

## MINUTES OF THE REGULAR MEETING OF JULY 13, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 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. Gordy, Mr. Johnson, Mr. Lynch, and Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Mr. Allen welcomed Mr. Gordy as the newest member of the Commission.

Mr. Lank advised the Commission that item Roman Numeral VII. Reorganization has been added to the agenda.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to adopt the agenda as revised.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the minutes of June 22, 2000 and June 29, 2000 as corrected.

### IV. PUBLIC HEARINGS

C/U #1338 -- application of JAY BEACH to consider the Conditional Use of land in an AR-1 Agricultural Residential District for retail sales of sheds, playground equipment and yard furniture; sales of pumpkins and Christmas trees; haunted trail; corporate parties; open pit cooking; and horseback riding lessons to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 39.81 acres, more or less, lying on the northern side of Route 24, 2,320 feet southwest of Road 284.

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 Office of State Planning Coordination, that the parcel is located within a Rural area of the Strategies for State Planning and Spending, which was approved by the Cabinet Committee on State Planning Issues in December 1999 where policies will be to encourage preservation of a rural lifestyle and discourage new development; that the State recognizes that the parcel is improved by a dwelling and horse stables for riding lessons and that the State would prefer to further develop the existing use rather than developing a new use; that the State does not feel that this use will encourage new growth in the area; that according to the State DNREC, a review of a Biological and Conservation Database has revealed that the western edge of the site is adjacent to a high quality non-tidal freshwater marsh called



Hetty Fisher Pond; that this wetland is and the surrounding forested buffer surrounding it are critical to certain rare species such as the Tiger Salamander and Wright's witchgrass; that there are concerns that this project will impact the forested buffer surrounding the wetland, which is crucial to maintaining good water quality in the wetland; that these impacts could be minimized by decreasing the size of the project to a level where it does not impact any forested areas that may lie within its boundaries; that open pit cooking and corporate parties will require that the well that exists on the site would need to be classified as a public water supply well; that unless the existing wells were constructed 150 feet or more from septic systems they will not meet the requirements to be classified as public water supply wells; that permits are required from the Department of Public Health Office of Drinking Water; that another alternative is to contact Tidewater Utilities, Inc. which holds a Certificate of Public Convenience and Necessity for the area; that the site surrounds a historic property according to the State Historic Preservation Office; that they have noted that the southern part of the property has medium to fairly high potential for prehistoric archaeological sites; that the Office would like to work with the developers to avoid major ground-disturbing activities in areas of high site potential and any visual effects on the house; that the developer will need to contact the Office of the State Fire Marshal to submit site plans and building plans; and that the State does not object to the Conditional Use proposed on this site.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected; that it may not be necessary for any off-site drainage improvements; that it may be necessary for some on-site drainage improvements due to the presence of very poorly drained soils (Fallsington) in the northeast and southeast corners of the site; that there may be jurisdictional wetlands on the site that are regulated by the U.S. Army Corps. of Engineers; that the soils are mapped as Evesboro loamy sand, Fallsington sandy loam, Rumford loamy sand, Sassafras sandy loam, Sassafras loam, and Woodstown sandy loam; that some of the Evesboro soils, the Rumford soils, the Sassafras soils, and some of the Woodstown soils have slight limitations; that some of the Evesboro soils and some of the Woodstown soils have moderate limitations; that the Fallsington soils have severe limitations; that the developer will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that the Fallsington soils, the Sassafras soils, and the Woodstown soils are considered Prime Farmland; and that some of the Evesboro soils, the Fallsington soils, and the Rumford soils are considered of Statewide Importance.

The Commission found that a letter of support was received from the Lewes Fire Department, Inc. stating that the applicant has contacted the Fire Department to assist him with a haunted trail in October, if approved; that the Fire Department has agreed to assist the applicant and that the applicant has agreed to donate part of the proceeds to the Fire Department to purchase much needed equipment; and that the Fire Department will



provide fire police for traffic control along with both fire and EMS standby equipment during the events.

