

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

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 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, and 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 March 1, 2001 as circulated.

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

### IV. PUBLIC HEARINGS

**C/U #1388** - application of **ADVANCED MOTORSPORTS, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District to operate retail and wholesale racing parts and assemble race cars to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 26,150 square feet, more or less, lying southeast of Route 20, 121 feet southwest of Road 481.

The Commission found, based on comments received from the Delaware Department of Transportation (DelDOT), that Route 20, between the East Blades Limits and U.S. Route 13, has an annual average daily traffic count of 4,651 vehicle per day based on a traffic count performed in 1997; that a traffic impact study was not recommended; and that the present level of service "C" of Route 20 will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located in the Blades Sanitary Sewer District Planning Area, the Town Center District according to the Comprehensive Plan; that the County has no plans to extend sewer service to this area at this time; and that the applicant may contact the Town of Blades concerning water service.

The Commission found that Rick Elliott was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he lives on the site; that he has been auto racing for approximately 15 years; that he built the pole building approximately 2 years ago to store his personal cars and race car; that he has been operating the business on the site for approximately 2 years; that he assembles race cars in the shop; that he does not do engine work; that he assembles the car frame, installs the suspension, transmission, and rear housing; that he does some body

fabrication and assembly, but not body work or painting; that he has no employees; that a friend helps him on occasion; that business hours are from 10:00 A.M. to 6:00 P.M. Monday through Thursday, 10:00 A.M. to 5:00 P.M. on Fridays; 10:00 A.M. to 2:00 P.M. on Saturdays, with no Sunday hours; that he does not work evenings; that he has no more than 15 customers/visitors per day; that he has no outside storage; that security lighting will not be directed toward neighbors or Route 20; that no signage is proposed; that parts are dropped off and delivered by UPS; that a Bell Atlantic (Verizon) office and yard exists on the adjoining property to the west; that other commercial uses exist in the immediate area; that he is employed as a race car driver for several sponsors and does not own a race car; and that he has heard of no objections from his neighbors.

The Commission found that Mr. Elliott submitted a letter of support from Donald O'Neal, his immediate neighbor to the east, who stated that Mr. Elliott keeps his property in excellent condition; that one hardly notices that a business is being conducted on the site; that Mr. Elliott has been a good neighbor; and that he has no objection to the business.

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 Commission discussed the points and issues raised during the Public Hearing.

Motion by Mr. Wheatley, seconded by Mr. Gordy, 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 limited to 10:00 A.M. to 6:00 P.M. Monday through Thursday; 10:00 A.M. to 5:00 P.M. Fridays; and 10:00 A.M. to 2:00 P.M. Saturdays. There shall be no Sunday hours.
- 2) There shall be no outside storage.
- 3) There shall be no automotive work performed outside of the building.
- 4) There shall be no signage.
- 5) There shall be no motor work or welding.
- 6) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Vote Carried 5 - 0.

**C/U #1389** - application of **WILLIAM H. GROTON, III** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an auto repair shop to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 4.0 acres, more or less, lying south of Road 483, 2,360 feet east of Road 20-A.



The Commission found, based on comments received from DelDOT, that Road 483, between Route 20 and Road 484 has an annual average daily traffic count of 1,110 vehicles per day based on a traffic count performed in 1999; that a traffic impact study was not recommended; and that the present level of service "C" of Road 483 will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located in the Blades Sanitary Sewer District Planning Area, and that the County has no plans to extend sewer service to this area at this time.

The Commission found that William H. Groton, III was present and stated in his presentation and in response to questions raised by the Commission that he lives on the site; that he built the pole building approximately 2 years ago; that he is not doing any repair work on the site at this time; that he proposes to do mechanical work, service and maintenance on vehicles, motor work, and wiring on custom cars and street rods; that no automotive work will be performed outside; that there should be minimal noise since all the work will be performed inside of the building and since the building is setback so far from Road 483; that professional recyclers will handle all waste fluids, oils, batteries, etc.; that normal business hours will be from 8:00 A.M. to 5:00 P.M. weekdays only; that he may do some personal work on his vehicles during evening hours; that he does not anticipate more than 15 vehicles going in and out from the site per day; that security lighting will be provided; that he would like to erect a small unlighted sign at the entrance; that he met with his neighbors and heard no objections to his proposal; and that no car sales are proposed.

