

MINUTES OF THE REGULAR MEETING OF MAY 14, 1992

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 14, 1992, at 7:30 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Magee, Mr. Ralph, Mr. Smith, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner I.

PUBLIC HEARINGS

1. RE: C/U #1000 -- Kenneth Cordrey

Kenneth Cordrey was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for a Private Air Strip lying on the east side of Route 68, 1,600 feet south of Route 454A and to be located on a parcel containing 12.75 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Kenneth Cordrey stated that his intent for the airstrip is to operate the site as a base for his aerial application (crop dusting) business, that the air strip shall not be lighted, that he does not intend to have fly-ins, that east to west flights are intended for take-offs and landing, that some poultry farms exist within 1/4 mile of the site, that typically the aerial application business will be seasonally operated, that high tension electrical lines exist north of the site, that presently the aircraft utilized for the business is a Cessna 188 Ag-Wagon, that fuel will be stored on site, that he has no intent to rent space for parking aircraft, that no adverse impact is anticipated on the neighborhood or property values, that he has no objection to a restriction to his personal use or a restriction to no tie-downs for rental spaces, that the maximum number of planes to be utilized by the business shall be three (3), that a 50' by 80' hangar and implementation shed is proposed, that a 30' by 50' concrete pad is proposed for a loading space for agricultural chemicals, and that the air strip will remain as a grass strip.

Carroll Cordrey was present in support of this application.

No parties were present in opposition.

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.

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

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped as Woodstown sandy loam, Fallsington sandy loam, Elkton sandy loam, and Kenansville loamy sand, that the suitability of the Kenansville soils for the intended use may have none to slight limitations, that the Woodstown soils may have moderate limitations, that the Fallsington and Elkton soils may have severe limitations due to wetness if not adequately drained, that the evaluation of the soils with respect to erosion and sedimentation control may require the applicant to follow an Erosion and Sedimentation Control plan during construction and to maintain a vegetative cover after completion of any construction, that the farmland rating of the soil types are Prime, that no storm flood hazard area is affected, that it may not be necessary for any off-site drainage improvements, that it may be necessary for some on-site drainage improvements, and that the Ward-Cordrey Tax Ditch adjoins with a 16.5 foot maintenance right-of-way.

The Commission found that the applicant was present and plans to utilize the site for an airstrip to operate a base for his aerial application (crop dusting) business, that the airstrip shall not be lighted, that fly-ins are not proposed, that east/west flights are intended for take-offs and landings, that some poultry farms exist within 1/4 mile of the site, that the aerial application business will be operated seasonally, that high tension electrical lines exist north of the site, that presently the aircraft utilized for the business is a Cessna 188 Ag-Wagon, that fuel will be stored on site, that he has no intent to rent space for parking aircraft for others, that no adverse impact is anticipated on the neighborhood or property values, that he has no objection to a restriction to his intended use or a restriction to no tie-downs for rental spaces, that the maximum number of planes to be utilized by the business shall be three (3), that a 50' by 80' hangar and implementation shed is proposed, that a 30' by 50' concrete pad is proposed for a loading space for agricultural chemicals, and that the airstrip will remain as a grass strip.

The Commission found that no one was present in opposition.

Motion by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the area is predominantly farmland, since the use is agricultural oriented, since the electrical power transmission line is a substantial distance from the intended air strip, and with the consensus that there is no need to place restrictions on the use.

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2. RE: C/U #1001 -- Joan Lapp

Joan Lapp was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for an Accessory Use to a Dwelling for Retail Sales of Crafts and General Gifts lying on the east side of Route 13A, 0.3 mile north of Route 470 and to be located on a parcel containing 9.22 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mrs. Lapp stated that she intends to utilize approximately one (1) acre for growing plants and for a commercial greenhouse, that retail sales of gifts and crafts are proposed to be conducted on the front porch and within the living room of the dwelling, that she and her husband plan to reside in the remaining portion of the house, that the gifts and craft items may include lampshades, curtains and drapes, laces and ribbon, floral arrangements, handmade craft items, woodworking items and furniture, and that no adverse impact is anticipated on the neighborhood or property values.

No parties were present in opposition.

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.