The Commission found that Jay Beach was present and stated in his presentation and in response to questions raised by the Commission that his overall goal is to preserve open space; that he leases the site from his grandparents; that the proposed activities will generate moneys to pay lease payments; that he proposes to sell sheds and playground equipment west of the Powell property; that the closest dealer is near Millsboro or Georgetown; that he anticipates have 4 corporate parties per year; that the site is like a park with a pond and area for activities and parking; that the open-pit cooking will be utilized on weekends for use by service clubs, fire companies, and scouts; that the horseback riding lessons are permitted; that the Haunted Trail is to be similar to one in Lancaster, Pennsylvania; that the trail will be open 21 evenings; that the trails will be no closer than 200 feet from any neighbor within Briarwood Estates; that parking for the trail will be within a fenced pasture; that there may be some noise from screaming at the trail; that the trail will be open until 9:00 P.M. on Sundays, and 10:00 P.M. on Fridays and Saturdays; that there will be no Monday through Thursday hours; that the driveway to the parking for the trail will be through the shed sales lot; that they also board horses and have a petting zoo; that the house trailer on the site plan has been relocated to the Powell property; that he is willing to put a permanent tree buffer along lots 43 through 46 within Briarwood Estates; that the existing pond has a water depth of approximately 5 feet; that the horse boarding business is open 7 days per week; that signage will be needed for the shed sales lot with security lighting; and that the open-pit cooking area will be at the same location as the shed sales.

The Commission found that Buzz Klopp, President of the Briarwood Estates Homeowners Association, Greg Scotland, Barbara Westog, Patricia Warden, and Joan Deaver spoke in opposition to the application and expressed concerns relating to parking; the need for permanent barriers from the access to Briarwood Estates, and referenced trees and fencing; trash; traffic and traffic congestion; alcoholic beverages at corporate parties; open-pit cooking; parking along Route 24 for the open-pit cooking; that a precedent could be set for future applications; smoke from the open-pit cooking and the haunted trail; the closeness of the entrance to Briarwood Estates and the site; fire concerns; noise affecting the animals; and zoning after the fact since some of the uses, the catery, the stables, riding lessons, and the petting zoo, already exists on the site.

The Commission found that 17 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.



Motion by Mr. Johnson, seconded by Mr. Lynch, to approve all of the uses with the following stipulations: 1) A fence shall be erected along the property lines adjoining Briarwood Estates; 2) A forested tree buffer shall be planted along lots 43 through 46 of Briarwood Estates; and 3) The Haunted Trail shall be limited to 21 evenings in September and October. The Motion failed 2 - 3 with Mr. Allen, Mr. Gordy, and Mr. Wheatley opposed to the motion.

C/U #1339 -- application of JOHN MINTZER to consider the Conditional Use of land in an AR-1 Agricultural Residential District for radio and television electronic repairs to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 14,400 square feet, more or less, lying south of Route 9, approximately 0.8 mile east of Road 319 and 0.6 mile west of Road 321.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service "D" of Route 9 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard areas or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Woodstown sandy loam which has slight to moderate limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; and that Woodstown soils are considered Prime Farmland.

The Commission found that John Mintzer was present and stated in his presentation and in response to questions raised by the Commission that he proposed to relocate his radio and television electronics repair shop from Lewes to this location; that he proposes to purchase the site; that he does warranty service work; that the majority of his work is performed in clients homes; that proposed business hours for the shop are from 9:00 A.M. to 5:00 P.M. Monday through Friday; that he normally travels to clients homes on Tuesday and Thursday; that some of his repair work is shipped in and that some repair work is delivered or dropped off by clients; that presently he works alone with one part-time employee; that he would like to have another part-time employee; that he anticipates minimal traffic and customers on the site; that he will have minimal outside storage; that the existing sign is adequate; that he has no problem erecting a solid fence for an impound area near the shed; that adequate area exists for parking; and that the structure will not be used for dwelling purposes.

The Commission found that no parties appeared in support of or 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. Johnson, seconded by Mr. Wheatley, and carried with 4 votes to 1, with Mr. Lynch opposed to the motion, to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) One unlighted sign, not exceed 32 square feet per side or facing, may be permitted; 2) Outside storage may be permitted in the existing shed or within a fenced area near the shed. The fencing shall be stockade or solid with a minimum of 6' in height; 3) the site plan shall be subject to review and approval by the Planning and Zoning Commission.

C/U #1340 -- application of ROBINO SEACHASE, L.L.C. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for 76 multi-family dwelling units to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 10.90 acres, more or less, lying at the northwest corner of the intersection of Road 275 and Road 274.

