

## MINUTES OF THE REGULAR MEETING OF MARCH 11, 1999

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 11, 1999, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following 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 by Mr. Wheatley, seconded by Mr. Hastings, and carried unanimously to adopt the agenda as circulated.

Motion by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the minutes of February 25, 1999, as corrected.

Mr. Schrader explained how the meeting would be conducted.

### II. PUBLIC HEARINGS

C/U #1273 -- application of ROXANA VOLUNTEER FIRE COMPANY to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an expansion to an existing fire station to be located on a certain parcel on land lying and being in Baltimore Hundred, Sussex County, containing 1.75 acres, more or less, northeast of Road 382 (State Route 20), 1,035.56 feet southeast of Road 342.

The Commission found that comments were not requested from DelDOT since the use already exists.

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 be necessary for some on-site and off-site drainage improvements due to the moderately well drained to poorly drained soils on site: that the soils are mapped as Fallsington sandy loam, Rumford loamy sand, and Woodstown sandy loam; that the Fallsington soils have severe limitations; that the Rumford soils have slight limitations; that the Woodstown soils have slight to moderate limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the farmland ratings of all soil types are either of Statewide Importance or Prime Farmland.

The Commission found that the staff has received an approved erosion and sediment control plan from the District and that the office has advised the applicants that there is no objection to site work (i.e....clearing, grading, grubbing) being performed.

The Commission found that Curt Bixler, President, and Gerald Pepper, Building Chairman for the Roxana Volunteer Fire Company were present and stated in their presentation and in response to questions raised by the Commission that a need exist for

expansion to the building; that a part of the building has existed since early 1900's; that the new building will provide improved response time to calls since they have to move some fire apparatus to get other fire apparatus out of the building; that the Company has eight (8) pieces of fire apparatus with only three (3) doors on the building; that the Fire District is growing in population; that the Company needs to expand to meet community needs, and that the expansion will provide for the needed growth; that a second story is proposed over the existing building for a members room only; that they propose to retain the character and appearance of the old school building portion of the firehouse; that parking lot expansion go over into the expanded parcel; and that the Company membership grew by seventeen (17) new young members last year.

The Commission found that twelve (12) members of the Company were present in support.

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

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

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

Motion made 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 with the stipulation that the site plan shall be subject to review and approval by the Planning and Zoning Commission.

C/U #1274 -- application of REHOBOTH BEACH VOLUNTEER FIRE COMPANY to consider the Conditional Use of land in a C-1 General Commercial District for a 300 foot radio communication tower to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.42 acres, more or less, lying at the southwest corner of the intersection of Delaware Route One and Road 275-A.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the parcel was connected to the sanitary sewer system on May 1, 1997 by permit #3588; that a 6-inch lateral serves the parcel; and that the Department does not consider capacity to be a concern.

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 Sassafras sandy loam, which has slight to moderate limitations; that the applicants will be



required to follow recommended erosion and sedimentation control practices; and that the farmland rating of the soil type is considered Prime Farmland.

The Commission found that DelDOT comments were not requested since the Fire Station already exists on the site.

The Commission found that a letter with concerns was received from an adjoining property owner which questioned if there are any health hazards; questioned the dangers of lightning; stating that they are concerned that the height of the tower may attract lightning to the tower and the nearby area; questioning the wind and ice strengths of the tower; and stating that they do not object to the tower if: the tower is in the front lot of the fire building, thereby building on the lot furthest from the open public miniature golf course and walking mall; it is proven, in writing, that it is not a health risk (similar to electric lines); all setback requirements are followed, especially for the equipment building; it is proven, in writing, to not be a lightning danger to the public near by or any buildings near by; and the tower is proven, in writing, to be strong enough to withstand at least 150 plus miles an hour winds and heavy ice storms.