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 Commission discussed the points and issues raised during the Public Hearing.

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

- 1) One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.
- 2) Business hours shall be from 8:00 A.M. to 5:00 P.M. Monday through Friday.
- 3) There shall be no car sales on site.
- 4) There shall be no cars stored in front of the building.
- 5) Security lighting shall be directed away from neighboring properties and Road 483.

- 6) Disposal of all petroleum products and other hazardous materials shall be per appropriate environmental regulations.
- 7) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Vote Carried 5 - 0.

**C/U #1390** - application of **STEPHEN L. WALLO** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a spa and pool retail store to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 18,109 square feet, more or less, lying west of Road 268 (Kings Highway), 900 feet northeast of Route One.

The Commission found, based on comments received from DelDOT, that U.S. Route 9, between Road 268-A and Road 269 has an annual average daily traffic count of 15,431 vehicles per day with a summer average of 25,297 vehicles per day based on a traffic count performed in 1997; that the present level of service "E" of Route 9 will not change as a result of this application; that the Department is opposed to this Conditional Use because the Department sees it as encouraging more traffic in an area that the Department has already determined would have unacceptable levels of service during summer peak hours; that the Department feels that it is in the public interest to avoid the types of development that would increase turning traffic there; that the Department ask that the County deny this application.

The Commission found, based on comments received from the Office of State Planning Coordination, that the project is located in the Community Area of the Strategies for State Policies and Spending document approved by the Cabinet Committee on State Planning Issues in December 1999; that in these areas, State policies will be to encourage redevelopment and reinvestment; that in accordance with these Strategies, the State would normally encourage commercial development of this type; however, the State also realizes that some sections of the Community Area have been under increased development pressure for some time and are, therefore, lacking infrastructure to support such development; that the State has referred to the letter from DelDOT referencing unacceptable levels of service during summer peak hours and that DelDOT has recommended that the County avoid types of development that would increase turning traffic in this area; that the State has no technical objections to this Conditional Use and understands that it is in the Community Area as defined by the Strategies, and that the State urges the County to look at the cumulative effects of development in this area on the infrastructure (i.e. roads) before making a decision to approve this project.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located in the West Rehoboth



Expansion of the Dewey Beach Sanitary Sewer District; that the Planning Study assumption for the parcel is 1.0 EDU, reflecting a single family dwelling on a parcel of less than 1 acre; that the Division feels this is adequate for the proposed use; that if the proposed project is expected to exceed 3,000 square feet of retail space, additional information should be provided and a capacity review completed prior to approval; that the system connection charge rate is \$2,954 per EDU; that one six-inch lateral has been provided on Road 268; that the parcel was connected to the sewer system on April 26, 1996 by permit #1136; and that conformity to the West Rehoboth Planning Study and Capacity Evaluation Planning Study, or undertaking an amendment will be required.

