

MINUTES OF THE REGULAR MEETING OF APRIL 13, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 13, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:30 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Hastings, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to adopt the agenda as amended by deleting the Albert J. Bierman tower site.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the minutes of March 16, 2000 as circulated.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to approve the minutes of March 23, 2000 as corrected.

Mr. Schrader explained how the meeting would be conducted.

IV. PUBLIC HEARINGS

C/U #1331 -- application of GENE M. SMITH, SR. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a used car sales facility to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 1.28 acres, more or less, lying south of Route 404, 870 feet southeast of Road 569.

Mr. Lank presented copies of the survey of the property to the Commission.

The Commission found, based on comments received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found that Gene M. Smith, Sr., was present and stated in his presentation and in response to questions raised by the Commission that he proposes a used car sales facility; that he lives on the site; that he is getting ready to retire and likes to tinker with automobiles; that vehicles may be displayed out front or to the rear; that no more than six vehicles will be displayed at any one time; that he has an existing unlighted sign; that he has no plans to enlarge the sign; that business hours will be from 8:00 A.M. to 5:00 P.M. Monday through Saturday; that the display area will not be lighted; that he has no objection to the installation of "No Parking" signs along his road frontage of Route 404; that he will create a turn around for customers, so that they do not back out onto Route 404; that he will do some repair work on his personal vehicles and vehicles for sale; that he will not do repair work on vehicles owned by others; and that he recycles

all materials at the transfer station.

The Commission found that no parties appeared in opposition to this 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 by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since other commercial and business uses exists in close proximity and with the following stipulations:

- 1) The site plan submitted to the Planning and Zoning Commission shall reflect an area for off-street parking and a turn-around.
- 2) A directional sign, with an arrow to the parking, shall be placed at the entrance to the site.
- 3) "No Parking" signs shall be placed along the property frontage along Route 404.
- 4) Business hours shall be from 8:00 A.M. to 5:00 P.M. Monday through Saturday, with no Sunday hours.
- 5) Security lighting, if installed, shall be directed toward the property, so as not to impact neighboring properties and travelling motorist.
- 6) The maximum number of vehicles to be displayed for sale shall be six (6) at any one time. No other vehicles shall be stored on the site, except for personal vehicles.
- 7) There shall be no repair work performed on any vehicles, other than personal vehicles and vehicles for sale.
- 8) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

C/U #1332 -- application of FRED AND SARAH DECUSATIS to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structure (4 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 14,997 square feet, more or less, lying west of Bayard Street, 135 feet south of Andrew Avenue.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the Dewey Beach Water and Sanitary Sewer Districts; that the existing structure is connected to central water and sewer and must be disconnected if it is to be removed; that there are two 6-inch sewer laterals available to serve the proposed number of units; that there is only one water service; that for additional water service it will be necessary that County Utility Construction be

contacted; that there will be connection charges due for any increase in the EDU assessment of the property due to new construction; and that system connection charge rates are \$2,159.00 for sewer and \$600.00 for water for the period July 1, 1999 to June 30, 2000.

The Commission found that a letter of opposition was received from Harry and Harriet Bicksler.

The Commission found that Tim Willard, Attorney, Fred and Sarah Decusatis, and Bruce Vavala, Realtor, were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that they propose four (4) townhouse units; that the existing structure has three (3) rental units and a basement unit that has been rented in the past; that the building needs repairs; that the area is zoned for single-family residential, but has several multi-family structures in the area; that a parcel just south of the site was approved for a Conditional Use for a duplex and referenced C/U #1136; that central water and sewer are available from the County systems; that the proposed entrance will improve access; that 25' wide driveways will be created; that police protection comes from State Police Troop 7; that fire protection comes from the Rehoboth Volunteer Fire Department; that the use will enhance the area due to the proposed improvements of a new structure; that the use is consistent with the 1997 Comprehensive Plan since it is located in a Development District and in close proximity to an incorporated town, Dewey Beach; that the site is not a part of Ann Acres Subdivision; that the units are intended to be sold, not rented; that the units will be at least 2-story with some parking below; and that the contract of sale for the property has a contingency for four (4) units.

The Commission found that Mr. Willard presented a copy of the tax map for the area depicting the site and C/U #1136; five (5) photographs of the site; and a support letter from the Mayor of the Town of Dewey Beach.