The Commission found that Chuck Snyder, Assistant Chief, and Howard Blizzard, President, of the Rehoboth Beach Volunteer Fire Company were present and stated in their presentations and in response to questions raised by the Commission that the Company is embarking on a plan to upgrade its mobile radio and pager dispatch coverage; that the plan includes relocation of their current radio transmitters and the building of a new communications tower at their Station Two location on this site; that radio coverage studies show that the site will provide the Company with better coverage for the following reasons: the current transmitter site does not adequately provide coverage to all areas of the Fire District; the membership is becoming more dependent on their pager activation system due to public opposition to Fire Siren Alerting; the location is further inland than the current transmitters; the relocation will provide an increased signal coverage within the Fire District; the ground elevation of the proposed tower site is higher than the current site; through cooperative agreements the Company provides back-up dispatch capabilities for the City of Rehoboth Beach, the Sussex County EOC, the Lewes Fire Department, the Milton Fire Department, the Bethany Beach Fire Department, the Millville Fire Company, and the Sussex County Paramedics; that with the increase in density and population growth within the Fire District, the Company is committed to providing the best Fire, Rescue, and EMS service to the citizens and visitors within the Fire District, and that this upgrade will allow the Company to better serve and meet the changing needs of the area; that support documentation has been received from the Indian River Volunteer Fire Company, Inc. and Hazzard Auto Parts; that at this time they could not provide any data on the strength of the tower proposed; that the existing tower within the City of Rehoboth Beach is designed to withstand up to 200 miles per hour winds; that the existing tower is 150 feet high; that adequate space

exists on the rear of the site for the tower; that it has been determined that the existing tower does not provide an adequate radio signal for all members of the Company; that the proposed tower will be a free standing design; that space may be provided on the site for leases to other users; that the original building was constructed in 1988; that additions to the building are still under construction; that the fire siren is utilized at a minimum due to community concerns; that both fire stations respond to all emergency calls; that several tower companies have been contacted to get the size of the pad needed to support the tower and that the pad indicated on the site plan is sized accordingly; and that the front portion of the site was not chosen for the tower site since the front portion of the site is planned for a future fire station.

Mr. Snyder submitted a copy of the support letters from the Indian River Volunteer Fire Company, Inc. and Hazzard Auto Parts, and area drawings from proposed UHF coverage studies for several types of communications.

The Commission found that four individuals were present in support of the application, which included a member from the Indian River Volunteer Fire Company, a member from the Lewes Fire Department, and a member from the Bethany Beach Fire Department.

The Commission found that no parties were present in opposition to the application.

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

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

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to defer action and to leave the record open so that the applicants can provide the Commission with information on the design of the tower.

C/Z #1367 -- application of ATLANTIC LAND COMPANY to consider a proposal to amend the zoning map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District - Residential Planned Community in Lewes and Rehoboth Hundred, Lying east of Old Landing Road (Road 274), 3,000 feet south of Road 275, to be located on 78.63 acres, more or less.

The Commission found that the site plan was reviewed by the Technical Advisory Committee on February 17, 1999, and that comments were received with the Technical Advisory Committee Report from the Sussex Conservation District, the Department of Agriculture, the Division of Public Health, the Water Supply Branch of DNREC, the Liquid Underground Storage Tank Section of DNREC, the Division of Parks and



Recreation of DNREC, the Public Works Section of County Engineering, DelDOT, and the Office of the State Fire Marshal.

The Commission found, based on comments received from DelDOT, that originally the Department recommended a traffic impact study be done by the developer prior to any action on the rezoning application; that the Department has since determined that subject to certain conditions it may be reasonable for the County to consider the rezoning now and postponing the traffic impact study until later in the process; that the applicants are proposing to develop the same number of units that they could develop by right under the existing zoning, therefore it would appear that the Department should have no reason to be concerned; and that the Department recommends that the County consider the rezoning without the benefit of a traffic impact study subject to the following conditions: that the applicant should be required to demonstrate to the County's satisfaction that this rezoning would not result in an increase in the number of lots, i.e. that the number of houses proposed under MR-RPC zoning actually could be developed under the existing zoning; that prior to final approval of the plan for the site, the applicant should be required to perform a traffic impact study that is acceptable to DelDOT; that the applicant should be required to make those road improvements that DelDOT finds necessary on the basis of the traffic impact study and that the County specifies on the final plan for the site; and that except as may be requested by DelDOT's Subdivision Section, the applicant should be required to make the road improvements identified in the aforementioned paragraph prior to the issuance of building permits.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that capacity is available to serve the 145-unit project with the density at less than 2 units per acre; that service has been extended to the parcel; that connection can be made at Manhole No. 1242; that the developer should construct all additional infrastructure needed to serve the project under Ordinance No. 38 procedures; that system connection charges will be due; that the current system connection charge rate for the period of July 1, 1998 to June 30, 1999 is \$2,954 per EDU; and that each single family residence is assessed at 1.0 EDU.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State has no objections to this rezoning to build 145 single family homes.