The Commission found that Steven Wallo was present with Heidi Balliet, Attorney, and stated in their presentations and in response to questions raised by the Commission that the business proposed includes the sale of spas, hot tubs, pool supplies, chemicals and service; that the site is located in a Development District according to the Comprehensive Plan; that the purpose of the Development District references encouragement of commercial uses where other commercial uses exists; that public water and sewer are available; that he proposes to convert the existing garage into a show room and may place a spa on the deck next to the garage as an exhibit; that he proposes to improve and expand the driveway width; that the use is compatible to public and private uses in the area; that the home will be rented to a tenant; that there should be no negative impact on the neighborhood; that he owns and operates the business in Ocean View and will continue that store location; that this location will provide less travel time for employees and customers from this area; that he has been in business for approximately 15 years; that a letter has been submitted to DelDOT requesting that ingress to the store location be by right-hand turns only and that the applicant would be willing to incur the expense of having a "No Left Turn" sign erected in the existing median at the split of Kings Highway; that the business serves residents from Dover to Ocean City; that he anticipates no more than 10 vehicles coming to and leaving the site during the spa season between April and October; that there will be one salesperson on site and two service people working from the site; that he would like to erect a small non-illuminated sign on the site; that he has no objection to a restriction that would limit outside storage; that the spas are delivered by tractor trailer; that a fork lift is available on site to remove the spas from the trailer; that he anticipates one delivery with approximately 5 spas per month; that business hours are proposed to be from 10:00 A.M. to 5:00 P.M. seven days per week; that ample area exists on the site for parking and tractor trailer maneuvering and turning on the site; that he does not do pool installations; that he does not sell pools; that the business does provide service and repairs to pools; and that the business sells approximately 60 spas per year.

The Commission found that Julia Savage, the present landowner, was present in support of the application and stated that two cars can turn left very safely and easily; that the entrance to Savannah East is not safe and has impacted the residences along Kings



Highway; that adequate space exists on the site for maneuvering tractor-trailers; and that if the Savannah East project can be granted, this project should be granted.

The Commission found that Michael Tyler, President of the Citizens Coalition, Inc. was present in opposition, submitted a letter for the record, and stated that the site is at one of only two gateways to the City of Lewes; that Mrs. Savage advised him last year in a conversation that she could not turn left into her site from Kings Highway; questioned if the business sells chemicals and the number of customer trips that will be generated for chemicals and water testing; that he has seen traffic backed up to the entrance into Lewes; that he has waited at traffic lights through three cycles; that the application does not meet the basis for creating a Conditional Use in that it fills no critical community need; that the site is unsafe for increased ingress and egress for traffic; that north-bound traffic will have a difficult time turning left into the site; that residents along Kings Highway have had to drive a round-about mile out of their way to get home due to increase ferry traffic, school traffic, and other general traffic; that there is already an abundance of commercial zoned properties along Route One; that recommending commercial uses along Kings Highway would be counter to what the Commission has done regarding a previous application nearby; and that the Coalition supports a limit on any new rezoning or Conditional Use applications until the Comprehensive Plan is revised.

At the conclusion of the Public Hearings the Commission discussed the points and issues raised during the Public Hearing.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to defer action so that the Commission could again review the site.

Vote Carried 5 - 0.

**C/Z #1425** - application of **DAVID AND KAREN GREENHAUGH** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying southeast of Route 24, 1,500 feet northeast of Love Creek Bridge, to be located on 2.1 acres, more or less.

The Commission found, based on comments received from DelDOT, that Route 24, between Route 48 and Road 275 has an annual average daily traffic count of 15,070 vehicles per day with a summer average of 24,705 vehicles per day based on a traffic count performed in 1998; that in April 2000 a traffic impact study was recommended; that in July 2000 the Department changed their recommendation subject to certain conditions; that the Department is aware that a small engine repair service exists on the site as a Conditional Use and that the intent of the applicant is to expand the site with a