The Commission found, based on comments received from DelDOT, that the Department has completed its review of a traffic impact study prepared by Tetra Tech, Inc. for this project; that the Department advises that the report was prepared in a manner consistent with DelDOT's Rules and Regulations for Subdivision Streets and the established scope of work; that this project would be in a Multimodal Investment Area with respect to the Department's Statewide Long Range Transportation Plan; that the Department would normally not be opposed to development in these areas; that balancing its location in a Multimodal Investment Area to a significant extent is the fact that the traffic impact study indicates high volumes of traffic and poor levels of service for certain turning movements at several of the study intersections during the summer Saturday mid-day peak hours; that although the proposed traffic from this development would be minimal compared to that of other projects analyzed in the area, the development of this site would still all more traffic to those already high volumes and we would prefer that that did not happen; that it is the conclusion of the study that the effect of the proposed site would be minimal on the surrounding traffic situation and that no system alterations are required at this time; that the Department's review of the study indicates poor levels of service at the intersections of Delaware Route 24 and Warrington Road (Road 275), Old Landing Road (Road 274) and Warrington Road, and Delaware Route One and Old Landing Road; that the review also found poor levels of service for turning movements at the intersections of Delaware Route One and Martins Road (Road 275A), and Old Landing Road and Martins Road; and that for this reason the Department recommends that the County deny the requested rezoning. The comments also included a project description and background; references to Comprehensive Planning Documents; trip generations; an overview of the traffic impact study; changes in the Highway Capacity Manual and Software; intersections



analyzed in the traffic impact study; transit, bicycle and pedestrian facilities; the SR 1 Grid Concept Study; and conclusions and recommendations. The comments also included references that if the County should choose to approve this project the following items should be incorporated into the site design, reflected on the Record Plan, and completed prior to the issuance of certificates of occupancy: 1) the developer should be required to design and build a southbound left-turn lane on Warrington Road to Old Landing Road; 2) the developer should be required to provide sidewalks along the Old Landing Road and Warrington Road frontage. These sidewalks should extend into the development and provide direct connection to the existing condominium complex; 3) the developer should be required to execute signal agreements for the intersections of Old Landing Road with Warrington Road and Martins Road. DelDOT will install the traffic signals only after finding them to be warranted.

The Commission found, based on comments received from the State Office of Planning Coordination, that the State concurs with DelDOT comments; that the State recognizes that this project falls in a Community Area of the Strategies for State Policies and Spending Document, which was approved by the Cabinet Committee on State Planning Issues in December 1999; that Community Areas are areas where State policies will be to encourage redevelopment and reinvestment and this area is already largely developed; that the State cannot support development that could further decrease the levels of transportation service in the area; that the State feels that it is these situations that make the need for regional planning more relevant; that regional planning in this area could identify the need for infrastructure improvements and better link transportation and infrastructure in such areas so that parcels such as this one could be developed; and that in conclusion, while the State understands that this project is in a Community Area of the Strategies Map, a place where the State would normally encourage development, the State urges the County to deny the Conditional Use until a master plan can be done for this area to better evaluate infrastructure concerns in this highly populated area.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard areas or tax ditches are affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Sassafras loam which has slight limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the soil type is considered Prime Farmland.

The Commission found that James Fuqua, Jr., Attorney, Paul Robino, and Ross Harris of ECI, were present and stated in their presentations and in response to questions by the Commission that 76 units are proposed within 38 duplex buildings with a swimming pool and clubhouse for amenities; that the project proposes 6.9 units per acre; that the project is immediately adjacent to Sea Chase I; that similar architectural design is proposed; that



Sea Chase I is zoned HR High-Density Residential; and that Sea Chase I was approved in 1996 for 69 units on 10.9 acres

The Commission found that Mr. Fuqua presented a copy of Ordinance No. 1097, the decision on the rezoning for Sea Chase I, a public hearing notice sent out by Mr. and Mrs. William Deaver, a copy of a December 19, 1995 letter from DelDOT in reference to Leroy Mears Development; excerpts from the 1997 Comprehensive Plan, a list of reasons that reflect why the project is designed in accordance with the Comprehensive Plan, a copy of the approved Strategies for State Policies and Spending Map; and some proposed conditions of approval.