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 Sassafras sandy loam and Sassafras loam, which have slight limitations; that the applicants will be required to follow recommended erosion and sedimentation control



practices and to maintain vegetation; and that the farmland rating of the Sassafras soils are considered either Prime Farmland or of Statewide Importance.

The Commission found, based on comments received from the United States Department of Agriculture Natural Resources Conservation Service, that their findings were basically the same as the Sussex Conservation District.

The Commission found, based on comments received from the Division of Water Resources of DNREC, that the Wetlands/Soil Assessment and Small Systems Permitting Branch has no comments or concerns; and that the Wetlands and Subaqueous Lands Section have advised that there may be some ditches that are tidal on the property; that this site appears to have some hydric soils on it; therefore, the site has potential to contain freshwater and tidal wetlands that would be regulated by the Federal and/or State governments; that if no tidal wetlands exist in the parcel but the ditches have tidal influence, setback distances may be required; that any activity in a blue-line stream requires a subaqueous lands permit unless the stream was artificially dug out of uplands for the purpose of agricultural drainage; that in any permit review, the Section's goal is to maintain the physical and biological integrity of all waterways; that the Section discourages any realignment, channelization, filling or culverting; that, if possible, all natural vegetation adjacent to a waterway/stream should be undisturbed for a minimum of 50 feet on either side; that if a waterway has to be crossed for traffic or pedestrians, the Section prefers a bridge; that if it is necessary to place a culvert in the stream it should be the minimum necessary for the crossing, and mitigation may be required; that for utility crossings, boring under the waterway is preferred and does not require a permit as long as the banks are not disturbed; that if borings are not possible, work should be done "in the dry" and all elevations restored; that bank stabilization should be done with natural vegetation, soil bioengineering or rip-rap; that vertical walls are discouraged; that non-blue-line streams have the same recommendations even though the Section has no jurisdiction; and that it should be noted that a sediment and stormwater permit may be required that may not allow disturbances to any waterway.

The Commission found that James Fuqua, Attorney, and Rick Woodin of Atlantic Land Company were present and stated in their presentations and in response to questions raised by the Commission that they have proposed to develop the site as an MR-RPC to allow use of smaller lot sizes; that the density will conform to AR-1 density of not more than two (2) units per acre; that they propose to develop 145 single-family lots; that a community center will be provided with a swimming pool; that the minimum lot size will be 7,500 square feet; that the average lot size will be 8,900 square feet; that 37 acres of open space will be established by using the RPC criteria; that the applicants are the same developers as the Villages of Old Landing and Arnell Creek; that the general area is residential in nature; that Arnell Creek and the Villages of Old Landing are across Road 274; that The Landing Subdivision is adjacent to the site; that central water will be