The Commission found that Glenn Coleman, an adjacent landowner to the north, was present and stated that the site is presently rented for approximately 12 weeks of the Summer; that too many people occupy the units; that as many as 30 vehicles have been parked at the site at any one time; that he hopes that the type of tenants will improve; and that he supports any improvements made to the property.

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. Lynch, seconded by Mr. Johnson, and carried with 3 votes, with Mr. Allen and Mr. Hastings opposed to the motion, to forward this application to the Sussex

County Council with the recommendation that it be approved with the stipulation that the site plan be subject to review and approval of the Planning and Zoning Commission.

C/Z #1402 -- application of BLENHEIM LANDS L.L.C. to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying northeast of Route One, 1,000 feet north of Road 283, to be located on 106.68 acres, more or less.

The Commission found, based on comments received from DelDOT, dated July 20, 1999 and April 6, 2000, that the Department understands that the County is concerned about the number of trips that would be generated by the proposed development, relative to those that would be generated by the development already approved for the same site; that the Department has additional data supporting the trip generation rates used in the traffic impact study; that with appropriate deed restrictions, the Department believes that the County can be confident that the proposed development would generate fewer trips than what has already been approved; that the Department understands that there may be some questions as to the status of the Department's Route 1 Grid Study; that the study is still active; that the Department understands that the proposed connection between the proposed development and Melson Road is strongly opposed by the residents of Midway Park; that the Department still recommends that connection, but the Department does not view it as essential to the project; that the Department feels that the County should consider approving the application; that while the Department does not want to encourage further development on Route 1, in the Department's view the proposed development would be an improvement over what the County has already approved for the subject property.

The Commission found, based on comments received from the County Engineering Department, that the site is in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that there is adequate wastewater transmission capacity for the project; that the project will be responsible for system connection charges; that the current system connection charge rate for the period July 1, 1999 to June 30, 2000 is \$2,954.00/EDU; that there are currently no credits for system connection charges for the property; and that it will be the responsibility of the developer to install all wastewater facilities for the project in accordance with County standards and procedures.

The Commission found that a petition with 24 signatures in opposition had been received.

The Commission found that 10 letters of opposition had been received.

The Commission found that Joseph T. Conaway was present on behalf of the application and submitted a copy of the Brochure submitted with the original application that proposed 179 single-family lots and 95 townhomes, for a total of 274 units, and a copy of a Brochure for this application which proposes a total of 256 clustered single-family detached homes and townhouses.

The Commission found that Mr. Conaway stated in his presentation and in response to questions raised by the Commission that the revised plan includes a reduction in density, increased open space, additional outdoor and indoor amenities, enhanced environmental sensitivity, updated DelDOT approval based on traffic data for age-restricted communities, the elimination of traffic disturbance to Midway Park, and a bike/walkway link to near-by commercial/retail; that originally the site was subdivided into 133 one-half acre lots and contained a stub road connector to the streets in Midway Park; that after the Commission recommended denial of the original application, the developer met with County staff, some of the residents of Dove Knoll, and DelDOT representatives; that when meeting with the DelDOT representatives, they found that the Grid Study road was voluntary; that the developers have eliminated the road connection to Midway Park and replaced it with a bike/pedestrian link; and that the developers have no intent to create a street connection to Dove Knoll.

The Commission found that Jeff Clark of LandTech, Inc. was present and described the topographic map, which depicts some wetlands on the site; that Federal jurisdictional wetlands are at elevation 8' and 9'; that uplands are at elevation 21' to 26"; that the developers propose to develop 172 single-family lots and 84 townhomes; that the site, if rezoned MR, could be developed with 256 single-family lots of 10,000 square feet each; that the access to the site from Route 1 has a width of 80'; that a pedestrian/bike path is designed to connect to the north property line and to the south property line at Midway Park; that the site is surrounded by a Condominium/Apartment complex and golf course to the north, commercial with a hotel under-construction to the west, and a mobile home community, residential subdivision, and commercial shopping center to the south; that the project will have views of the golf course to the north and natural areas to the east; that the site will contain 39 acres of open space; that 25 acres of open space will remain if the wetlands are taken out of the calculation; that no construction is proposed in wetlands; that a non-tidal crossing is proposed where an existing pipe crossing already exists; that sidewalks will link the project to Route 1; that a wet pond is proposed to be created at end of the wetlands area; that the amenity area has been tripled in size over the original submittal; and that the 5' paved pedestrian/bike link will be provided where required by DelDOT.