The Commission found that Mr. Fuqua continued by reading parts of the decision on Ordinance No. 1097 which referenced that multi-family development is appropriate for this parcel of land; that the development is in accordance with the Coastal Sussex Land Use Plan; that the site is located in a designated Development District; that central water and central sewer are available; that there are no negative environmental effects; that the development will provide housing, economic benefits and employment; that the site is located near commercial development and will serve as a buffer between commercial development and the nearby lower-density residential development; that they are not located in an Agricultural Zone or a Conservation Zone; that the density and type of development are in accordance with the development anticipated by the Plan, which recognizes that development should be concentrated in those areas where central water and sewer are available; that the developer will make whatever improvements are required by DelDOT; that adequate fire and police protection are available nearby; that this application for Conditional Use was filed to be specific about the intent and since conditions can be imposed on a Conditional Use; that central water will be provided by Tidewater Utilities, Inc.; that public sewer is available through the County; that no environmental impacts are anticipated; that no wetlands exist on the site; that access to the site is intended to utilize the existing entrance at Sea Chase I on Old Landing Road; that cross access easements were required by DelDOT when Sea Chase I was approved; that the two projects will be independent of each other with the exception of street maintenance; that Sea Chase II will have to fund part of Sea Chase I street maintenance; that a swimming pool and clubhouse are proposed; that shopping is available in the immediate area; that by encouraging higher residential densities in the Development District, the pressure for development in the Natural Resources and Agricultural Areas will be reduced; that the Comprehensive Plan references that with a public wastewater system ten dwelling units per acre for townhouses, including townhouse condominiums, is acceptable; that the State Strategies for State Policies and Spending Map depicts this site in a Community Area which is the State's highest priority area for development to occur; that the project will have access through Sea Chase I; that a cross access is proposed to the Hood property; that landscaping will be provided along both Old Landing Road and Warrington Road and between this project and Sea Chase I; that a temporary



construction entrance will be utilized along Old Landing Road; that approximately 50% of the site will be open area; and that developers are being told to develop in Development Districts; and that this project is immediately adjacent to a multi-family project.

The Commission found that Mr. Fuqua submitted a set of proposed stipulations, a letter from Colleen Lowe, the present landowner, a letter from Tidewater Utilities, Inc. referencing that the utility is ready and willing to serve central water to the site, a copy of the Declaration Documents for Sea Chase I, and a copy of the traffic impact study prepared by Tetra Tech, Inc.

The Commission found that representatives of the applicant also stated that traffic impact study was based on summer counts for June 26, 1999; that the water system will include fire hydrants; that the homes will be similar to units within Sea Chase I, but will be limited to two units per building; that parking is taking place on the streets within Sea Chase I and that the majority of those parking in the street are construction workers; and that the developer is willing to stipulate that no parking is allowed on the streets.

The Commission found that Sandra Ware, a resident owner within Sea Chase I, and Betty Mann Beebe, owner of several units in Sea Chase I, were present in support of the expansion and the concept.

The Commission found that a petition in opposition with 35 signatures and 30 letters of opposition have been received to date.

The Commission found that Betty Watson, Karen Snell, Bill Bachman, Sterling Martin, Phillip Wills, Michael Tyler, Mable Granke, Dennis Hitch, Joy Martin, and Joan Deaver were present in opposition and expressed concerns to the proposed density; changes in the construction in Sea Chase I from 2-bedroom units to 3-bedroom units; the four-way stop at the intersection of Old Landing Road and Warrington Road; that road improvements are needed now, and before any more construction is started on Old Landing Road; children's safety; the spacing between units; the single entrance on Old Landing Road; that a new entrance should be on Warrington Road; the additional traffic through Sea Chase I; the location on the connection between Sea Chase I and Sea Chase II; drainage problems; that no mention was made of the expansion or street connection in disclosure to buyers in Sea Chase I; that the level of service F will get worse if improvements are not made to the Road system; that there is no need for additional homes in the area until all infrastructure is in place; that parking does occur on the streets within Sea Chase I; that a 25' wide street is not adequate for a street connection between projects since the units adjacent to the street connection have parking space backing into the street; questioning why the original record plans do not show the interconnection of the neighboring properties; questioning the notice process to neighbors; stating that the



owners of units within Sea Chase I were not notified by letter; and that the drawings submitted were not drawn to scale.

The Commission found that Mr. Tyler and Ms. Granke submitted written comments.