provided through Tidewater Utilities; that central public sewer will be provided through Sussex County; that stormwater management will be handled on the site; that natural wood-lines exists on the site and will remain; that 3 acres of wetlands exist on the site and will remain undisturbed; that the majority of the site has been tilled in the past; that they have no objections to the recommendations of DelDOT; that the recreation area will be located at the entrance to the site, and will include recreational facilities, pool, a storage area for boats, etc...owned by residents within the development; that shopping areas exists in close proximity; that medical facilities exists in close proximity; that the project will be a benefit to the County tax base; that the Village of Old Landing, across Road 274, is being developed with the same zoning category; that the site is located in a Development District according to the Comprehensive Plan; that the project is proposed to be less dense than Comprehensive Plan recommends; that the project meets the purpose of the RPC Residential Planned Community Article of the Code by creating smaller lots, less infrastructure and more open space; that the project has a boulevard design; that phasing is proposed; that buffers are proposed between the project and adjacent subdivisions; that the developers have been working on projects in the area over the last 10 years; that the proposed project is more conducive to buyers; that the entrance to the project is further south than the entrance to the Village of Old Landing; that the community center will be built after 50% of the community is built; that the setback buffer along Road 274 allows for additional right-of-way for Road 274 if required; that the project will be developed in 5 phases with each cul-de-sac representing a phase; that the homes within the project will include 1 and 1-1/2 story units with 1,500 to 2,000 square feet of floor area; that the homes will be built by the developers with sidewalks, driveways, landscaping, etc...prior to sales; and that no commercial activities are proposed within the project.

The Commission found that Dennis Finecker of the Village of Old Landing, Al Davis of Arnell Creek, and Harry Albert of The Landing, were present with concerns about the quality of life in the County and the area, and stated that the Villages of Old Landing Development is far from completed with no landscaping, no pool, no bike paths, etc... that construction requirements are not being addressed by the developers; that traffic is a concern with all of the developments in the area; that there is no room for walking or biking along Road 274; that developers should be required to meet certain criteria; that the residents disagree with the DelDOT recommendations; and questioning the sewer lines and capacity.

The Commission found that Mr. Fuqua and Mr. Woodin responded to some of the issues addressed by the opposition and stated that landscaping, street trees, will be completed after 90% of each phase is completed; that the streets have been paved with the base coats of hot-mix; that the final coats of hot-mix will be installed upon completion of a phase; that the community center will be turned over to the community association when 50% of the project is occupied; that they have sales contracts for 70% of existing project; that this

project will start in the fall of 1999 or early 2000; that it is good business planning to plan ahead for additional projects prior to completing an existing project; and that the design of this project is a better design than a standard subdivision without open space.

The Commission found that there were 15 people present in opposition to the application.

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

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

Motion made 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 stipulations:

1. The maximum number of units shall not exceed 145 single-family dwellings.
2. The applicants shall comply with DelDOT recommendations and requirements regarding a traffic impact study, road and entrance improvements prior to final site plan approval.
3. The project shall be developed in five (5) phases.
4. No commercial activities shall be permitted, except for a sales office for the project and/or model homes.

C/Z #1368 -- application of BYARD B. LAYTON to consider a proposal to amend the zoning map from an AR-1 Agricultural Residential District to a GR General Residential District in Broad Creek Hundred, lying 450 feet southwest of Road 78, 1/4 mile west of Road 490A and east of the Nanticoke River, to be located on 25.05 acres, more or less.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "C" of Road 78 will not change as a result of this application.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State opposes the rezoning since the parcel is located in the highly sensitive Nanticoke Watershed, which is a part of the Chesapeake Watershed; that the State of Maryland has expressed concerns to the State of Delaware about limiting pollution within the Nanticoke; that even with central water and sewer, polluted run-off will still increase due to the additional automobile traffic, impervious surfaces and lawn maintenance; that the DNREC has identified that a portion of this property has been included on the State's Natural Area Inventory and is identified as part of a State Resource Area; that the southern wooded portion of the site and wetlands along the river lies within the Nanticoke River Natural Area and the Nanticoke River State Resource Area; that this proposal borders a high quality natural area, is near the Nanticoke Wildlife



Area, and is in close proximity to the Nanticoke River; and that this parcel is located within a preservation area on the State Investment and Resource Management Strategy Map, which is an area in which the State would not like to encourage growth due to the lack of existing or planned infrastructure investments.

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 which has slight limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the farmland rating of the soil type is considered of Statewide Importance.