The Commission found that Mr. Conaway added that the new application was forwarded to the State under the LUPA process and that no comments have been received; that DelDOT voices support of the application; that the project will have central sewer

through the West Rehoboth Expansion to the Dewey Beach Sanitary Sewer System; that capacity is available; that the project will generate \$700,000 in impact fees; that central water will be provided by Tidewater Utilities; that all wetlands have been delineated; that a minimum setback of 50' will be provided from State wetlands; that no historic site are known to be on the site, but that if one is found, it will be identified; that there should be no negative impact on property values; and that the project meets the development trends of the area.

The Commission found that Jay Sonecha, President of Blenheim Homes was present and stated that they have been developing residential communities since 1984; that they have projects in New Castle County, Sussex County, Cecil County, Maryland, and Del County, Pennsylvania; that they built 200 homes last year; that the company enjoys building special communities; that this project should be aesthetically pleasing; that the company employs a full-time land planner and landscape architect on staff; that the company has received many awards for their projects; that they have received the Community Award 5 of the last 6 years; that their vision for this project is an age restricted active community; that demographics indicate a need for housing for residents of 55 to 74 years of age; that the Population Consortium anticipates an 83% increase in this age category over the next 20 years; that the project generates a gross density of 2.4 homes per acre; that Midway Park generates a density of 5 homes per acre; that Fairway Village generates a density of 8+ homes per acre; that on-site amenities include a 5,000 square foot clubhouse with sauna, multi-media room, computer/library, crafts and hobby room, office, weight/exercise room, showers and kitchen, a pool and other outdoor activities; that bikepaths or sidewalks will be located on at least one side of each street; that a homeowners association will be established to take care of all yard maintenance, streets, etc...; that a service providers listing will be made available to all buyers for contact with plumbers, electricians, etc...; that at least one resident per household shall be 55 years old or older; that no children under 19 years shall be permanently living within a residence; that tenants shall be required to comply with the same age restrictions as an owner; and that the minimum rental time shall be one month, so that weekly rentals will not be an issue.

The Commission found that Greg Richardson of Traffic Planning and Design, Inc. was present and stated that more density does not mean more traffic if designed properly; that age restricted communities draw less trips than conventional subdivisions; that older adults in age-restricted communities typically are able to avoid traveling during weekend peak hours; that the on-site location of a community center and recreational facility, the adjoining availability of a public golf course and the nearby location of a large shopping area, all easily accessible by foot, bike or golf cart without the need for vehicular traffic on Route 1 will tend to attract homebuyers who do not need or expect to be locally employed; that in most cases children have moved away, causing a desire for a reduced home size and yard space; that older adults vacation more often and travel to warmer

climates; that the amenity package offers socialization, recreation, health and fitness which helps keep residents close to home; that mass transit connection will be available at Route 1; and that on an average, as age increases, the need to travel decreases.

The Commission found that Mr. Conaway added that there should be no negative impact on the school district since there will be no school aged children living full-time on the site; that the project conforms to the 1997 Comprehensive Plan and the 1988 Coastal Sussex Land Use Plan, and the purpose of the Comprehensive Zoning Ordinance; that no commercial uses are intended; that commercial use of this site would be out of character; and that they may request a transit stop at the clubhouse.

