

## MINUTES OF THE REGULAR MEETING OF JULY 27, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 27, 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, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Ms. Mowbray - Zoning Inspector III.

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

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes of July 13, 2000 as corrected.

Mr. Schrader described how the agenda and hearings would be conducted.

### IV. PUBLIC HEARINGS

Subdivision #2000-19 -- application of W.T. WILSON, INC. to consider the Subdivision of land in a MR Medium Density Residential District in Broadkill Hundred, by dividing 51.68 acres into 44 lots, located southwest of Route One, 860 feet northwest of Road 88.

The Commission found that the Technical Advisory Committee Report for July 19, 2000 shall be made a part of the record for this application.

Mr. Lank summarized comments received from the Office of State Planning Coordination that referenced that the site is within a "Rural" area on the map for the Strategies for State Policies and Spending Document.

Mr. Lank summarized comments received from the Natural Resources Conservation Service in reference to the soils mapped on the site and the suitability of the soils for the intended use.

The Commission found that Ken Christenbury of Design Consultants Group, L.L.C. and Walter T. Wilson were present and stated, in their presentations and in response to questions raised by the Commission, that the parcel was originally approved for a 123 lot Subdivision in 1993; that the Subdivision was never recorded; that the State DNREC can approve septic for the lots; that on-site wells are acceptable; that a U.S. Army Corps. of Engineers delineation has been preformed and submitted; that the surrounding area of the site is wooded; that there is no need for cross-access connections; that the area is not changing due to the estate sized parcels; that an entrance has been approved for the original 123 lot Subdivision; that 2,000 to 2,500 square foot homes are proposed; that no



swimming pools or tennis courts are proposed; and that parcel "A" and parcel "B" are not intended to be a part of the Subdivision.

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. Lynch, and carried unanimously to approve the Subdivision as a preliminary, not for recordation. 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 Carried 5 - 0.

Subdivision #2000-20 -- application of CARLTON R. MOORE to consider the Subdivision of land in a GR General Residential Zoning District in Cedar Creek Hundred, by dividing 58.03 acres into 61 lots, and a waiver from the maximum allowed cul-de-sac length of 1,000 feet, located south of Route 30, 200 feet southeast of Road 228.

The Commission found that the Technical Advisory Committee Report for July 19, 2000 shall be made a part of the record for this application.

Mr. Lank summarized comments received from the Office of State Planning Coordination that referenced that the site is within a "Rural" area on the map for the Strategies for State Policies and Spending Document.

Mr. Lank summarized comments received from the Natural Resources Conservation Service in reference to the soils mapped on the site and the suitability of the soils for the intended use.

The Commission found that Donald Miller of Miller - Lewis, Inc. and Carlton Moore were present, submitted revised drawings showing response to comments of the Technical Advisory Committee, and stated, in their presentations and in response to questions raised by the Commission, that the parcel is wooded; that the area includes a subdivision and strip lots; that they will try to restrict the tree clearing of the lots to the areas for the home and septic; that a 30-foot wide forested buffer is proposed along the perimeter and the Conectiv power line right-of-way; that single-wide manufactured

homes will not be permitted; that new double-wide manufactured homes will be permitted; that no wetlands exists on the site; that no endangered species have been reported on the site; that the forested buffer will be cared for by the individual lot owners, not an association; that Legacy Lane exceeds the 1,000-foot length for a cul-de-sac; that the site is in close proximity to Kings Crossing Subdivision; that the lots are larger than the lots within Kings Crossing Subdivision; that they anticipate sell out within four or five years; that approximately 2 to 3 acres will be set aside for stormwater management; that the lot areas are more than adequate to provide space for the homes.

The Commission found that Kevin Clark, Chris Clark, Dean Moore, and Will Sweeney of the 11 people present in opposition expressed concerns about additional development of the area, additional manufactured homes and double-wide manufactured homes in the area; criminal activities; the closeness of the Subdivision to their homes; and lots next to a power line.

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 defer action to allow the Commission time to consider the comments.

Motion Carried 5 - 0.