The Commission found that the opposition submitted 4 photographs of Sea Chase I, including the main entrance and the proposed egress to Sea Chase II; a copy of the site plan attached to a membership notice to the Citizens Coalition; a copy of the public notice prepared by Bill and Joan Deaver; a copy of the list of property owners; a copy of the public notice advertisement; a copy of the promo site plan for Sea Chase I; and a copy of the site plan showing an emergency entrance.

The Commission found that 24 parties were present in opposition to the application.

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

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

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

C/U #1341 -- application of BUCHANAN BUILDERS to consider the Conditional Use of land in a MR Medium Density Residential District for 8 multi-family dwelling units to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 26,042 square feet, more or less, lying east of Route One, south of Cove Road, north of Bay Road and being lots 31, 32, 41, and 42 within Tower Shores.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended; that the level of service of "B" will not change as a result of this application; and that the Department will not allow direct access to the property along Delaware Route One.

The Commission found, based on comments received from the State Office of Planning Coordination, that the parcel is located within an Environmentally sensitive developing area of the Strategies for State Policies and Spending, which was approved by the Cabinet Committee on State Planning Issues in December 1999; that in these areas the State policies will be to seek a balance between resource protection and sustainable growth; that the State would like to see multi-family housing units developed in developing areas of the Strategies map; that this parcel is in an area that is already heavily developed and the parcel is already approved for medium residential which would allow 4-units to be built; that for this reason, the State does not object to this Conditional Use; that the property is located in the 100-year flood plain, where the State, in concurrence



with the FEMA guidance, does not recommend building; and that if construction does take place, it must meet floodplain building/construction standards and be elevated above base flood elevation.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Coastal beach and dune land and Tidal marsh, salty which have severe limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the soils are considered Hydric.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; that there is sufficient capacity available for the project; that there are two 6-inch laterals provided on Cove Road for parcel 76 and two 6-inch laterals provided on Bay Road for parcel 89; that the project will be responsible for System Connection Charges, of which the current rate for the period July 1, 2000 to June 30, 2001 is \$2,159.00 per EDU.

The Commission found that Charles Adams, Surveyor, was present on behalf of the applicant, and stated in his presentation and in response to questions raised by the Commission that they propose to develop 8 units on 4 lots within Tower Shores, a residential community mixed with single family residential homes, multi-family units, and some business uses; that the buildings will meet all setback requirements; that 3 parking spaces will be provided for each unit; that each lot will be improved with a duplex; and that the proposed use is the compatible to the area/

The Commission found that Leslie Koop, a real estate agent with Long & Foster Realtors, was present, submitted a copy of the tax map of Tower Shores high-lighted with colors to show the types of improvements in the subdivision, and stated that there are at least 13 duplexes and several townhouse and multi-family units in Tower Shores; that the site is between two business uses; and that the use will be consistent with the neighborhood.

The Commission found that Bill Lucks, a real estate agent with Sea Coast Realty, was present, submitted a copy of the Minutes of September 18, 1999 for the Tower Shores Beach Association which unanimously approved the construction of 12 units on the site, and a letter from Randall A. Godwin to the Association, and stated that the residents of Tower Shores are not opposed to the intended 8 units.



The Commission found that Mr. Adams added that the appearance of the units will be similar to the existing units in the neighborhood; that parking will be provided on the site; that the project will be built one duplex at a time; that Sussex Shores Water Company will supply central water; and that County sewer is available.

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

At the conclusion of the public hearings, the 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 unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) The density of the project shall be subject to review and approval by the Sussex County Board of Adjustment; 2) Once a decision is made by the Sussex County Board of Adjustment, the site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals; 3) 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.

C/Z #1405 -- application of ROBERT D. WARD AND NANCY H. WARD 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 southwest corner of the intersection of Road 353 and Route 17, to be located on 2.00 acres, more or less.