The Commission found that Mr. Conaway submitted proposed conditions for approval of the application, which included: 1) The maximum number of residential units shall not exceed 256 comprised as follows: 172 single family detached lots, and 84 townhouse lots; 2) The RPC shall be served as part of the Sussex County Sewer System, and is part of the West Rehoboth Wastewater Facility; 3) The RPC shall be served by a water company providing for consumption and fire protection per applicable regulations and approvals of DNREC, the State Fire Marshal and the Public Service Commission; 4) All entrance, intersection and roadway improvements required by DelDOT, as set forth in DelDOT's letters dated April 6, 2000 and July 20, 1999, shall be completed by the applicant; 5) Site plan for each phase of the development shall be reviewed and approved by the Sussex County Planning and Zoning Commission; 6) Applicant will provide the following recreational facilities: Approximately 5,000 square feet Recreation Building/Clubhouse with an exercise room, sauna, multi-media studio, library-computer center, craft-hobby room, meeting-general purpose room, kitchen facility, and homeowner association office; tennis court, outdoor swimming pool, bocci court, badminton court, croquet court, horseshoes, and off-street parking; 7) Sidewalk and/or bikeway will be constructed along at least one side of each street in the community; 8) Applicant will limit through deed restrictions the type of residential use of this property to age-restricted community. The actual language will comply with the Fair Housing Act, will extend to renters, will prohibit rentals of less than one month, and in form and substance will carry out the applicant's representations to the reasonable satisfaction of the County Attorney; 9) If this plan is approved, recorded and built, applicant will not make a vehicular connection to Midway Park, but will allow for only a pedestrian/bicycle connection to E. Isaacs Drive; 10) Applicant will not initiate a vehicular connection to Melson Drive through Dove Knoll, but will cooperate with DelDOT if that agency desires to use Bay Crossing as a link with it's SR-1 Grid Concept; 11) Prior to recording the plan for any phase, applicant will submit a landscape plan, prepared by a registered landscape architect.

The Commission found that Ronald Ray of Dove Knoll spoke in opposition to the interconnection of Melson Road and streets within Dove Knoll to a proposed Route 1 Grid Study Road.

The Commission found that Mr. Conaway responded that the applicant does not want to go through Dove Knoll and has no objection to removal of the note on the plat referencing the Grid Road.

The Commission found that Billy Hammond of Dove Knoll also opposed the note, and stated that he purchased his lot in Dove Knoll as recorded, not with a through road, and that buyers had to help pay for the street system.

The Commission found that Mable Granke, on behalf of the Citizens Coalition, submitted and read comments, referencing the Grid Study, the density, and the interconnection, and added that the application request a density that should not be granted because of cumulative impact in the area with regard to public safety and the creation of a gridlock situation because of stated Level Of Service F conditions at critical intersections; that the Citizens Coalition recommends that the application be denied as presented and the existing zone of AR-1 be sustained as the base zone with the potential of an RPC overlay.

The Commission found that Mike Tyler, President of the Citizens Coalition, questioned the age restrictions; stated that there is no need for additional congestion on Route 1; that traffic is a major concern; and requested denial of the application.

The Commission found that Richard Deskis, Executive Chairman of Dove Knoll, stated that traffic is a problem; that the biggest problem is DelDOT; that residents of Dove Knoll oppose a street connection to Dove Knoll streets; that the Grid Study map shows a road going behind Carpenter's Crossing, not through Dove Knoll; and that residents of Midway Park oppose the bike/pedestrian path connecting to streets within Midway Park.

The Commission found that Margaret Deskis requested that the site plan be revised to note that "No vehicles be permitted on the bike/pedestrian path".

The Commission found that comments were received from Richard H. Anthony, Secretary of the Southern Delaware Group of the Delaware Chapter, Sierra Club's Executive Committee referencing that the proposal fails to conform to the parameters of the 1997 Comprehensive Plan; that the Group supports the position of the residents of Dove Knoll and Midway Park, the Citizens Coalition and other opponents of the proposal and request denial of the application.

The Commission found that Al Serango of Midway Park stated that the bike/pedestrian connection to Midway Park should be eliminated since people will travel the path at all hours of the night to and from the shopping center.

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

ORDINANCE AMENDMENT -- an Ordinance to amend Chapter 115 of the Code of Sussex County in order to clarify the off-street parking requirements for apartments.

Mr. Lank read the Ordinance and synopsis, and advised the Commission that developers have questioned the need for 3 spaces for apartments, since most tenants do not have three vehicles.

The Commission found that Ross Harris of E.C.I. was present in support of the Ordinance and stated that the changes are appropriate; that three spaces increase impervious surfaces; that three spaces should be adequate for multi-family projects; and that the number of spaces should be site specific.

The Commission found that Ken Christenbury of Design Consultants agreed with Mr. Harris.

The Commission found that Preston Schell was present in support of the Ordinance and stated that parking requirements should relate to the size of the units (square footage) or number of bedrooms.