Subdivision #2000-21 -- application of A. P. LAND, L.L.C. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred, by dividing 47.03 acres into 47 lots, located east of Road 305, 3,973.05 feet north of Route 24.

The Commission found that the Technical Advisory Committee Report for July 19, 2000 shall be made a part of the record for this application.

Mr. Lank summarized comments received from the Office of State Planning Coordination that referenced that the site is within a "Rural" area on the map for the Strategies for State Policies and Spending Document.

Mr. Lank summarized comments received from the Natural Resources Conservation Service in reference to the soils mapped on the site and the suitability of the soils for the intended use.



Mr. Lank read letters from Richard C. Johnson, Curtis E. Harper, and Karl R. Smith expressing concerns about the subdivision of this property and specifically referencing road congestion, farmland adjoining, farming activities, tax ditch conversion, flooding, and a game management area.

The Commission found that Ken Christenbury of Design Consultants Group, L.L.C. and Phil Wemlinger of A.P. Land, L.L.C. were present and stated in their presentations and in response to questions raised by the Commission that a 15-foot wide dedicated strip along Road 305 has been provided; that the soils are well drained; that individual wells and septs are acceptable; that no wetlands or flood plains exists on the site; that a large tax ditch exists off site that runs through this site with a swale; that they propose to relocate the tax ditch and to replace the tax ditch area with the stormwater management area for the project; that they may eliminate two lots to provide a stormwater management area, rather than relocate the tax ditch; that if the tax ditch is relocated it may be piped; that a 6-foot variation in elevation exists in the area of the tax ditch swale; that the area around the site is primarily in agriculture and some woodlands; that the site will be grassed; that they propose 1-story homes with a minimum square footage of 1,600 to 2,000 square feet; that garages will be required to be attached; and that they have spoken to John Bister of the State DNREC in reference to relocation of the tax ditch.

Mr. Schrader advised the Commission that all tax ditches require approval by the Superior Court and that any change in a tax ditch will require the Court's approval.

The Commission found that Curt Harper, James Pusey, Sharon Cooke, and Mrs. Curt Harper spoke in opposition to the Subdivision and expressed concerns relating to the number of homes in a rural area; the relocation of the tax ditch; the loss of farmland; that the State uses the Harper property to promote a program for "Outdoor Women" by use of a firing range; that the State DNREC uses the firing range for testing and practice for the Environmental Protection Officers; that the Harper property is also a game management area; that the number of homes with individual wells and septs may impact existing wells in the area; that the area around the site is a wastewater spray site for Townsend's, Inc.; that traffic will be increased and expressing concerns about the intersection of Route 24 and Road 305; that a large subdivision could impact the quiet rural country setting of the area; that the pond on the Harper property was dug for the animals and birds; that there should be a safety concern relating to children's safety near a pond; that farmland should be preserved; that the tax ditch drains a large area; and that they are concerned about additional flooding if the tax ditch is relocated.

The Commission found that there were 9 people 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.

There was a consensus of the Commission that the applicant should work with the appropriate agencies on the tax ditch and stormwater management issues.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to deny the Subdivision as submitted.

C/U #1345 -- application of GLENWOOD AVIATION, L.L.C. to consider the Conditional Use of land in a C-1 General Commercial District for a helistop/heliport to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 41,600 square feet, more or less, lying northwest of Hebron Road (Road 273) 340 feet northeast of Route One Service Road.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, that the level of service of Rehoboth Avenue Extended Service Road will not change as a result of this application, and that the level of service of Hebron Road (Road 273) may change from "B" to "C" if this application is approved.

The Commission found, based on comments received from the County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the site currently has a credit of 1.89 EDUs; that there will be system connection charges due for any improvements constructed in excess of 1.89 EDUs; and that the current system connection charge is \$2,954 per EDU through June 30, 2001.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State has no objections to this proposal; that the Delaware Emergency Management Agency and the Delaware State Police have reviewed the site and are concerned about the obstacles in the area; that a high-tension wire on the west and a microwave tower to the south borders the site; that the two obstacles may limit the pilots options for a safe landing or take off to the north or to the east; that take offs over the north and east would require flying low over populated areas; that the applicant will be required to obtain a license from the State to operate publicly; and that the State urges the County to review the area for take offs and landing and the possibility of neighborhood complaints if flying low over residential areas is required.