The Commission found that Michael McGroerty, Attorney, and Byard Layton were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that everything in the area is located in the Watershed; that the project does not immediately abut the Nanticoke River; that the parcel is a part of an original tract of land that does abut the Nanticoke River; that central sewer and water are proposed; that stormwater management will be contained to the site; that in the future the existing mobile home park will be connected to the central sewer system; that the existing mobile home park is served by central water and septic systems; that the existing mobile home park was started prior to 1968 and has been fully occupied since 1972; that buffer zones will be maintained and planted; that approximately 20 acres of the original tract of land is now being farmed with poultry houses; that the applicant lives immediately adjacent to the site and his son lived in the mobile home park; that the lots are proposed to be leased only, not for sale; that the roads will be built to County specifications; that the existing streets within the mobile home park will be paved; that units within the park will be required to be new, with vinyl siding and shingled roofs; that the existing subdivision plans for the parcel will be deleted; that the lots are proposed to contain 10,000 square feet; that mobile homes are proposed, not dwellings; and that they get request for lots for lease on a regular basis.

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

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

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

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

C/Z #1369 -- application of RONALD RITTHALER AND MARK LEVY to consider a proposal to amend the zoning map from an AR-1 Agricultural Residential District to a MR Medium Density Residential District in Lewes and Rehoboth Hundred, located at the southwest corner of the intersection of Road 266 and Road 269-A, to be located on 49.71 acres, more or less.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service "D" of Road 266 will not change as a result of this application, and that the level of service "B" of Road 269-A may change to a level of service "C" if the site is fully developed.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State has no technical objections to this rezoning, but opposes the rezoning due to the fact that the site is located within a Preservation Area of the State Investment and Resource Management Strategy Map; and that the State would like to see growth happen closer to towns or in areas that have been in place or have been targeted for future infrastructure investments that support additional growth.

The Commission found, based on comments received from the County Engineering Department, that the site will be served in Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that service will be provided via an 8-inch stub with clean-out from Manhole No. 21039; that ten lots along Road 266 are already being served with separate 6-inch laterals; that construction of this portion of Phase III is scheduled for completion in October 1999; that capacity can be provided in accordance with the Comprehensive Plan; that connection to the new sewer system is mandatory; that system connection charges may be due based on when construction is completed; that current system connection charge rates for the period July 1, 1998 through June 30, 1999 are \$2,954 per EDU; and that the developers, in accordance with Ordinance No. 38 procedures, must construct all additional infrastructure needed to serve the project.

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 Sassafras sandy loam which has slight limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the farmland rating of the Sassafras soil is considered Prime Farmland.

The Commission found, based on a report prepared by Delaware Environmental, Inc. for the developer, that there are no federally regulated wetlands on the site.



The Commission found that Ronald Ritthaler and Mark Levy were present on behalf of their application and stated in their presentations and in response to questions raised by the Commission that they propose to develop 128 lots on 50 acres; that they plan to build on some of the lots and to sell lots; that the parcel appears to have good drainage; that traffic should not be a problem; that additional right-of-way has been dedicated along Road 266; that Mr. Ritthaler was the developer of Briarwood Estates and Herring Creek Estates; that most of the homes in the area are being built for retirees; that larger lots are proposed for corner lots; that the existing lots along Road 266 will be removed and redeveloped as a part of the subdivision; that the site adjoins another MR Medium Density Residential Subdivision; and that they may plant trees along the railroad right-of-way.

The Commission found that two (2) parties were present in support of the application.

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

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

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

Motion made 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 since the site is adjacent to a MR Medium Density Residential District.

### III. OLD BUSINESS

1. C/U #1271--application of THE HORSEY FAMILY, L.L.C. AND DAVID G. HORSEY AND SONS, INC. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for excavation of a borrow pit to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 308.58 acres, more or less, lying south of Route 9, and north of Road 446.

The Chairman referred back to this application which was deferred at the February 11, 1999 meeting.

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

Motion by Wheatley, seconded by Mr. Phillips, and carried four votes to none, with Mr. Hastings abstaining, to defer action.