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

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

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

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

V. OLD BUSINESS

C/Z #1399 -- application of JAMES R. AND JUDY R. POWELL to consider a proposal 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 Baltimore Hundred, Sussex County, land lying at the northeast corner of the intersection of Route 17 and Road 365, to be located on 1.50 acres, more or less.

The Chairman referred back to this application, deferred on March 23, 2000.

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

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the site is in a Development District; since the buildings already exists on the site; and since the owners propose to retrofit an existing commercial structure that has a history of commercial uses.

Subdivision #2000-5--application of OAK CREST FARMS, INC. to consider the Subdivision of land in a MR Medium Density Residential Zoning District in Indian River Hundred, by dividing 96.57 acres into 177 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located east of Road 285, 310 feet north of Road 286.

The Chairman referred back to this application which was deferred at the March 23, 2000 meeting.

Mr. Abbott advised the Commission that this application was deferred pending receipt of a septic feasibility statement from DNREC; and that the statement has been received and that the site is feasible provided a community system is utilized as proposed.

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

C/Z #1393 -- application of CMF BAYSIDE, L.L.C. to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, lying on both sides of Route 54, both sides of Route 20, northeast of Road 394, northeast of Road 394A, and northeast of Road 395, to be located on 887.03 acres, more or less.

The Chairman referred back to this application which has been deferred since March 16, 2000.

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

Mr. Lynch submitted written conditions and requested Mr. Lank to read the conditions into the record.

Mr. Lank read the following proposed conditions:

- 1) The maximum number of residential units shall not exceed 2200.
- 2) Applicant shall make the decision on reduction of residential units. No reduction to the 104 assisted living units.
- 3) The maximum square footage of retail/office space shall be 220,000 square feet. The medical facility shall be developed.
- 4) Residential building permits shall be limited to 300 permits (cumulative) per year.
- 5) Site plan review for each phase of the development shall be reviewed and approved by the Sussex County Planning and Zoning Commission.
- 6) All entrance, intersections and roadway improvements required by DelDOT shall be completed by the applicant in accordance with any further modification required by DelDOT, once 300 permits have been issued.
- 7) Applicant will establish a 60' highway corridor overlay zone setback along the property fronting Route 54.
- 8) Recreational facilities, i.e. golf, tennis courts, swimming pools, etc...shall be constructed to coincide with the construction phasing schedule and subject to review and approval by the Sussex County Planning and Zoning Commission.
- 9) The RPC shall be served by Sussex County South Coastal Regional Wastewater Facility per Sussex County Engineering Department regulations and specifications.
- 10) The RPC shall be served by a central water system providing drinking water and fire protection per applicable regulations and approval of DNREC, the State Fire Marshal's Office, the Public Service Commission, and Public Health.
- 11) Stormwater management, erosion and sediment control shall equal or exceed all applicable State and County regulations.
- 12) Applicant shall establish a 100' buffer setback between golf course and wetlands bordering Drum Creek, Roy Creek, and Little Assawoman Bay.
- 13) Applicant shall establish "best management practices" in regards to golf course maintenance.

- 14) Applicant shall coordinate with the Center for the Inland Bays, the development of a public Inland Bay Nature Trail and Observatory. (The 100' buffer setback from golf course and wetlands bordering the two creeks and the Bay may be utilized).
- 15) State and Federal Wetlands shall be maintained as non-disturbance areas except for disturbance authorized by a valid Federal or State Permit.
- 16) Applicant shall provide, at no cost, a parcel of land appropriate for use by the Delaware State Police and a parcel of land appropriate for use by the Roxana Volunteer Fire Company when deemed appropriate by said organizations. The location and size of said parcels shall be as mutually agreed upon by the parties involved.
- 17) Applicant shall provide Shuttle Service to the residents of Americana Bayside, as needed, to the beaches for recreation and shopping. Applicant shall plan to educate and encourage use of this service in regards to decreasing traffic on Route 54.
- 18) Applicant shall provide adequate security for development.
 - A. 24-hour emergency center.
 - B. A number of Security Vehicles
 - C. Increase security personnel and vehicles as residential occupancy permits are issued.
- 19) Applicant shall coordinate with the State and County emergency planning offices in developing and implementing an emergency evacuation procedure for the development, which shall be incorporated into the restrictions of the development and may require early mandatory evacuation, if required by said offices.
- 20) The RPC shall not contain a marina, individual boat docking facilities, or boat launching facilities other than a community water taxi service facility. Non-motorized water craft shall be permitted at the boat launching facility of the community water taxi service.
- 21) No site preparation, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

Motion by Mr. Lynch, 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 above referenced 21 stipulations.