The Commission found, based on comments received from DelDOT, dated March 28, 2000 and April 12, 2000, that the Department does not recommend that a traffic impact study be required; that approval of this application would be inconsistent with the Cabinet Committee on State Planning Issues Strategies for State Policies and Spending Map; that the Department recommends that the County deny this application; that if the County is inclined to approve this rezoning, the Department ask that the County consider the following: the Statewide Long Range Transportation Plan depicts the site near the northern edge of a hook-shaped block of land designated as a Management Investment Area that connects Multimodal Investment Areas that encompass the towns of Frankford and Selbyville where the State believes that investments in the transportation infrastructure need to be managed carefully; that these are places where the Department is willing but not eager to invest capital improvement funds; that the Department is cautious in their support of new development in these areas; that significant road improvements are planned in this area as a part of the Route 26 Corridor Study; that the



Department has several projects for the Route 26 corridor; that one of these projects is widening of Road 353 to include an 11-foot travel lane in each direction with 4-foot shoulders to provide an alternative route to Route 26; that the Department will need to acquire right-of-way along Road 353 to make these improvements; that the Department has not determined how much right-of-way will be needed from this site; that the Department anticipates starting this project in 2002 and completing it in 2003.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected; that it may be necessary for some on-site and off-site drainage improvements due to the presence of poorly drained soils; that jurisdictional wetlands may be present on the site; that the Corps. of Engineers should be contacted for a determination; that the soils are mapped as Evesboro loamy sand and Pocomoke sandy loam; that the Evesboro soils have slight limitations; that the Pocomoke soils have severe limitations; that the applicant will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance; and that the Pocomoke soils are considered of Statewide Importance and Prime Farmland.

The Commission found that Robert Ward and Steve Parsons, Attorney, were present and stated in their presentations and in response to questions raised by the Commission that they propose an office, warehouse, and storage facilities; that no adverse impact on property values is anticipated; that a 4-acre parcel, zoned C-1 General Commercial, exists across the intersection of Route 17 and Road 353; that the site is in close proximity to other commercial business uses; that the storage facility is proposed for commercial and business uses, not mini-storage; that local storage facilities are occupied; that they propose to build the 40-foot by 60-foot building first; that the units in the storage facility will measure 20-feet by 30-feet; that he proposes to relocate his carpet cleaning business to the site for storage of his vans; that the carpet cleaning company has 4-vans and 4-employees; that rezoning was applied for, rather than Conditional Use, since C-1 General Commercial exists across Route 17, since the site is in close proximity to other commercial uses; and since the site is appropriate for commercial use.

The Commission found that Mr. Parsons submitted copies of 7-letters in support from Crowley Associates Realty, Inc., Bake Timmons, Jr., State Farm Insurance, Ray G. Trout, Jr., Ron Gay of Resort Repair, Bethany and Georgetown Auto Parts, and Bethany Cycle and Fitness.

The Commission found that no parties appeared in support of or 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. Lynch, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the site is across from and in close proximity to other C-1 General Commercial districts and uses, and since the site is located in a Development District and will serve local needs.

#### V. OLD BUSINESS

Subdivision #96-17--application of DALE WHEATLEY to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred, by dividing 80.27 acres into 88 lots, located on the north side of Road 545, 1,380 feet northwest of Road 594.

Mr. Abbott advised the Commission that the final record plan has been reduced to 84 lots; that preliminary approval was granted on October 9, 1997; that a one year time extension was granted on February 11, 1999; that a six month time extension and a revised preliminary approval was granted on February 10, 2000; that the final record plan complies with the Subdivision Code; and that all agency approvals have been obtained.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried 4 vote to none, with Mr. Gordy abstaining, to approve this application as a final.

C/Z #1397--application of ROBINO-SEASIDE, L.L.C. to consider a proposal to amend the Comprehensive Zoning Map from a GR/RPC General Residential District/Residential Planned Community to a GR/RPC General Residential District/Residential Planned Community by amending Ordinance No. 1269 (Change of Zone No. 1350) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, lying southeast of the intersection of Route One and Road 270-A, to be located on 40.00 acres, more or less.

Mr. Abbott advised the Commission that the site plan is the final record plan for an 80-lot single family residential planned community; that the Commission granted preliminary approval on April 13, 2000; that the site plan references the 8 conditions of approval imposed by the County Council; that the final site plan complies with the requirements of the subdivision and zoning codes; and that all agency approvals have been obtained.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Gordy abstaining, to approve the record plan as a final.



Subdivision #2000-17--application of VILLAGE DEVELOPERS, INC. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 12.77 acres into 13 lots, located south of Road 338, 2,950 feet southwest of Road 82.