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

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped as Evesboro loamy sand, Woodstown sandy loam, and Fallsington sandy loam, that the suitability of the Evesboro soils for the intended use may have slight limitations, that the Woodstown soils may have moderate limitations, that the Fallsington soils may have severe limitations due to wetness if not adequately drained, that the evaluation of the soils with respect to erosion and sedimentation control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction, that farmland ratings of the soils vary from Prime to Statewide Importance, that no storm flood hazard area or tax ditch is affected, that off-site drainage improvements may not be required, and that on-site drainage improvements may be required.

The Commission found that the applicant was present and plans to utilize the site for a craft and general gift shop and for a commercial greenhouse and retail sales of plants and nursery stock, that retail sales of gifts and crafts will be conducted from the front porch and living room of the existing dwelling, that the plant sales shall be conducted from an existing storage building on the premises, that the applicant and her husband will reside in the remaining portion of the dwelling, that gifts and craft items may include lampshades, curtains and drapes, laces and ribbons, floral arrangements, handmade craft items, woodworking items and furniture, that no adverse impact is anticipated on the neighborhood or property values.

The Commission found that no one was present in opposition.

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

3. RE: C/Z #1161 -- Anna Lee Gray

Anna Lee Gray and Ron Gray were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Baltimore Hundred, located on the north side of Route 54, across from Salty Way Drive within Keenwik West Development to be located on a parcel containing 6.5 acres more or less.

Mr. Magee abstained from participating in the public hearing.

Mr. Lank summarized comments received from the Indian River School District, the Sussex Conservation District, and DelDOT.

Mrs. Gray stated that she has lived on Route 54 for more than 50 years, that the original building was built in 1945 as a feed store, and that the building has been used continuously for miscellaneous commercial uses.

Ron Gray stated that they shall conform to the recommendations made by DelDOT, that the site has been used for a hardware, an office for the manufactured home park owned by the applicant, crafts, an upholstery shop, a plumbing business, a furniture business, and warehousing, that they are requesting conforming zoning for the existing use of the premises and for rezoning to permit a car/boat wash facility and future mini storage, that they have met with the County Engineering Department and found that approximately 2/3 of the site is within the Fenwick Island Sanitary Sewer District, that they propose to apply for an extension to the District for the 1/3 outside of the District, that a private well is proposed to serve the car/boat wash facility, that the facility

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will be equipped with a recycling system for water, that the recycling system will reduce water usage from approximately 2,160 gallons per day to 400 gallons per day, that they will comply with all agency regulations, that an existing sewer lateral to the Fenwick Island Sanitary Sewer District exist within 100 feet of the site, that the car/boat wash will be operational year round 24 hours a day unless it becomes necessary to restrict the hours, that no adverse impact is anticipated on the neighborhood or property values, and that B-1 Neighborhood Business and C-1 General Commercial Districts exist in close proximity.

No one was present in opposition.

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.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposal will have a significant impact on the District.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped as Fallsington sandy loam, Woodstown sandy loam, and Rumford loamy sand, that the suitability of the Rumford soils for the intended use may have slight limitations, that the Woodstown soils may have slight to moderate limitations, that the Fallsington soils may have severe limitations due to wetness if not adequately drained, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction, that the farmland rating of the soils vary from Prime to Statewide Importance, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any off-site drainage improvements, and that it may be necessary for some on-site drainage improvements.

The Commission found, based on comments received from DelDOT, that in June 1991 a traffic impact study was recommended, and that in January 1992 a preliminary assessment of the traffic impact was submitted and that the Department found that the acreage proposed had been reduced and that the applicant plans to build a car/boat wash facility in addition to the existing commercial uses, that at present this segment of Route 54 operates below the minimum acceptable Level of Service "D" during peak hours, that DelDOT currently has no plans to make construction improvements to this road segment, that the Department anticipates a future need to

widen the right of way, that the applicants should perform the following to address the Departments concerns:

1. Layout the site such that all pavement and structures are set back a minimum of 35 feet from the existing right-of-way. The setback shown on the original plan was not sufficient.
2. Establish a left turn lane on Route 54 for vehicles entering the site from the eastbound direction.
3. Establish a right turn lane on Route 54 for vehicles entering the site from the westbound direction.

that these improvements may require a substantial widening of the pavement of Route 54, that this project will quantitatively diminish traffic service in this area, that this project will not qualitatively decrease the Level of Service of Route 54 once these improvements are made, that DelDOT agrees to waive the Traffic Impact Study requirement if the applicant agrees to perform the improvements requested and the Department reserves the right to request a Traffic Impact Study during the plan review process.

