

MINUTES OF THE REGULAR MEETING OF MARCH 20, 1997

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 20, 1997, at 7:30 P.M., in the Council Chambers, in the Sussex County Administrative Building, Georgetown, Delaware, with the following members present;

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

No action was taken on the minutes of the March 13, 1997 meeting.

II. PUBLIC HEARINGS

1. APD #97-4--Fred N. & Betty R. West and Paul & Barbara Harper and Ellene Murray

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Baltimore Hundred for thirteen (13) parcels of land totalling 226.39 acres more or less, located south of Route 26, both sides of Road 344, both sides of Road 342, and both sides of Road 54 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

2. APD #97-5--L. Robbins & Kathryn D. Webb, Barbara & Brantley H. Donovan & Howard & Katherine Webb

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Cedar Creek Hundred for eight (8) parcels of land totalling 434.27 acres more or less, located southwest of Road 208, both sides of Road 210, and both sides of Road 206 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Sandra Hodgson, an adjacent property owner raised questions about what kind of impacts the District will have on adjoining property owners.

Mr. Lank advised Mrs. Hodgson how the Preservation Districts work.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

3. APD #97-6--David, Violet, Robert & Wava Swartzentruber
& Millard & Luva Benner

David Swartzentruber was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred for four (4) parcels of land totalling 279.10 acres more or less, located east of Road 612A, both sides of Road 36, and both sides of Road 631 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Mr. Swartzentruber advised the Commission that they want to preserve their farmland since development is occurring all around the area, and advised the Commission that the application should read Roger instead of Robert, and Lura instead of Luva.

Lewis Green an adjoining property owner spoke in support of this application and stated that he intends to file an application in the future.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

4. APD #97-7--Sycamore Farm Dairy, Inc., Carlton Wells & Sons, Inc., and James Carlton & Betsy M. Wells

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Broadkill Hundred for nine (9) parcels of land totalling 701.04 acres more or less, located south of Road 235A, east of Route 5, and both sides of Route 16 for the purpose of a recommendation to the Delaware Agricultural

Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

5. APD #97-8--J.C. Wells & Sons, L.P., James C. Wells, Jr., J. Dawn Wells, Mark J. Wells and Michael Lankford

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Cedar Creek Hundred for two (2) parcels of land totalling 574.27 acres more or less, located southeast of Road 224 and on both sides of Road 38 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

6. APD #97-9--J.C. Wells & Sons, L.P., James C. Wells, Jr., Michael Lankford, J. Dawn Wells, Mark J. Wells, Fred A. Bennett II & III, Partnership, and Bennett Farms, Inc.

Fred Bennett, III was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Cedar Creek Hundred for two (2) parcels of land totalling 258.21 acres more or less, located south of Road 215, across from Road 214, and across from Road 637 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Mr. Bennett advised the Commission that they want to keep their land as farmland.

William Kittrell questioned what is the purpose of Agricultural Preservation Districts, questioned what is grown on the site, and raised questions about the City of Rehoboth dumping waste on the site.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

7. APD #97-10--William W. & Ellen Ann Vanderwende

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Northwest Fork Hundred for five (5) parcels of land totalling 378.09 acres more or less, located on both sides of Route 404, and east of Road 569 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

8. APD #97-11--William & Ellen Ann Vanderwende

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Northwest Fork Hundred for one (1) parcel of land totalling 311.51 acres more or less, located on both sides of Road 32, east of Road 580, and northeast of Route 404 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

9. APD #97-12--Kruger Farms, Inc.

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Dagsboro and Nanticoke Hundreds for eight (8) parcels of land totalling 1,045.00 acres more or less, located southeast of Route 9, and on both sides of Road 62 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

10. APD #97-13--Kruger Farms, Inc.

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred for two (2) parcels of land totalling 334.00 acres more or less, located northwest of Road 321 and 500 feet northeast of Road 322 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Blackie Nygood an adjoining property owner spoke in support of this application stating that it is wonderful that people want to preserve farmland.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

11. APD #97-14--Kruger Farms, Inc.

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred for five (5) parcels of land totalling 458.35 acres more or less, located southeast of Road 484, northeast of Road 46, and west of Road 484 for the purpose of a recommendation to the Delaware Agricultural

Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

12. APD #97-15--Harry Isaacs, Sr.

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Cedar Creek Hundred for three (3) parcels of land totalling 393.19 acres more or less, located on both sides of Road 38 and east of Route 30 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

13. APD #97-16--Harry H. Isaacs, Sr.

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Cedar Creek Hundred for two (2) parcels of land totalling 588.00 acres more or less, located on both sides of Route 16, and north of Road 238 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

14. APD #97-17--Harry H. Isaacs, Sr.

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Cedar Creek Hundred for eight (8) parcels of land totalling 440.86 acres more or less, located on both sides of Route 30, and both sides of Road 231 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Delaware Agricultural Lands Preservation Foundation Agricultural Preservation District Report for this application.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

III. OTHER BUSINESS

1. Bethany Dunes Golf Club

Hal Hathaway was present as the Commission reviewed a site plan for an eighteen (18) hole golf course on the south side of Road 84 near Ocean View.

Mr. Abbott advised the Commission that the golf course is a permitted use in the AR-1 Agricultural Residential Zoning District, that all setbacks and parking requirements have been met, and that as of this date, the staff has not received any agency approvals or permits.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the site plan as a preliminary.

2. Dyer, McCrea Ventures, L.L.C.

Mr. Abbott advised the Commission that this was removed from the agenda on March 19, 1997 at the developer's request.

3. Ross L. Mitchell

Ross Mitchell was present as the Commission reviewed a concept to create a 52.00 acre parcel with access from a fifty foot right of way on the west side of Road 30, southeast of Route 18.

Mr. Mitchell advised the Commission that he has been trying to sell a 52.00 acre parcel since last year, that the moratorium has not allowed him to do so, that the property has access from a fifty foot right of way that has been there for over thirty

years, and that the proposed buyer is going to keep farming the land.

Kenneth Arnie advised the Commission that he is the purchaser of the property, that the bank has approved his financing and given him two extensions, and that he is going to keep farming the property.

Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to approve the 52.00 acre parcel and fifty foot right of way as a concept.

4. John Salovich

The Commission reviewed a setback variance from the 404 wetlands line for lot 250 in the Salt Pond Development.

Mr. Abbott advised the Commission that the developers agreed to a ten foot setback from the wetlands line in obtaining approval for this development, that the owner of lot 250 would like to enlarge his existing deck using the 404 wetlands line as the building restriction line.

Mr. Abbott advised the Commission that the staff has received a letter of no objection from the developers of the Salt Pond.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the setback waiver from the 404 wetlands line.

Meeting adjourned at 8:35 P.M.