florist shop; that Route 24 is subject to significant congestion during summer months, operating at level of service "E" during peak hours; that the Department is cautious in their consideration of any development proposal that would create significant driveways or intersections along Route 24; that the Department is concerned about potential traffic impacts of other commercial development that could occur on the site if the flower shop were not built or were built and later replaced; that the site is large enough to support uses such as a bank or a fast-food restaurant; that a bank or fast-food restaurant has more traffic trip ends than a small engine repair shop; that a trip end is one of a one-way trip, so someone who comes to the business and leaves generates two trip ends; that representatives of the Department have spoken with the applicant about placing deed restrictions on the use of the property; that two conditions would be needed to satisfy the Department that the traffic impact of the rezoning would be negligible; one, that the property would have to be restricted so as to prohibit at least restaurants, service stations, convenience stores, pharmacies, and banks; second, that restrictions would have to be worded such that they could not be lifted without the concurrence of the Department; and that if this approach is agreeable to the County, then the County may set aside the Department's previous recommendation for a traffic impact study when the applicant provides the County with a copy of recorded deed restrictions meeting the criteria referenced.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is not in a County operated or maintained sanitary sewer and/or water district; that the site is within the West Rehoboth Moratorium Area where County Council agreed to restrict zoning changes and conditional uses in this area based on an agreement between the County Council and the State DNREC.

The Commission found that letters of no objection were received from Eugene Bookhammer and James Maloney, adjoining landowners.

The Commission found that David and Karen Greenhaugh and Charles Adams, Surveyor, were present and stated in their presentations and in response to questions raised by the Commission that they propose to change the zoning on the parcel to allow expansion of the existing business; that the small engine repair service and sales business has existed on the site for approximately 20 years; that Mrs. Greenhaugh will be developing a floral design studio within the existing structure; that Mr. Greenhaugh proposes to add the retail sales of goods relating to maintenance of residential yards and referenced mulch, gravel, sod and plants; that no additional employees will be needed; that no building expansion is proposed; that they will be conforming to the zoning of adjoining properties to the west of the site; that they feel that DelDOT's request for deed restrictions limiting the permitted uses is unfair since adjoining B-1 parcels are not restricted; that he already has a sign on the premises; that all business activities exists to the rear of the site; that Mrs.

Greenhaugh will design a floral arrangement and then deliver it to the customer; that she will not be offering any retail sales or advertising on the premises; that Mr. Adams presented a drawing indicating the zoning of parcels in the area and referenced that B-1 zoning exists to the west, that a mobile home park exists to the rear; that a new subdivision exists to the east; and that the site has adequate drainage.

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

At the conclusion of the Public Hearings the Commission discussed the points and issues raised during the Public Hearing.

There was a consensus of the Commission that this parcel has many practical limitations for site development due to the geometry of the site, the setback requirements, and that the use of the site should have no significant impact on the neighborhood or traffic.

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

Vote Carried 5 - 0.

**C/Z #1426** - application of **WALTER WILSON** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, land lying southwest of Route One, 0.3 mile southeast of Route 88, to be located on 1.54 acres, more or less.

The Commission found, based on comments received from DelDOT, that Route One between U.S. Route 9 and Route 16 has a annual average daily traffic count of 19,716 vehicles per day with a summer average of 32,321 vehicles per day based on a traffic count performed in 1998; that a traffic impact study was recommended because the Department is concerned about the potential traffic impacts associated with the proposed rezoning; that the Department expects that the traffic from the proposed use would be negligible; that the Department feels that a Conditional Use application, limiting the use of the property, would be the best way for the County to address the project; that apart from the Department's concerns about the possible effects that a commercial development might have on traffic, the Department is concerned that granting access to such a development might conflict with the goals of the Corridor Capacity Preservation Program for Route One; that the Department would reconsider it's position to require a traffic impact study if the applicant sought to develop through the Conditional Use process instead of rezoning; that the Department reviewed a traffic impact study for the site as