The Commission found that the application was represented by the applicant and her son, that the applicant has lived on Route 54 for more than 50 years, that the original building on premise was built in 1945 as a feed store, that the building has been used continuously for miscellaneous commercial uses including a hardware, an office for the manufactured home park owned by the applicant, crafts, an upholstery shop, a plumbing business, a furniture business and warehousing, that they shall conform to the recommendations made by DelDOT, that they are requesting conforming zoning for the existing use of the premises and for rezoning to permit a car/boat wash facility and future mini storage warehousing, that they have met with the County Engineering Department and found that approximately 2/3 of the site is within the Fenwick Island Sanitary Sewer District, that they propose to apply for an extension to the District for the 1/3 outside of the District, that a private well is proposed to serve the car/boat wash facility, that the facility will be equipped with a recycling system for water, that the recycling system will reduce water usage from approximately 2,160 gallons per day to 400 gallons per day, that they will comply with all agency regulations, that an existing sewer lateral to the Fenwick Island Sanitary Sewer District exist within 100 feet of the site, that the car/boat wash facility will be operational year round 24 hours a day unless it becomes necessary to restrict the hours, that no adverse impact is anticipated on the neighborhood or property values, and that B-1 Neighborhood Business and C-1 General Commercial Districts exist in close proximity.

The Commission found that no one was present in opposition.

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Motion by Mr. Ralph, seconded by Mr. Smith, and carried 3 votes to 0, with Mr. Magee abstaining, to forward this application to the Sussex County Council with the recommendation that it be approved since commercial activities have existed on the site since 1945.

4. RE: C/Z #1162 -- Byron H. & Deborah D. Jefferson

Byron H. Jefferson was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Cedar Creek Hundred, located on the east side of Route 38, 438 feet south of Route 224 to be located on a parcel containing 1.0 acre more or less.

Mr. Allen abstained from participating in the public hearing.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Jefferson stated that the parcel adjoins an existing B-1 Neighborhood Business District where he presently operates his septic design business from a manufactured home, that he proposes to build an office building on the site to replace the existing manufactured home adjoining, that adequate space is available for parking, that the business is operational year round 5 days per week with hours from 8:00 AM to 4:00 PM, and that no adverse impact is anticipated on property values or the neighborhood..

No parties were present in opposition.

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.

The Commission found, based on comments received from DelDOT, that a Traffic Impact Study was not recommended and that the Level of Service "A" of Route 38 may increase to Level of Service "B" if the site is ever developed at an equivalent in per acre trip generation to Discount Shopping.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped as Rumford loamy sand, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils in respect to erosion and sedimentation control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction,

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that the farmland rating of the soils are of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that no one was present in opposition.

Motion by Mr. Ralph, seconded by Mr. Smith, and carried 3 votes to 0, with Mr. Allen abstaining, to forward this application to the Sussex County Council with the recommendation that it be approved since the rezoning is an expansion of an existing B-1 Neighborhood Business District and an expansion of an existing business use.

5. RE: C/Z #1163 -- Wheatley Farms, Inc.

Dale Wheatley and Wayne Akin, partners, and David Rutt, Esquire, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Nanticoke Hundred, located on the northwest corner of Route 545 and Route 594 to be located on a parcel containing 80.23 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Office of the Secretary for the State DNREC for the purpose of Land Use Review and Coordination, the DNREC Division of Fish and Wildlife, the DNREC Division of Water Resources Underground Discharges Branch, Pollution Control Branch, and the Wetlands and Aquatic Protection Branch, the Sussex Conservation District, the Division of Public Health, The Department of Agriculture's Division of Resource Management, and the Office of the State Fire Marshal.

Mr. Rutt stated that the applicants are requesting rezoning to GR General Residential for the purpose of creating a subdivision that will permit either homes or manufactured homes, that the subdivision layout submitted is not a formal layout only a concept, that a central water system is proposed, that the application site is a part of a larger acreage parcel, that the residual acreage of the parcel contains low land and wetlands, and that no wetlands exist on the application site.