Mr. Abbott advised the Commission that this application received conceptual approval with the stipulation that a 30-foot forested buffer be required adjacent to Bruce Smith's lands on June 22, 2000; that the revised plan references the buffer along lots 3 through 7 and the stormwater management area; that the revised plan has been reduced to 12 lots; and that all lots are a minimum of 0.75 acres.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Gordy abstaining, to approve this application as a preliminary.

#### VI. OTHER BUSINESS

Subdivision #99-8--Wolfe Pointe, L.L.C.

The Commission reviewed a revised record plan for the Wolfe Pointe subdivision off of Road 267 east of Lewes.

Mr. Abbott advised the Commission that the record plan received final approval on December 9, 1999 for 188 lots; that the original plan had a half bubble shaped right of way along Tarpon Drive along lots 85 through 88; that the developer has deleted the half bubble shape and straightened the road; and that the Sussex County Engineering Department has approved the revised plan.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Gordy abstaining, to approve the revised record plan as a final.

Margaret A. Hurt  
3 Lots on 50' Easement - Route 5

The Commission reviewed a concept to create 3 lots with access from an existing 50-foot right of way off of Route 5 near Long Neck.

Mr. Abbott advised the Commission that the right of way currently exist; that the owner wishes to create 2 new parcels and retain the remaining lands; and advised the Commission that there are currently five parcels with access off of the right of way and questioned if a public hearing would be required for a major subdivision.



Motion by Mr. Lynch, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Gordy abstaining, to approve this request as a concept.

Eleanor Short  
4 Lots - Road 310-A

The Commission reviewed a subdivision of 4 lots off of Road 310-A near Oak Orchard.

Mr. Abbott advised the Commission that the parcel in question contains 150-feet of road frontage; that the lot forms a triangle to the rear and narrows to a 30-foot wide area similar to a right of way and then increases to a 3.25 acre lot; that the lot has 100-feet of depth and questioned if the Commission wishes to see the right of way area larger.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Gordy abstaining, to approve the lot as submitted.

Mason Dixon Mobile Home Park  
Revised Site Plan - Route 54

The Commission reviewed a revised site plan for the Mason Dixon Mobile Home Park located off of Route 54, west of Fenwick Island.

Mr. Lank advised the Commission that the plot plan references a street from Route 54 to the Maryland State Line, that the street has never been built and that a trailer sits where the street would be and that the owner proposes to replace the existing trailer with a newer model and questioned if the Commission will consider the location as a new lot.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Gordy abstaining, to approve the revised site plan.

## VII. REORGANIZATION

Mr. Allen appointed Mr. Lank as Acting Chairman for the purpose of holding an Election of Officers.

Mr. Lank opened nominations for Chairman.

Motion by Mr. Johnson, seconded by Mr. Lynch to nominate Mr. Allen as Chairman.

Motion by Mr. Johnson, seconded by Mr. Wheatley that nominations for Chairman be closed.



Nominations for Chairman were closed.

Motion was adopted to nominate Mr. Allen as Chairman; 4 yea, 1 not voting,

Vote by roll call:

|              |   |            |
|--------------|---|------------|
| Mr. Gordy    | - | yea        |
| Mr. Johnson  | - | yea        |
| Mr. Lynch    | - | yea        |
| Mr. Wheatley | - | yea        |
| Mr. Allen    | - | not voting |

Mr. Lank opened nominations for Vice Chairman.

Motion by Mr. Allen, seconded by Mr. Lynch to nominate Mr. Wheatley Vice Chairman.

Motion by Mr. Johnson, seconded by Mr. Allen that nominations for Vice Chairman be closed.

Nominations for Vice Chairman were closed.

Motion was adopted to nominate Mr. Wheatley as Vice Chairman; 4 yea, 1 not voting,

Vote by roll call:

|              |   |            |
|--------------|---|------------|
| Mr. Allen    | - | yea        |
| Mr. Gordy    | - | yea        |
| Mr. Johnson  | - | yea        |
| Mr. Lynch    | - | yea        |
| Mr. Wheatley | - | not voting |

The meeting was turned over to Mr. Allen the re-elected Chairman.

Mr. Allen appointed Mr. Lank as secretary for the Commission.

Mr. Allen authorized Mr. Lank - Director; Mr. Abbott - Assistant Director; and Mr. Shockley - Environmental Planner, to sign record plats for recordation on behalf of the Commission.

Meeting adjourned at 12:03 A.M.