Mr. Lank read letters of opposition from Marguerite Iandolo and Dr. and Mrs. George M. Brady.



Mr. Lank presented a packet of information to the Commission from Robert V. Witsil, Jr., Attorney on behalf of the applicant. The packet included a cover letter from Mr. Witsil, a photocopy of the survey/site plan; an aerial photograph of the site; a photograph of a helicopter; letters of support from Central Self Storage, Grand Rental Station, and Boulder Ventures Limited, a copy of an announcement for a concerns citizens meeting on July 22, 2000, and a note from Bobby Hapkin and John A. Cannon, residents of West Rehoboth, voicing no objection.

The Commission found that Robert V. Witsil, Jr., Attorney, Stephen Walker, Albert Buss, and John Leverton were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that the closest premises, a dilapidated home, is 140-feet from the site; that the proposed pad will be 225-feet to 250-feet from the closest occupied residence; that immediately to the north is a large mini-storage project under construction; that immediately to the south is Grand Rental Storage warehousing and rental service; that on Saturday July 22, 2000 the helicopter was flown to the site and hovered 25-feet above grade so that the residents in the area could hear the noise; that a hovering helicopter is noisier than a flying helicopter; that they met with three people at the Community Center in West Rehoboth and received no complaints; that presently the company has two helicopters, a Bell Jet Ranger - 4-passenger and a Bell Jet Long Ranger - 6-passenger; that these helicopters are considered the quietest available; that the company is trying to establish helistops in metropolitan areas Sussex County; that the business will be tourist oriented; that they have been contacted by Virginia residents with homes in Rehoboth Beach about their need for transportation to and from the beach; that helicopter use is supported in metropolitan areas; that helicopter use allows employees to live several car mile hours away and to access job sites within minutes by helicopters; that the proposal has regional economic growth possibilities; that business hours could run from 7:00 A.M. to 10:00 P.M.; that they estimate 6 to 10 flights per week; that the site could also be utilized for E.M.S. and State Police use; that they have developed a noise abatement management plan; that the site is ideal for flying over Route One without flying over homesites; that Georgetown and Hudson Airports are too far away from the beach communities to provide any benefit for the clients time; that they have no intent to offer commercial helicopter rides from the site for tours of the area; that the Bell Jet helicopters have the best safety record worldwide; that powerlines cause no obstacle to landing or takeoffs for helicopters; that they anticipate no landing or takeoff problems from this site; that they will comply with the Fly Neighborly Guide for helicopter pilots; that they will acquire all necessary permits and will comply with all noise abatement policies; that the helicopters will be hangared in Gaithersburg, Maryland; that they will be fueled in Gaithersburg and Georgetown; that the helicopters are designed for operation by one or two pilots; that typically they operate with only one pilot; that the site will have a windsock; that the pad will have corner marker lights; that flight time from Baltimore takes approximately 45-minutes; that flight time from Washington, D.C. takes approximately 1-hour; that the site



is appropriate for the use since it is in a commercial district; that the site is located in the Development District in the 1997 Comprehensive Plan; that the site is not the most convenient if travelling by automobile; that the helicopter will have minimal impact on travelling motorist along Route One since the flight only takes seconds to get touchdown; that the lights on the pad are activated by the pilot; that they are also talking to Ocean City for the same type of service; that they have no intent to create a parking lot for cars at the site; that they only intend for pickup and drop-off of passengers; that the site can be fenced, if necessary; that helicopter spot lights are used for night flying, and that the spot lights are not as intense as the search lights used for police helicopters.

The Commission found that Harry Griffith of Middlesex Beach, an employee of Horizon Helicopter Service, and Mark Hammond of Dewey Beach, a hobby flyer, were present in support of the application and stated that the business should be good for the economy and that they support the concept.

