is shown on the site plan.

Mr. Abbott advised the Commission that no agency approvals have been received at this time.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the site plan as submitted as a preliminary. Final approval is subject to all agency approvals being submitted to the staff.

7. RE: Schooner Village at The Salt Pond

The Commission reviewed a site plan for a 54 unit multi-family project located in The Salt Pond MR/RPC.

Mr. Abbott advised the Commission that this is the first phase of the multi-family section, and that the master plan showed 31 units in this section.

Mr. Abbott advised the Commission that more units have been added to this section, and that units will be reduced in the other three multi-family sections.

Mr. Abbott advised the Commission that of the 532 units in this project, only 25% maximum may be multi-family units.

Mr. Abbott advised the Commission that the site plan conforms to Chapter 115 of the Code of Sussex County.

Mr. Abbott advised the Commission that all agency approvals have not been received.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the site plan as submitted as a preliminary. Final approval is subject to all agency approvals being received and site plan review by the Commission.

Meeting Adjourned 11:45 P.M.