Mr. Akin stated that they are preserving wetlands by not proposing to develop the area which contains wetlands, that a portion of the tract is non-productive farmland due to the creation of the Nanticoke River Tax Ditch, that they are currently developing frontage parcels along Route 545 and Route 594 south of the site, that they are considering dedication of a well site to serve their project and the general area for domestic water supply, that three other developments exist in the area - Walker's Mill Manufactured Home Park, Country Glen Subdivision, and Knots Landing

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Subdivision (platted only), that they are planning lot sales, not lot rentals, that several people have contacted them for lots in the area for purchase, that a need exist for rezoning of this site to provide lots for manufactured home sites, that the site has access by way of Route 545 to US Route 13, that the site has access by way of Route 594 to Route 18/404, that the site is in the Bridgeville Fire Department service area, that the site is in the jurisdiction of the Delaware State Police, that no adverse impact is anticipated on the neighborhood or property values, only a positive impact, that the central water system will have fire protection capabilities, that the sewer system type has not been determined, that the property is presently tilled, and that the highest and best use of the site is development.

Mr. Wheatley stated that the farm is not productive under existing conditions, that irrigation will be required to make it as productive as other farms that he has tilled (approximately 2000 acres).

Mr. Akin added that the maximum number of lots will be 101 lots, that they will conform to all agency requirements, that the tax ditch is separated from the site by approximately 20 acres of land, that the site is within 3/4 mile of the well restriction zone around the Bridgeville Landfill, that Walker's Mill Park is approximately 50 percent developed, that Country Glen Development is approximately 70 percent developed, and that Knots Landing has not stated development, that they purchased the site for the purpose of developing it, and that if the GR General Residential application is denied, development of the parcel will still progress as a subdivision in a AR-1 Agricultural Residential District.

George Shaluka, Dorothy White, Marlene Mervine, Jerri Copel, Michael Reed, and Landy Correll spoke in opposition and expressed concerns in reference traffic, noise, traffic safety (vehicles and pedestrians), trash, high nitrate levels, septic, septic failures in the area, additional wells, environmental quality, maintenance, existing contaminants found along the tax ditch, increased population, impacts on housing values in the area, access, strip development of the road frontage, impact on school district, improvements to Route 545, curves on Route 545 west of the site, questioning the need for another development in the area since a substantial number of undeveloped lots exist, and expressing a need for compliance with the Western Sussex Land Use Plan.

Mr. Rutt responded to the questions and concerns at the request of the Commission and advised the Commission that lots will be for sale, not for lease, that the proposed site is buffered from the tax ditch, that a home owners association will be established when the subdivision is created, that central water will be

provided and will conform to regulations of DNREC and the Office of the State Fire Marshal, that access shall be from interior streets and from combined entrances along Route 545 and 594, that the developer feels that the highest and best use of the site is development, and that the majority of the concerns will be addressed when the owners apply for a subdivision, whether the zoning is GR General Residential or AR-1 Agricultural Residential.

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.

The Commission found, based on comments received from DelDOT, that in October 1991 a Traffic Impact Study was recommended because the proposed use will add significant traffic to Route 545 and Route 594, and that in December 1991 a preliminary assessment of the traffic impact was submitted and that the Department found that the existing pavement and width of Route 594 is adequate to carry the expected site traffic, that much of the proposed site traffic will be oriented toward Route 13 along Route 545 and that the current condition of Route 545 is substandard for the additional traffic anticipated to be generated, that the applicant should widen Route 545 to 22 feet width and pave it with 2 inches of hot mix from the bridge at the tax ditch to the intersection with Route 594, that the paving should be done in conjunction with the first phase of development of no more than 150 lots, that DelDOT agrees to waive the requirement for a traffic impact study if the referenced improvements are performed, and that the Department reserves the right to request a traffic impact study during the plan review process for subdivision.

The Commission found, based on comments received from the DNREC Office of the Secretary, that comments have been requested from the DNREC Division of Air and Waste Management, Underground Storage Tank Branch, the DNREC Division of Fish and Wildlife, the DNREC Division of Parks and Recreation, the DNREC Division of Soil and Water Conservation, the DNREC Division of Water Resources, Watershed Assessment Branch, Water Supply Branch, Wetlands and Aquatic Protection Branch, Underground Discharges Branch, and Pollution Control Branch, the Department of Agriculture, the Bureau of Archaeology & Historic Preservation, the Division of Public Health, the Office of the State Fire Marshal, and the Sussex Conservation District.