prepared by C. David Jamison, PE; that the site is located in a Multimodal Investment Area with respect to the State Long-Range Transportation Plan; that development can be appropriate in such an area if provisions are made for multiple modes of travel including automobile, mass transit, bicycle and pedestrian traffic; that the site is located in a "B" area with respect to the Corridor Capacity Preservation Program where it is expected to experience various transportation improvements in conjunction with area development; that the Department's long-range plan for this area includes the construction of a new set of northbound lanes, the conversion of the existing southbound lanes into a two-way frontage road to serve subdivision entrances and minor intersections, and the construction of an interchange at Route 88; that until the Department can do that construction, the Department must manage the existing Route One to the best of its ability; traffic signals in this area would be undesirable, because they would significantly affect capacity and inhibit the flow of the large through volumes along Route One; that the Department would not be opposed to development if multimodal facilities are accommodated, safety and capacity along the Route One corridor are preserved, and signals are not required; that review of the traffic impact study shows that a site entrance could need a signal by 2020 if the proposed frontage road is not in place and if the site is rezoned and developed commercially; that the Department opposes the application; that the expected future volumes of through traffic along Route One would offer few or no gaps needed by the minor turning movements along this stretch of highway; that the minor approach for traffic entering southbound Route One from the site would suffer excessive delays, and could present safety concerns within the corridor; that should the County choose to approve the rezoning, despite the Department's recommendation, there are certain restrictions and improvements that should be made a part of the plans for the project and built prior to the issuance of any certificates of occupancy; that review of the traffic impact study included: Project Descriptions and Background, Shaping Delaware's Future, the Statewide Long Range Transportation Plan, Corridor Capacity Preservation Program, Trip Generation, an Overview of the Traffic Impact Study, Left Turn Lanes at Crossovers, Intersection Analyzed in the Study which included the crossover at the existing Red Mill Inn entrance, the crossover at the existing Antique Village entrance, Route One and Route 88; Route One and the site entrance, Transit and Pedestrian Facilities, and conclusions and recommendations which included: 1) The developer should be required to furnish letters from the Department's Bicycle and Pedestrian Coordinator and the Delaware Transit Corporation outlining the multimodal accommodations required and then to provide those accommodations. At a minimum the Department would expect these accommodations to include sidewalks along the site frontage and connecting to any proposed buildings, and bicycle parking; 2) If the development will result in increased use of the Red Mill Inn driveway, the developer should be required to provide a right turn deceleration lane into that driveway and a second lane out of that driveway such that southbound vehicles do not have to wait behind northbound vehicles; 3) At the site entrance, the developer should be required to provide a right-turn deceleration lane into the site.



The Commission found, based on comments received from the Office of State Planning Coordination, that the project is located in a Secondary Developing Area of the Strategies for State Policies and Spending document approved by the Cabinet Committee on State Planning Issues in December 1999; that in these areas, the State will promote efficient, orderly development and the coordinated phasing of infrastructure investment, consistent with the extent and timing of future growth and within the limitations of State financial resources; and that the Office supports the comments submitted by DelDOT.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that wastewater capacity for this project has not been determined; that plans of the proposed use must be provided to determine the EDU assessment of the project; that the planning study assumption for the parcel is 4.0 EDU's; that there is capacity available for up to 4.0 EDU's; that the proposed project may exceed the allocated capacity; that additional information should be provided and a capacity review completed before the zoning is approved; that the system connection charge rate is \$2,954 per EDU; that one six-inch lateral and one eight-inch lateral has been provided from the rear of the parcel; that the parcel was connected to the sewer system on September 20, 2000 by permit #6126; and that conformity to the West Rehoboth Planning Study and Capacity Evaluation Planning Study, or undertaking an amendment will be required.

The Commission found that a letter was received from C. David Jamison, P.E., in reference to the traffic impact study and more specifically referencing land use, site access, a signal warrant analysis, the traffic impact study analysis, and DelDOT's review of the traffic impact study; that the volumes selected for the analysis can either result in no signal or the need for a signal; that it is the contention of Mr. Jamison and Walter Wilson Properties that the numbers used by DelDOT in their review were not correct and were inconsistent with proper access to high speed high volume highways (that is a stop condition instead of an acceleration lane); that it was never the intent of Walter Wilson Properties to have the traffic leaving the site to exit via a stop condition, but rather to exit via an acceleration lane in accordance with standard highway design practices; that this could just be a matter of the proper striping of Route One shoulders as DelDOT has a Route One repaving contract slated for advertisement from the Nassau Bridge to Route 16; that he understands DelDOT's desire to preserve the Route One corridor, but in this case with adequate ingress and egress design, the proposed rezoning and development of the site will require no need for signals on the Route One corridor and will not significantly impact the capacity of Route One.