The Commission found that Minnie Smith, Arnold Twayman, Steve Callanen, Reverend Leslie James, William Bright, Mable Granke, and Joan Glavowitz spoke on behalf of the 26 people present in opposition and expressed concerns relating to health and safety issues; that Hebron Road is a dead-end road; that residents live within 200-feet of the site; that elderly people live in the community; lights; noise; fumes; that the use may be detrimental to the community; that the residents feel that they are being treated unfairly; questioning what notices were sent to the residents in the community; opposed to the flight path over Route One; opposed to the business hours; that the helicopters should use existing airports; questioning why local residents should have to be compromised by out-of-towners; that the West Rehoboth community is primarily a working community that will be impacted by the hours of operation; questioning the safety record of the pilots; that the NAACP is opposed to the possible impact on the community; questioning how much burden the citizens of West Rehoboth are to bear due to recent intersection changes, a microwave tower, and now a heliport; that traveling motorist will observe the helicopters and accidents could happen; questioning if the FAA has approved the application site; that the Rehoboth Little League complex is in close proximity; that early morning and late evening flights will disturb sleep of some of the residents in the community; that a waterfowl migration flyway is nearby; and that there is no need to reference the pad as a site for the State Police or EMS helicopters since they land wherever they are needed.

The Commission found that a petition was submitted with 52 signatures in opposition.

The Commission found that Mr. Callanen and Ms. Granke submitted copies of their comments.

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 denied based on the record of opposition.

Motion Carried 5 - 0.

C/Z #1409 -- application of WEDGEFIELD LAND, LTD. 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, land lying northwest of Road 84 and on both sides of Road 352 (Windmill Road), to be located on 34.28 acres, more or less.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "B" of Route 84 and Road 352 may change to a level of service "C" if this application is approved.

The Commission found that the Technical Advisory Committee reviewed this application on March 15, 2000 and that the Technical Advisory Committee Report shall be made a part of the record for this application.

The Commission found, based on a letter from Robert H. Orem, President of the Ocean View Town Council, and a letter from Robert J. Harris, Jr. of Gulfstream Development Corporation, that an application for annexation into the Town of Ocean View has been withdrawn by the applicant for this parcel.

The Commission found, based on comments received from the County Engineering Department, that the site is contiguous to the Ocean View Expansion of the Bethany Beach Sanitary Sewer District; that Sussex County Ordinance No. 38 procedures and system connection charges will apply to the project; that the current system connection charge for the Ocean View Expansion project through June 30, 2000 is \$1,559 per EDU; that it is anticipated that this reduced rate will remain in effect for one year following start-up of the sewer system and that sanitary sewer service will be available early next year.

The Commission found, based on comments received from the Office of State Planning Coordination, that the parcel is located within the Environmentally Sensitive Developing area on the Strategies for State Policies and Spending; that this is an area that the State intends to work closely with the County to help ensure that any development is designed with protection of the water quality in the Inland Bays, and other environmental



considerations; that this designation also recognizes that this is an area under strong development pressure; an area in which it is important to guide development to areas within and adjacent to existing communities; that the State is pleased that this project is adjacent to the Town of Ocean View; that the State is also pleased that the design keeps lots away from Route 84, thereby preserving the roadway function; that the State is concerned about the cumulative effects of the development on the area; that local government officials in the area have voiced their concerns that developments are being approved on a case by case basis and that the cumulative effects of each development is not taken into account; that the State urges the County to review the number of annexations and development requests that have taken place in this area before approving this application; that the State urges the County to work with the Town of Ocean View, and through the Southeast Coastal Regional Planning Group and address any concerns that they may have regarding this development along their borders; that the Department of Education is concerned that the additional development in this area will have a negative impact on the Indian River School District until new schools are constructed and older schools are renovated; and that if the County approved this application, the State ask that the County require that the developer work with the State Historic Preservation Office to determine if there are any prehistoric archaeological sites on the parcel and, if there are, how best to avoid them.