The Commission found, based on a letter received from the DNREC Division of Fish and Wildlife, that the Division had no comment.

The Commission found, based on comments received from the DNREC Underground Discharges Branch, that the Sussex County Soil Survey indicates that the soils are suitable for on-site wastewater disposal, that a soil feasibility study must be conducted by a licensed Class D soil scientist using at least a 300 foot grid, that a review fee is required once the study is submitted, and that the maximum siting density shall be one dwelling per half acre.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped to be Sassafras sandy loam, Evesboro loamy sand, Woodstown sandy loam, and Johnston silt loam, that the suitability of the Sassafras and Evesboro soils for the intended use may have slight limitations, that the Woodstown soils may have moderate limitations, that the Johnston soils may have severe limitations due to wetlands, that the evaluation of the soils with respect to erosion and sedimentation control may require the developer to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction, that the farmland rating of the soils vary from Prime to Statewide Importance, that no storm flood hazard areas are affected, that it may not be necessary for any on-site or off-site drainage improvements, and that the Nanticoke River Tax Ditch runs along the west property line and that there is a 16.5 foot wide right of way along the tax ditch.

The Commission found, based on a letter received from the Division of Public Health, that the Division had no comment.

The Commission found, based on comments received from the Division of Resource Management for the Department of Agriculture, that a Land Evaluation and Site Assessment (LESA) analysis was performed on the site and that the site scored 202 out of 300 points, that the score is above the Sussex County average of 188 points which indicates that the site is a suitable site for economical long-term agricultural production, that the Land Evaluation score rates soils in terms of productivity, that the Site Assessment score identifies factors that contribute to the quality of the site for agricultural use, that 90 percent of the area within one and one-half mile of the site is utilized for agricultural purposes, that the fact that the southern portion of the site is adjacent to GR General Residential zoning should not make rezoning more acceptable, that the County should allow development to occur where GR General Residential zones exist, that rezoning a predominantly agricultural area for mobile homes is risky because the homes are not permanent fixtures, that land zoned rarely reverts back to AR-1 Agricultural Residential once developed, that further development of the area may occur because a rezoning has already been granted, that if the rezoning occurs the Division hopes that the new residents do not find a problem

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with the noise, dust, odors and pivot irrigation system north of the site, and that in consideration of the high LESA score and the existence of land more suitable for the project in the area the Division urges the County to deny the rezoning.

The Commission found, based on comments received from the Office of the State Fire Marshal, that the Office has no objection to the proposal and that the Office will require a formal plan submission.

The Commission found, based on comments received from the DNREC Division of Water Resources Wetlands and Aquatic Protection Branch, that any activity, such as filling, dredging, crossing with a road, or placement of a structure in tidal wetlands or a water body requires a permit from the State, that most activities in tidal wetlands, freshwater wetlands, or a water body requires a permit from the Army Corp. of Engineers, and that State wetlands maps and National Wetland Inventory maps are available for assistance.

The Commission found, based on a letter received from the DNREC Division of Water Resources Pollution Control Branch, that the Branch had no comment.

The Commission found, based on comments made by representatives of the application, that the applicants propose to create a subdivision that will permit either homes or manufactured homes, that the subdivision layout submitted is only a concept, that a central water system is proposed, that the application is a part of a larger acreage parcel, that the residual acreage of the parcel contains low land and wetlands, that no wetlands exist on site, that the applicants are preserving wetlands by not proposing to develop the area which contains wetlands, that a portion of the tract is non-productive farmland due to the creation of the Nanticoke River Tax Ditch, that they are currently developing frontage parcels along Route 545 and Route 594 south of the site, that they are considering dedication of a well site to serve the project and the general area for domestic water supply, that three developments exist in the area - Walker's Mill Manufactured Home Park, Country Glen Subdivision, and Knot's Landing Subdivision which is platted only, that they are planning lot sales, not rentals, that several people have contacted them for lots in the area for purchase, that a need exist for rezoning the site to provide lots for manufactured homes, that the site has access by way of Route 545 to US Route 13, that the site has access by way of Route 594 to Route 18/404, that the site is in the Bridgeville Fire Department service area, that the Delaware State Police serve the area, that no adverse impact is anticipated on the neighborhood or property values, that the central water system will have fire protection capabilities, that the sewer system type has not been