VI. OTHER BUSINESS

Gull's Way Trailer Sales, Inc.
C/U #1318 Site Plan - Route 26

The Commission reviewed the site plan for phase 1 for Conditional Use No. 1318 for a trailer sales lot and expansion to an existing campground located on Route 26 east of Dagsboro.

Mr. Abbott advised the Commission that phase 1 is for the trailer sales lot only; that an existing dwelling has been converted into a sales office; that 6-foot high chainlink fencing surrounds the sales lot; that 4 security lights are proposed; that 6 parking spaces for customers are provided; and that all necessary agency approvals have been received.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve phase 1 as a final.

Red Mill Village
Preliminary Commercial Site Plan - Route One

Preston Schell, developer, and Roger Gross, engineer, were present as the Commission reviewed a preliminary commercial site plan for a child-care facility located on the west side of Route One north of Red Mill Pond.

Mr. Abbott advised the Commission that the Sussex County Board of Adjustment granted a special use exception for this project on March 6, 2000; that the proposed building is a one story, 7,683 square foot building; that 24 parking spaces are required and that 29 are proposed; that 16 spaces are located within the front yard setback of 40-feet and that these spaces would need a waiver from the Commission; that ingress and egress to the site is from Best Lane, and not Route One; that the setbacks meet the requirements of the zoning code; and that the site plan is suitable for preliminary approval since the staff has not received any agency approvals.

Mr. Schell and Mr. Gross advised the Commission in their presentations and in response to questions raised by the Commission that the facility will be for children ranging from infants to 6 years old; that the parking located within the front yard setback will be for the employees and visitors; that the playground area is fenced in as required by State law; and that the parking in the front will have concrete parking curbs installed.

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

Fenwick Storage
Preliminary Commercial Site Plan - Route 54

The Commission reviewed a preliminary commercial site plan for office space and warehousing located off of Route 54 west of Fenwick Island.

Mr. Abbott advised the Commission that 9,600 square feet is proposed for office space; that 18,960 square feet is proposed for warehousing; that 48 parking spaces are required and provided; that the setbacks meet the requirements of the zoning code; that the project will be built in 5 phases; and that the site plan is suitable for preliminary approval only since no agency approvals have been received.

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

Oak Forest
2 parcels - Route 22

The Commission reviewed a concept to subdivide a parcel into 2 parcels located off of Route 22 (Long Neck Road).

Mr. Abbott advised the Commission that the 18.48 acre tract is an approved conditional use (#589) for a manufactured home park and campground; that the boundary of the park will be sold to a new purchaser; and that the remaining lands which are zoned C-1 General Commercial will be a separate lot; and questioned if the Commission will consider the boundary of the park as a separate lot; and that DelDOT has approved the plan for entrance locations.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the 2 parcels as a concept.

Happy Harry's Pharmacy
Revised Commercial Site Plan - Route One

Mike Zimmerman, developer, and Ken Christenbury, engineer, were present as the Commission reviewed a revised commercial site plan for a proposed motel located off of Route One south of Bethany Beach.

Mr. Abbott advised the Commission that Parcel B was approved by the Commission on August 26, 1999 for a pharmacy; that the site also had an area for multi-family units; that the Commission denied the multi-family units since it appeared that the site was being overdeveloped; that the developer proposed to build additional retail stores and needed a variance from the Board of Adjustment for a reduction in the required parking spaces; that the Board of Adjustment denied the developer's request for the variance; that the developer is now proposing an 8 unit motel; that the motel would be 2 stories with 1,600 square feet on each floor; that each unit is proposed to be 400 square feet; that the motel is adjacent to a 100 unit motel on an adjoining property; that the revised site plan meets the requirements of the zoning code; and that only preliminary approval should be considered since the staff has not received any agency approvals.