The Commission found that Steve Parsons, Attorney, Paul West of Vista Design Group, and Robert Harris, Jr. were present and stated in their presentations and in response to questions raised by the Commission that they propose to develop the site at 2.6 units per acre; that the site is located in a Development District according to the 1997 Comprehensive Plan; that the Development District suggest that the site could be developed at 4 units per acre; that no wetlands exists on the site; that some of the comments from the Office of State Planning Coordination are based on direct comments from the Town of Ocean View; that 90 single family lots are proposed; that 4 ponds totaling 3.5 acres are proposed; that 5 acres of open space, about 25% of the site, are proposed; that approximately one-half of the lots abut open space; that walking trails, a tot lot, a centrally located pool and bath house are proposed; that berms and landscaping will be provided along Route 84; that one entrance is proposed across from the entrance to Bear Trap; that one entrance is proposed on Road 352; that sufficient area exists for forested buffers along the adjoining farmlands; that the walking trails will be improved with crushed stones; that the project will be phased with approximately 20 homes built per phase; that the developer developed the Cottages on Whites Creek (89 units) in approximately 18 months, Bahama Beach Cottages (74 units) in approximately 18 months, and Clearwater Development (211 units) in approximately 4 years; that a subdivision exists to the north; that a residential planned community and golf course are being built to the east; that farms exists to the south and west; that development of the site will be in keeping with the neighborhood; that homes should cost in the range of \$250,000 and \$300,000; that they have a prospect list of over 3,000 names looking for



homes in the area; that they anticipate completion within 5 years; that amenities will be provided upon completion of 50% of the project; that open space and walking trails will be created within each phase; that there should be no adverse impact on property values; that central sewer will be available by the County; and that central water will be provided by Tidewater Utilities, Inc.

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. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) 30-foot wide forested buffers shall be provided along the adjacent farmland to the west and the south; 2) The site plan shall be subject to review and approval by the Planning and Zoning Commission; 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.

#### OLD BUSINESS

Ordinance Amendment -- an Ordinance amending Chapter 99, Section 13, of the Subdivision Code of Sussex County, relating to notice requirements to be given to owners within subdivision prior to alteration, resubdivision or addition; requiring three-fourths approval of property owners within the subdivision prior to proceeding with the hearing process; providing for additional standards for determining approval of alterations or additions to subdivision; providing a form for notice by publication; and creating a procedure for the approval of minor subdivisions.

The Commission discussed the Ordinance and suggested amendments.

Mr. Schrader described the changes made to the text of the Ordinance and read the synopsis of the Ordinance.

The Commission found that Tony Nero was present in support of the amended version of the Ordinance.



Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried 4 - 0, with Mr. Gordy not voting since he was not present during the public hearing process, to forward a revised Ordinance to the Sussex County Council with the recommendation that it be approved as revised.

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 discussed the points and issues raised during the public hearing.

There was a consensus of the Commission that they were concerned about the entrance road location between two existing buildings with parking that backs out into the entrance road.

Mr. Lank read a letter from DelDOT, dated July 24, 2000, to J. Ross Harris. Jr. of Environmental Consultants International Corporation, maintaining that the Department does not see any reason to deviate from the plan for one entrance serving both phases.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to forward a recommendation to the Sussex County Council that this application should be denied as submitted.

Subdivision #99-14 -- application of MOORE-LAYTON INVESTMENT CO. to consider the Subdivision of land in a MR Medium Density Residential Zoning District in Indian River Hundred, by dividing 212.86 acres into 44 lots, located south of Road 279A, 1,380 feet southeast of Road 279.

Mr. Lank advised the Commission that this is a request for final approval for Bay Oaks Subdivision; that preliminary approval was granted on August 26, 1999 for 44 units; that the County Board of Adjustment approved lot width variances for 22 lots on November 1, 1999 for lots within the Conservation Zone; that the final record plan is the same as the preliminary plan; that the plan complies with the Subdivision Code; and that all appropriate agency approvals have been received.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried 4 - 0 with Mr. Gordy not voting since he was not present during the public hearing.



OTHER BUSINESS

- 1) Outback Steakhouse  
Preliminary Commercial Site Plan - Route One

The Commission reviewed a commercial site plan for a restaurant.