determined, that the property is presently tilled, that the highest and best use of the site is development, that the farm is not productive under existing conditions, that irrigation will be required to make the farm as productive as other farms tilled by the applicant, that the maximum number of lots will be 101, that the subdivision will conform to all agency requirements, that the tax ditch is separated from the site by approximately 20 acres, that the site is within 3/4 mile of the well restriction zone around the Bridgeville Landfill, that Walker's Mill Park is approximately 50 percent developed, that Country Glen Development is approximately 70 percent developed, and that Knots Landing has not started development, that the site was purchased to develop, that if the application is denied the development will still progress as an AR-1 Agricultural Residential subdivision, that a home owners association will be established when the subdivision is created, and that access shall be from interior streets and from combined entrances along Route 545 and Route 594.

The Commission found that six (6) people spoke in opposition to this application and expressed concerns in reference to traffic, noise, traffic safety (vehicles and pedestrians), trash, high nitrate levels, septic, septic failures in the area, additional wells, environmental quality, maintenance, existing contaminants found along the tax ditch, increased population, impacts on housing values in the area, access, strip development along road frontages, impacts on the school district, the need for improvements to Route 545, existing curves on Route 545 west of the site, questioning the need for another development in the area since a substantial number of undeveloped lots exist in the area, and expressing a need for compliance with the Western Sussex Land Use Plan.

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

### III. Other Business

#### 1. Jeff Clark, Land Tech Inc.

##### A. Site Plan Requirements

Jeff Clark, of Land Tech Inc., was present requesting consideration from the Commission to appoint a committee made up of Commission members, staff, surveyors, etc. to review the site plan requirements as specified in the zoning code.

Mr. Clark feels that there are inconsistencies with the site plans that are being submitted for review.

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The committee would review the present requirements and make any recommendations for any possible amendments for site plan requirements.

Mr. Clark feels that a checklist should be followed as other agencies do.

#### B. Borrow Pits

Mr. Clark was present questioning the definition of a borrow pit.

Mr. Clark questioned what constitutes a borrow pit based on State regulations for stormwater management areas.

Mr. Clark advised the Commission that the zoning code does not have a definition for a borrow pit and he feels that one is needed.

Mr. Magee questioned the State regulations for borrow pits.

Mr. Lank summarized the workshops that he has been attending held by the State concerning borrow pits.

It was the consensus of the Commission to look into both requests made by Mr. Clark.

#### 2. Campgrounds

Mr. Allen advised the Commission that he requested this item to be placed on the agenda for discussion.

Mr. Abbott advised the Commission that the zoning code allows for each campsite to have an accessory building not larger than sixty (60) square feet.

Mr. Abbott advised the Commission that the staff has received complaints about people not being able to find sheds already manufactured that are less than 60 square feet.

Mr. Lank advised the Commission that an ordinance is pending to amend the regulations for campgrounds. This ordinance would permit accessory structures up to 64 square foot.

The Commission discussed the possibility of having the staff prepare a memo to the County Administrator requesting that this ordinance be acted on.

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Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to have the staff prepare a memo to the County Administrator that the pending ordinance be acted on.

3. Sara Reed

The Commission reviewed a survey requesting to subdivide 3 acreage tracts and a fifty foot right of way off of Route 283.

Mr. Lank advised the Commission that this was approved in 1989 under the old policy and that the survey was not recorded in the Office of Recorder of Deeds. The owner and the surveyor thought that the other recorded the survey.

Motion made by Mr. Ralph, seconded by Mr. Magee, and carried unanimously to approve this request as it was approved in 1989.

4. Charles Turner

The Commission reviewed a site plan for a commercial building and boat storage on Route One.

Mr. Abbott advised the Commission that the site plan complies with the zoning code and that all required agency approvals and permits have been received.

Mr. Lank summarized the stipulations of Ordinance No. 815 and advised the Commission that there is a question in reference to the fence that is to be erected.

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

5. M. Hess, Inc.

John Sergovic, Esquire, was present on behalf of this site plan for an office building on Route One.