The Commission found that Walter Wilson, and Mark Davidson of Design Consultants Group were present and stated in their presentations and in response to questions raised by the Commission that the site is in a Development District according to the



Comprehensive Plan; that the site is adjacent to a C-1 General Commercial District improved by a motel owned by the applicant; that other commercial zones and uses exists in close proximity; that sewer connection is provided to the site; that a private well will be provided on the site; that stormwater management will be provided on the site; that the applicant proposes a café on the parcel and a 20 unit expansion of the motel; that the café will seat approximately 75 customers; that they anticipate that approximately 80% of the café customers will be from the motel during the summer season; that they anticipate minimal use of the café during the off season; that it may be possible to create an access connection with the motel; and that the existing motel has 47 units.

The Commission found that Michael Tyler, President of the Citizens Coalition, Inc. was present and stated that he did not oppose the use intended; that the applicant has done a beautiful job renovating the motel site; that he would prefer to see an access connection to the motel and not a new entrance; and that he would prefer to see a Conditional Use application, rather than a Change of Zone.

At the conclusion of the Public hearings the Commission discussed the points and issues raised during the Public Hearing.

Motion by Mr. Johnson to approve the application. The Motion died for the lack of a Second.

Mr. Johnson withdrew his Motion.

The Commission discussed the confusion of the site plan submitted and the proposed use.

There was a consensus of the Commission that the site is adjacent to a C-1 General Commercial District owned by the applicant; that the site is located in a Development District according to the Comprehensive Plan; and that the applicant intends to expand his existing business and to provide a café for the use of the motel customers and others.

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

Vote Carried 5 - 0.

## V. OTHER BUSINESS

- 1) Krause Family  
2 Lots and a 50' Right-of-Way - Road 303

Henry Krause and Keith Krause were present as the Commission reviewed a concept to create two lots with access from a fifty-foot right-of-way off of Road 303.

Mr. Abbott advised the Commission that the owner wishes to widen an existing driveway to create a fifty-foot right-of-way and to create a 4 acre parcel for his son and a 1 acre parcel for his daughter; that each lot would have access from the right-of-way; that if the Commission is favorable, any further subdivision of the property should require a Public Hearing; and that if a Public Hearing is required, a request has been received requesting that the topography be waived.

Mr. Krause advised the Commission that he would like to give his children each a lot; and that the right-of-way will have stone placed on it.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the two lots and the fifty-foot right-of-way as a concept.

Vote Carried 5 - 0.

- 2) The Horsey Family, LLC  
C/U #1271 - Site Plan - Route 9 and Road 446

Mike Horsey and Jeff Clark of Land Tech, LLC were present as the Commission reviewed the site plan for Conditional Use #1271 for a borrow pit located off of Route 9 and Road 446 west of Route 20.

Mr. Abbott advised the Commission that the site plan meets the requirements of the Zoning Code; that the seventeen conditions of approval are referenced on the site plan; that the project will be done in three phases; that approvals have been received from DelDOT and the Sussex Conservation District; that on May 25, 2000, Mr. Clark appeared before the Commission to discuss the scope of the Environmental Impact Study; that the Commission agreed to the scope of work as presented by Mr. Clark; that Michael Izzo, County Engineer reviewed the Environmental Impact Study and that Mr. Izzo does not feel that the study meets the requirements of a complete Environmental Impact Study.

Mr. Clark and the Commission discussed Mr. Izzo's comments.

There was a consensus of the Commission that the scope of the Environmental Impact Study approved by the Commission should be forwarded to Mr. Izzo for revised comments.



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Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the site plan as submitted.

Meeting adjourned at 9:40 P.M.