Mr. Zimmerman advised the Commission in his presentation and in response to questions raised by the Commission that the parking for the units would be underneath the motel; that the motel would be managed by Moore, Warfield and Glick Realtors; that the units would be for daily renters and not employees of the Happy Harry's Pharmacy; that he is not asking for any variances only what is permitted by the zoning code; and that he settles on the property within the next 2 weeks.

The Commission discussed the history of this project and referenced concerns about the site being over utilized and questioned why not make the area a green space or open space.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried 3 votes to 1 vote with Mr. Johnson opposed to the motion; and with Mr. Wheatley abstaining, to deny the site plan.

Mr. Zimmerman questioned if there is an appeal process available.

Mr. Schrader advised Mr. Zimmerman to contact him about the appeal process.

Subdivision #98-8--Ronald Hastings
Time Extension

The Commission reviewed a request for a one-year time extension for the preliminary approval for Rivers End Subdivision Phase 4 located east of Seaford.

Mr. Abbott advised the Commission that this 28-lot subdivision received preliminary approval on May 13, 1999; that this is the first request for a time extension; and that the request is due to delays in the design of the stormwater management and street designs.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve a one-year time extension.

Albert J. Bierman
150' Tower Site Plan - Road 431

This item was withdrawn from the agenda on April 4, 2000.

Morris L. Tatman and Stephen F. Tatman
150' Tower Site Plan - Road 575

The Commission reviewed a preliminary site plan for a 150' telecommunications tower and accessory buildings located on the east side of Road 575 near Bridgeville.

Mr. Abbott advised the Commission that the tower is 150-feet; that the leased area is 100' by 100'; that the fenced in area is 70' by 70'; that the fencing is 8' high; that the proposed equipment building is 12' by 20' by 12'; and that the setbacks meet the requirements of the zoning code.

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

Perdue AgriRecycle, L.L.C.
Discussion - Berm and Plantings - Route 13A

Mr. Abbott advised the Commission that the staff has received a letter from John A. Hughes, Director of the State of Delaware DNREC, Division of Soil and Water Conservation, requesting that Perdue AgriRecycle, LLC be able to plant the required plantings on the berms after September 15, 2000 due to the fact that the plantings may not survive possible drought conditions in the summer months.

The Commission discussed the conditions of approval for this application.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Hastings abstaining, to approve the proposed modifications referenced in Mr. Hughes' letter.

The Woods at Seaside
GR/RPC Preliminary Site Plan - Road 270-A

Ross Harris, engineer, and Michael Sortini of Robino Associates were present as the Commission reviewed the preliminary site plan for the 80-lot residential planned community located off of Route One near Rehoboth Beach.

Mr. Abbott advised the Commission that the plan is the same as what was submitted for the public hearing; that the project will be built in 2 phases; that phase 1 will be for lots 1 through 35 and phase 2 will be for lots 45 through 80 and the community center; and that all agency approvals are required.

Mr. Harris advised the Commission that all approvals will be submitted; that the streets will be private built to Sussex County specifications; that sewer will be connected to Sussex County's system; that central water will be provided by Tidewater Utilities; that they are in the process of re-establishing all agency approvals; that lots 1, 20, 24, and 59 through 61 will maintain the 50-foot buffer from Beaverdam; and that silt fencing will be installed so as to not disturb the wetlands.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried 4 votes to 1, with Mr. Hastings opposed to the motion, to approve the site plan as a preliminary.

Joseph C. O'Neal Auction
C/U #1308 Site Plan - Route 24

Roger Gross, engineer, was present as the Commission reviewed the preliminary site plan for Conditional Use No. 1308 for an auction building located off of Route 24 east of Laurel.

Mr. Abbott advised the Commission that the plan proposes 3,600 square foot office attached to a 9,720 square foot auction building; that the building is proposed to be one story; that 8' high chainlink fencing is proposed; that the parking area will be 4" crusher run and exceeds the 2" minimum required; and that 120 parking spaces are proposed.

Mr. Gross advised the Commission that DelDOT would not allow an entrance onto U.S. Route 13 and since they would not allow one, he did not think the emergency entrance would be required however, the revised final site plan will reference the location of the emergency gate off of U.S. Route 13.

Motion by Mr. Hastings, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to review and approval by the Commission upon receipt of all required agency approvals as stipulated in Conditional Use No. 1308.

Meeting adjourned at 11:45 P.M.