2. Subdivision #99-1--application of TED LISZEWSKI to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Seaford Hundred, by dividing 53.78 acres into 53 lots, located south of Road 531, 1,280 feet northwest of Road 533.

The Chairman referred back to this application which was deferred at the January 28, 1999 meeting.

Mr. Abbott advised the Commission that the staff has received a non-binding statement for the septic feasibility from the DNREC and that the subdivision is suitable for individual on-site septic systems.

Mr. Abbott summarized a letter received from the Historic Preservation Office in reference to the cemetery located on lot 10.

Motion by Mr. Wheatley, seconded by Mr. Hastings, and carried unanimously to approve this application as a preliminary with the stipulation that the developer provide evidence that he has complied with the recommendations of the Historic Preservation Office prior to receiving final approval.

#### IV. OTHER BUSINESS

1. John and Karen Rogers  
Lot on 50' right of way  
Route 24

The Commission reviewed a concept to create a parcel with access from a fifty-foot right of way off of Route 24 near Laurel.

Mr. Abbott advised the Commission that the proposed lot will be one acre in size; that there is currently a cabin on the proposed lot; that there is an existing dirt lane that serves as access to the cabin; and that the owner will widen the right of way to fifty feet.

Motion by Mr. Hastings, seconded by Mr. Wheatley, and carried unanimously to approve this request as a concept.

2. Gloria A. Gaines  
3 lots on existing 12' dirt road  
Road 505

The Commission reviewed a concept to create three lots off of an existing dirt road off of Road 505.



Mr. Abbott advised the Commission that the proposed plan has been revised to a fifty foot right of way; that the adjoining property owner has agreed to the additional land for the right of way; that the property currently has a dwelling and two manufactured homes on it; that if approved, each lot would only have one dwelling on it; and that each lot would be over one acre in size.

Motion by Mr. Hastings, seconded by Mr. Phillips, and carried unanimously to approve this request as a concept with the fifty-foot right of way and not the twelve-foot road.

3. Edward and Deana M. Banning  
3 parcels and 50' right of way  
Road 531

The Commission reviewed a concept to create three parcels and a fifty-foot right of way off of Road 531 near Seaford.

Mr. Abbott advised the Commission that the staff explained to the owner and surveyor that this request would require a major subdivision application since a new road is being created to serve as access to the two proposed rear lots.

Motion by Mr. Wheatley, seconded Mr. Phillips, and carried unanimously to deny this request as submitted. The applicant will be required to submit an application for a major subdivision.

4. Jack Lynch  
Parcel and 50' easement  
Road 370

The Commission reviewed a concept to create a parcel with access from a fifty-foot easement off of Road 370.

Mr. Abbott advised the Commission that the fifty-foot easement is proposed to be extended from the existing road frontage; and that the owner would like to create a parcel for his son.

Mr. Lank advised the Commission that there is a second parcel proposed for the applicant's daughter off of the easement.

Motion by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the two parcels and fifty-foot easement as a concept.

5. Canal Corkran - MR/RPC  
C/Z#1359 Preliminary Site Plan  
Hebron Road

Mr. Abbott advised the Commission that this item was withdrawn from the agenda at the request of the project engineer.

6. Discussions

- A. Commercial Kennels

The Commission reviewed a letter from Robert Witsil, Jr. in reference to a request to amend the Zoning Ordinance relating to commercial dog kennels.

There was a consensus of the Commission that an Ordinance should be prepared for introduction and that public hearings should be held so that the Commission and County Council could get public opinions.

- B. Subdivision Ordinance

The Commission discussed the two proposed Ordinance drafts prepared by Mr. Schrader. The Commission determined that one of the draft ordinances may keep the County out of the land litigation business; that the other draft allows for some discretion by the Director; and that another ordinance may be appropriate to address those issues that are minor in nature, i.e. revising three lots into two lots, increasing the lot size of a lot, and deletion of a lot or lots.

There was a consensus of the Commission to defer action and to discuss the proposals at a later date.

Meeting adjourned at 10:50 P.M.