The Commission found that Keith Cooker of Landmark Engineering was present on behalf of the developer; that a letter of no objection has been received from DelDOT since no entrance improvements or changes will be necessary; that the restaurant will utilize the existing entrance for the Ames Plaza Shopping Center; that a 6,163 square foot building is proposed with 2,545 square feet of patron area; that the parking layout exceeds the required number of spaces; that building setbacks conform to the Ordinance; that the building setback note needs to be corrected; that a 20-foot landscape buffer needs to be shown on the site plan since located in a HCOZ zone; and that the stormwater management area shall be setback at least 20-feet.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary. Final plans shall be required to be submitted to the Planning and Zoning Commission upon receipt of all appropriate agency approvals. and with the corrections of the front setback, landscape buffer, and stormwater management area.

- 2) Old Towne Office Park  
Preliminary Commercial Site Plan - Lot 3

The Commission reviewed a commercial site plan for an office complex on lot 3 within Old Towne Office Park off of Kings Highway (Road 268).

The Commission found that three (3) office buildings are proposed; that the buildings contain 4,224 square feet, 3,190 square feet, and 5,344 square feet; that the parking layout exceeds the required number of spaces; that County sewer and central water by Tidewater Utilities, Inc. will be provided; and that building setbacks conform to the Ordinance.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff upon receipt of all appropriate agency approvals.

- 3) Mark Wolfe  
C/U #1325 - Site Plan - Road 275A



The Commission reviewed a site plan for Conditional Use #1325 for conversion of an attached garage into a mother-in-law apartment on the south side of Road 275A.

The Commission found that 5 parking spaces are required and provided; that approvals from the Office of the State Fire Marshal and County Engineering have been received; that approval for the entrance has not been received; and that the drawing submitted was not prepared by a professional surveyor or engineer.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to deny the site plan as submitted.

- 4) Crown Communications, Inc.  
C/U #1284 - Revised Site Plan - Road 38

The Commission reviewed a site plan for C/U #1284, approved for Shore Line Construction on lands of Donald Clifton for a landscaping and irrigation business with vehicle and equipment storage, office and warehousing.

The Commission found that the revision to the site plan was for the installation of a 150-foot high communications tower on a 70-foot by 70-foot lease area.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the site plan revision as submitted.

- 5) Doris E. Rogers  
Lot and 50-foot Right-of-Way - Road 446

The Commission reviewed a concept to create a lot containing an existing dwelling and a 50-foot right-of-way.

The Commission found that the dwelling and a driveway have existed on the site; that the centerline of the driveway will become the centerline of a 50-foot wide right-of-way; and that Mrs. Rogers will retain the remaining 145 acres.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the concept as submitted. A surveyors plat shall be required to be submitted to the staff for approval to record.

- 6) Bayshore Drive - Broadkill Beach  
Frontage Determination  
Lots 1,2,40 and 41 - Joseph Mahalick



The Commission reviewed a request to determine the frontage for lots 1, 2, 40, and 41 on Bayshore Drive as the Bay front, rather than the street, due to the location of the State DNREC building restriction line.

The Commission found that the Ordinance provides that "lots adjacent to waterways, golf courses and similar special situations, the front of such lots may be determined by the Commission".

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the frontage of the lots as the Delaware Bay as submitted.

- 7) Thomas W. Harmon  
3-Lots on Existing 50' Right-of-Way - Road 313

The Commission reviewed a concept to create 3 lots and a residue parcel off of an existing recorded 50' right-of-way off of Road 313.

The Commission found that the 50' right-of-way would serve a total of 9 parcels if approved, and that the right-of-way is not improved.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to deny the concept as submitted. The owners shall be advised that it will be necessary that they apply for a major subdivision.

- 8) Lighthouse Cove  
Final Site Plan - Route 54

The Commission reviewed a final site plan for a pharmacy and special retail with apartments above on the north side of Route 54.

The Commission found that the proposed building contains 14,000 square feet and has two apartments above; that the parking layout exceeds the required parking; and that all appropriate agency approvals have been received.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried 4 - 0, with Mr. Gordy not voting, to approve the site plan as a final.

Meeting adjourned at 12:30 A.M.