Mr. Sergovic advised the Commission that the site plan does not show the intended commercial use of the property which will be bungee jumping.

Mr. Sergovic advised the Commission that he does not feel that his clients need to file an application for a conditional use since amusements are permitted uses in commercial districts.

Mark Hess discussed the operation of bungee jumping and presented a video tape showing the actual operation.

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Mr. Lank advised the Commission that in his opinion, bungee jumping requires a conditional use.

Mr. Lank advised Mr. Sergovic that his clients could file an application for a conditional use, or appeal the decision to the Board of Adjustment.

The Commission did not take any action on the site plan for an office or the bungee jumping.

#### 6. Perdue Farms, Inc.

The Commission reviewed a site plan for a feed mill on Route 583.

Mr. Abbott advised the Commission that there are not any problems with the site plan, but noted that the parking area shown needs to show the individual spaces.

Mr. Abbott advised the Commission that the Sussex Conservation District, Sussex County Building Code, and DelDOT have approved the plans, and that the State Fire Marshal has no objection for starting the foundation.

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to approve the site plan as submitted.

#### 7. Sea Air Mobile City

Mr. Abbott advised the Commission that Sea Air Mobile City wants to construct a pavilion type structure in the recreation area of the park.

Mr. Lank advised the Commission that since the park is non-conforming, the pavilion is a permitted use in the recreation area and that the Commission does not have to take any action.

### IV. Old Business

#### 1. RE: C/U #997 -- T.J. Tennefoss

Mr. Lank introduced the application of T.J. Tennefoss to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for Wooden Pallet Repair lying on the northwest side of Route 36, 1,600 feet southwest of Route 628 and to be located on a parcel containing 13.5 acres more or less.

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

2. RE: C/Z #1158 -- Bayville Shore Development Corp.

Mr. Lank introduced the application of Bayville Shore Development Corp to amend the zoning map from AR-1 Agricultural Residential to HR-2/RPC High Density Residential - Residential Planned Community in Baltimore Hundred, located on the north side of Route 58B, south of the Assawoman Bay to be located on a parcel containing 91.88 acres more or less.

Mr. Magee expressed concerns in reference to the Level of Service "E" of this segment of Route 54, the need for the suggested improvements from DelDOT, the impact on lands of Stiles Adkins, the large number of lots available in the area, the additional traffic generation from these unimproved lots, the increased impact on Route 382 by the renumbering to Route 20 by DelDOT, since widening of Route 54 may not be feasible due to the location of wetlands in some areas and may make a bad situation worse, since no supporting documents exist in the file which clarify that the sewer is capable of handling the additional flow, and that the applicants provided very little input into their presentation which referenced protection of the environment.

Motion by Mr. Magee to forward this application to the Sussex County Council with the recommendation that it be denied.

The Motion died for the lack of a second.

Motion by Mr. Ralph, seconded by Mr. Smith, and carried 3 votes to 1, with Mr. Magee opposed to the motion, to defer action.

3. Subd. #91 - 16 -- Target Properties

David Rutt, Esquire and Bob Sigler, Surveyor were present on behalf of the application of Target Properties (Forest Knoll Estates) to consider the Subdivision of land in an AR - 1 Agricultural Residential Zoning District in Little Creek Hundred by dividing 96.25 acres into 54 lots, located on the west side of Route 506, 3,580 feet north of Route 24.

Mr. Rutt discussed the restrictions and covenants for the stormwater management areas.

Mr. Schrader advised the Commission that these are acceptable.

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Mr. Abbott advised the Commission that the record plan is in compliance with the subdivision code and that all required agency approvals and permits have been received by the staff.

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to approve as a final.

4. Subd. #91 - 19 -- Target Properties

David Rutt, Esquire and Bob Sigler, Surveyor were present on behalf of the application of Target Properties (Bridgeville Chase) to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 153.99 acres into 98 lots, located on the north side of Route 565, 1,978 feet northwest of Route 40.

Mr. Rutt discussed the restrictions and covenants for the stormwater management areas.

Mr. Schrader advised the Commission that these are acceptable.

Mr. Abbott advised the Commission that the record plan is in compliance with the subdivision code and that all required agency approvals and permits have been received by the staff.

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to approve as a final.

Meeting adjourned at 11:10 P.M.